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112TH CONGRESS
2D SESSION

H. R. 4310

To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2012

Mr. MCKEON (for himself and Mr. SMITH of Washington) (both by request): introduced the following bill; which was referred to the Committee on Armed Services

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A BILL

To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2013''.

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TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army as follows:

(1) For aircraft, $5,853,729,000.

(2) For missiles, $1,302,689,000.

(3) For weapons and tracked combat vehicles, $1,501,706,000.

(4) For ammunition, $1,739,706,000.

(5) For other procurement, $6,326,245,000.

SEC. 102. NAVY AND MARINE CORPS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Navy and Marine Corps as follows:

(1) For aircraft, $17,129,296,000.

(2) For weapons, including missiles and torpedoes, $3,117,578,000.

(3) For shipbuilding and conversion, $13,579,845,000.

(4) For other procurement, $6,169,378,000.

(5) For procurement, Marine Corps, $1,622,955,000.

(6) For ammunition procurement, Navy and Marine Corps, $759,539,000.

SEC. 103. AIR FORCE.

(a) FISCAL YEAR 2013.—Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Air Force as follows:

(1) For aircraft, $11,002,999,000.

(2) For ammunition, $599,194,000.

(3) For missiles, $5,491,846,000.

(4) For other procurement, $16,720,848,000.

(b) ADVANCE APPROPRIATIONS.—Funds, in the form of advance appropriations, are hereby authorized to be appropriated for procurement of missiles for the Air Force to fully fund the procurement of Advanced Extremely

High Frequency communications satellites 5 and 6 and Space Based Infrared System missile warning satellites 5 and 6, as follows:

(1) For fiscal year 2014, $833,500,000.

(2) For fiscal year 2015, $763,900,000.

(3) For fiscal year 2016, $708,400,000.

(4) For fiscal year 2017, $1,107,200,000.

(5) For fiscal year 2018, $1,013,700,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2013 for Defense-wide procurement in the amount of $4,187,935,000.

SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Improvised Explosive Device Defeat Fund in the amount of $227,414,000.

SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.

Funds are hereby authorized to be appropriated for fiscal year 2013 for purchases under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) in the amount of $89,189,000.

Subtitle B—Specific Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH–47F HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH–47F helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of Arleigh Burke class guided missile destroyers, as well as the AEGIS Weapon Systems, MK

41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract or contracts, beginning with the fiscal year 2013 program year, for the procurement of V–22 aircraft for the Department of the Navy, Department of the Air Force and the United States Special Operations Command.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a)

shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 114. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount appropriated or otherwise made available for shipbuilding and conversion, Navy, for fiscal year 2013, $1,613,392,000 is authorized to be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN–72) during fiscal year 2013. The amount authorized to be made available in the preceding sentence is the first increment in the two-year sequence of incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy is authorized to enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after

fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 115. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts, beginning with the fiscal year 2014 program year, for procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarine program.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and equipment for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

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

SEC. 116. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217), as amended by Public Law 111–238 (124 Stat. 2500), is further amended by adding at the end the following new subsection:

''(f) EXTENSION OF MULTIYEAR AUTHORITY.—With respect to a multiyear contract entered into under subsection (a), the Secretary of the Navy may, notwithstanding any provision of section 2306b of title 10, United States Code, to the contrary, modify such contract to add a fifth production year to the contract.''.

SEC. 117. AUTHORITY FOR REALLOCATION OF CERTAIN AEGIS WEAPON SYSTEM ASSETS BETWEEN AND WITHIN THE DDG–51 DESTROYER AND AEGIS ASHORE PROGRAMS IN ORDER TO MEET MISSION REQUIREMENTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Navy is authorized to provide Aegis Weapon System (AWS) equipment with Ballistic Missile Defense (BMD) capability to the Missile Defense Agency (MDA) for use in its Aegis Ashore System for installation in the country designated as Host Nation #1 (HN–1) by transferring to MDA such equipment pro-

cured with prior-year Shipbuilding and Conversion, Navy (SCN) appropriations for the DDG–51 Destroyer Program. The Secretary of the Navy is further authorized to make adjustments in equipment deliveries in accordance with subparagraph (a)(2) of this section as needed to support shipbuilding schedules for affected ships. The Secretary of the Navy is further authorized to install on an SCN-funded DDG–51 Class Destroyer, AWS equipment with BMD capability procured using appropriations for Research, Development, Test and Evaluation, Defense-Wide (RDT&E,DW). The authority of the Secretary of the Navy under this section shall consist of the following specific authorizations:

(1) The Secretary of the Navy may transfer AWS equipment with BMD capability procured for the DDG–51 Destroyer Program in FY 2010 and FY 2011 to MDA for installation in a shore-based AWS in the country designated as HN–1.

(2) The Secretary of the Navy may obligate funds appropriated under the subdivision of appropriations ''DDG–51 Destroyer'' under the heading ''Shipbuilding and Conversion, Navy'' for FY 2012, or may use any AWS assets acquired with such funds, to deliver complete, mission-ready AWS with

BMD capability to any DDG–51 Class Destroyer for which SCN funds were appropriated in FY 2011.

(3) The Director, MDA shall transfer AWS equipment with BMD capability procured for installation in a shore-based AWS to the Department of the Navy for the DDG–51 Destroyer Program to replace equipment transferred to MDA under the authority of subparagraph (a)(1). Notwithstanding the appropriation that funded the acquisition of such replacement equipment, the Secretary of the Navy shall fund all work necessary to complete construction and outfitting of any recipient DDG–51 Class Destroyer in the same manner as if the replacement equipment had been acquired using SCN appropriations.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed to repeal or otherwise modify in any way the limitation on obligation or expenditure of funds for missile defense interceptors in Europe as specified in section 223 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

SEC. 118. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED TO BE MAINTAINED IN STRATEGIC AIRLIFT AIRCRAFT INVENTORY.

(a) REDUCTION IN INVENTORY REQUIREMENT.—Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking ''Effective October 1, 2011, the'' and inserting ''The''; and

(2) by striking ''301 aircraft'' and inserting ''275 aircraft''.

(b) MODIFICATION OF CERTIFICATION REQUIREMENT.—Subsection (d)(3)(B) of section 137 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2221) is amended by striking ''316 strategic airlift aircraft'' and inserting ''275 strategic airlift aircraft''.

SEC. 119. QUADRENNIAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Section 231a of title 10, United States Code, is amended to read as follows:

''§ 231a. Long-range plan for procurement of aircraft for the navy and air force

''(a) QUADRENNIAL AIRCRAFT PROCUREMENT PLAN.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each

year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of Defense shall submit to the congressional defense committees a long-range plan for the procurement of covered aircraft for the Department of the Navy and the Department of the Air Force that supports the aviation force structure recommendations of the quadrennial defense review.

''(b) MATTERS INCLUDED.—Each aircraft procurement plan under subsection (a) shall include the following:

''(1) A detailed schedule for procurement of covered aircraft for the Department of the Navy and the Department of the Air Force for the 10-year period beginning on the date on which the plan is submitted.

''(2) A notional procurement schedule for the 20-year period beginning on the date that is 10 years after the date on which the plan is submitted.

''(3) For the procurement schedules under paragraph (1)—

''(A) the estimated levels of annual funding necessary to carry out such schedule;

''(B) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to carry out such schedules; and

"(C) an evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans, missions, deployment schedules, and fulfillment of the requirements of the commanders of the combatant commands.

"(c) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT.—If the budget for a fiscal year provides for funding of the procurement of covered aircraft for either the Department of the Navy or the Department of the Air Force at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(3)(B), the Secretary of Defense shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure of aircraft that may result from funding covered aircraft procurement at such level.

"(d) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with

respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

''(e) DEFINITIONS.—In this section:

''(1) The term 'covered aircraft' means the following:

''(A) Fighter aircraft.

''(B) Attack aircraft.

''(C) Bomber aircraft.

''(D) Strategic lift aircraft.

''(E) Intratheater lift aircraft.

''(F) Intelligence, surveillance, and reconnaissance aircraft.

''(G) Tanker aircraft.

''(H) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

''(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(3) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(4) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231a and inserting the following new item:

''231a. Long-range plan for procurement of aircraft for the Navy and the Air Force.''.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $8,929,415,000.

(2) For the Navy, $16,882,877,000.

(3) For the Air Force, $25,428,046,000.

(4) For Defense-wide activities, $17,982,161,000.

(5) For the Director of Operational Test and Evaluation, $185,268,000.

SEC. 202. ELIGIBILITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATIONAL PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN UNITED STATES TERRITORIES AND POSSESSIONS.

(a) ELIGIBILITY.—Section 2194(a) of title 10, United States Code, is amended by inserting ", the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any possession of the United States" after "institutions of the United States".

(b) TECHNICAL AMENDMENT.—Paragraph (2) of such section is amended by inserting "(20 U.S.C. 7801)" before the period.

TITLE III—OPERATION AND MAINTENANCE

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $36,608,592,000.

(2) For the Navy, $41,606,943,000.

(3) For the Marine Corps, $5,983,163,000.

(4) For the Air Force, $35,435,360,000.

(5) For Defense-wide activities, $31,993,013,000.

(6) For the Army Reserve, $3,162,008,000.

(7) For the Navy Reserve, $1,246,982,000.

(8) For the Marine Corps Reserve, $272,285,000.

(9) For the Air Force Reserve, $3,166,482,000.

(10) For the Army National Guard, $7,108,612,000.

(11) For the Air National Guard, $6,015,455,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,516,000.

(13) For the Department of Defense Acquisition Workforce Development Fund, $274,198,000.

(14) For Environmental Restoration, Army, $335,921,000.

(15) For Environmental Restoration, Navy, $310,594,000.

(16) For Environmental Restoration, Air Force, $529,263,000.

(17) For Environmental Restoration, Defense-wide, $11,133,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $237,543,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $108,759,000.

(20) For Cooperative Threat Reduction programs, $519,111,000.

SEC. 302. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.

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

(1) by striking ''(a) IN GENERAL.—'' before ''The Secretary of Defense''; and

(2) by striking subsection (b).

SEC. 303. REPEAL OF CERTAIN RECORD KEEPING AND REPORTING REQUIREMENTS APPLICABLE TO COMMISSARY AND EXCHANGE STORES OVERSEAS.

(a) REPEAL.—Section 2489 of title 10, United States Code, is amended by striking subsections (b) and (c).

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by striking ''(1)'' after ''(a) IN GENERAL.—'';

(2) by redesignating paragraph (2) as subsection (b) and inserting ''LIMITATIONS.—'' before ''In establishing''; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2013, as follows:

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

(4) The Air Force, 328,900.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2013, as follows:

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 62,500.

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

(5) The Air National Guard of the United States, 101,600.

(6) The Air Force Reserve, 70,500.

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

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 16,277.

(3) The Navy Reserve, 10,114.

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

(5) The Air National Guard of the United States, 14,305.

(6) The Air Force Reserve, 2,888.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 8,445.

(2) For the Army National Guard of the United States, 28,380.

(3) For the Air Force Reserve, 10,283.

(4) For the Air National Guard of the United States, 21,101.

SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:

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

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2013, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2013, may not exceed 90.

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

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

During fiscal year 2013, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for military personnel for fiscal year 2013 a total of $128,430,025,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2013.

TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Officer Personnel Policy

SEC. 501. EXCEPTION TO 30-YEAR RETIREMENT FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W–5.

(a) EXCEPTION TO 30-YEAR STATUTORY RETIREMENT.—Paragraph (1) of section 1305(a) of title 10, United States Code, is amended—

(1) by inserting ''or a regular Navy warrant officer in the grade of chief warrant officer, W–5, exempted under paragraph (3)'' after ''Army warrant officer''; and

(2) by striking ''he'' and inserting ''the officer''.

(b) MODIFICATION OF STATUTORY RETIREMENT FROM 30 TO 33 YEARS FOR NAVY CHIEF WARRANT OFFICER, W–5.—Such section is further amended by adding at the end the following new paragraph:

''(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W–5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.''.

SEC. 502. STANDARDIZATION OF GRADE FOR CERTAIN MEDICAL AND DENTAL BRANCH CHIEF POSITIONS.

(a) ARMY.—

(1) CHIEF OF NURSE CORPS.—Section 3069(b) of title 10, United States Code, is amended by striking ''major general'' in the second sentence and inserting ''brigadier general''.

(2) DEPUTY AND ASSISTANT CHIEFS OF BRANCHES.—Section 3039(b) of such title is amended by striking ''major general'' in the last sentence and inserting ''brigadier general''.

(b) NAVY.—

(1) CHIEF OF DENTAL CORPS.—Section 5138(a) of such title is amended by striking ''not below'' and inserting ''in''.

(2) DIRECTOR OF NURSE CORPS.—Section 5150(c) of such title is amended—

(A) in the first sentence, by striking ''rear admiral'' the first place it appears and all that follows through ''Service Corps'' and inserting ''rear admiral (lower half)''; and

(B) by striking the last sentence.

(3) CONFORMING AMENDMENT.—Section 526(a)(2) of such title is amended by striking ''160'' and inserting ''161''.

(c) AIR FORCE.—

(1) CHIEF OF NURSE CORPS.—Section 8069(b) of such title is amended by striking ''major general'' in the second sentence and inserting ''brigadier general''.

(2) ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES.—Section 8081 of such title is amended by striking ''major general'' in the second sentence and inserting ''brigadier general''.

SEC. 503. REVISION TO DEFINITION OF JOINT DUTY ASSIGNMENT TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.

Section 668(b)(2) of title 10, United States Code, is amended by striking ''assignments for joint'' and all that

follows through ''Phase II'' and inserting ''student assignments for joint training and education''.

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR PERSONS WHO ARE LAWFUL PERMANENT RESIDENTS TO BE APPOINTED AS OFFICERS OF THE NATIONAL GUARD.

Section 313(b)(1) of title 32, United States Code, is amended by inserting ''or have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)'' before the semicolon.

SEC. 512. PLACEMENT OF NATIONAL GUARD NON-DUAL STATUS TECHNICIANS IN THE EXCEPTED SERVICE WITH ALL DUAL STATUS NATIONAL GUARD TECHNICIANS.

Section 709(e) of title 32, United States Code, is amended in the second sentence—

(1) by striking ''However, a position'' and inserting ''A position''; and

(2) by striking ''if the'' and all that follows and inserting a period.

Subtitle C—Education and Training

SEC. 521. INCLUSION OF THE SCHOOL OF ADVANCED MILITARY STUDIES SENIOR LEVEL COURSE AS A SENIOR LEVEL SERVICE SCHOOL.

Section 2151(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(E) The United States Army Command and General Staff College's School of Advanced Military Studies Senior Level Course.''.

SEC. 522. SUPPORT OF NAVAL ACADEMY ATHLETIC PROGRAMS.

(a) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6981. Support of athletic and physical fitness programs

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of the Navy may enter into agreements, including cooperative agreements (as described in section 6305 of title 31), with the association to manage any aspect of the athletic and physical fitness programs of the Naval Academy.

''(2) ASSOCIATION DEFINED.—In this section, the term 'association' means the Naval Academy Athletic Association and its successors and assigns.

''(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIATION.—

''(1) AUTHORITY TO TRANSFER FUNDS TO THE ASSOCIATION.—The Secretary may to transfer funds to the association to pay expenses incurred by the association in managing the athletic and physical fitness programs of the Naval Academy.

''(2) AUTHORITY TO PROVIDE OTHER SUPPORT.—The Secretary may provide personal property and the services of members of the naval service and civilian personnel of the Department of the Navy to assist the association in managing the athletic and physical fitness programs of the Naval Academy.

''(c) ACCEPTANCE OF GIFTS FROM THE ASSOCIATION.—The Secretary may accept from the association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy.

''(d) RECEIPT AND RETENTION OF FUNDS.—

''(1) FUNDS RECEIVED FROM THE ASSOCIATION.—The Secretary may receive from the association funds generated by the athletic and physical fit-

ness programs of the Naval Academy and any other activity of the association and to retain and use such funds to further the mission of the Naval Academy. Receipt and retention of such funds shall be subject to oversight by the Secretary of the Navy.

''(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept, use, and retain funds from the National Collegiate Athletic Association and to transfer all or part of those funds to the association for the support of the athletic and physical fitness programs of the Naval Academy.

''(3) USER FEES.—The Secretary may charge user fees to the association for the association's use of Naval Academy facilities for the conduct of summer athletic camps. Fees collected under this subsection may be retained for use in support of the Naval Academy athletic program and shall remain available until expended.

''(e) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—The Secretary may enter into an agreement with the association authorizing the association to represent the Department of the Navy in connection with licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, to the extent authorized by the Chief of Naval

Research and in accordance with sections 2260 and 5022 of this title. Notwithstanding section 2260(d) of this title, any funds generated by the licensing, marketing, and sponsorship under such agreement may be accepted, used, and be retained by the Secretary of the Navy or transferred by the Secretary to the association for the athletic and physical fitness programs of the Naval Academy.

''(f) AUTHORIZED SERVICE ON BOARD OF DIRECTORS.—The Secretary may authorize members of the naval service and civilian personnel of the Department of the Navy to serve in accordance with sections 1033 and 1589 of this title as members of the governing board of the association.

''(g) CONDITIONS.—The authority provided in this section with respect to the association is available only so long as the association continues to—

''(1) qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the association; and

''(2) operate exclusively to support the athletic and physical fitness programs of the Naval Academy.''.

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

''6981. Support of athletic and physical fitness programs.''.

SEC. 523. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE DEGREE PROGRAMS UNDER THE COMMUNITY COLLEGE OF THE AIR FORCE.

Section 9315(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Enlisted members of the armed forces other than the Air Force participating in joint-service medical training and education or who are serving as instructors in such joint-service medical training and education.''.

SEC. 524. REPEAL OF REQUIREMENT THAT AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM BE ELIGIBLE FOR IN-STATE TUITION.

Section 2107 of title 10, United States Code, is amended by striking the third sentence of subsection (c)(1).

SEC. 525. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF JUNIOR ROTC.

(a) CONSOLIDATION.—Chapter 152 of title 10, United States Code, is amended by inserting after section 2552 the following new section:

"§ 2552a. Arms, tentage, and equipment: educational institutions not maintaining units of junior ROTC

''The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers' Training Corps is maintained if the educational institution—

''(1) offers a course in military training prescribed by that Secretary; and

''(2) has a student body of at least 50 students who are in a grade above the eighth grade.''.

(b) CONFORMING REPEALS.—Sections 4651, 7911, and 9651 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 152 of such title is amended by inserting after the item relating to section 2552 the following new item:

"2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior ROTC.".

(2) The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651.

(3) The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911.

(4) The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651.

Subtitle D—Other Matters

SEC. 541. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAPLAINS.

(a) IN GENERAL.—Chapter 805 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8039. Chief and deputy chief of chaplains: appointment; duties

"(a) CHIEF OF CHAPLAINS.—

"(1) There is a Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who are serving in the grade of colonel or above, are serving on active duty, and

have served on active duty as a chaplain for at least eight years.

''(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

''(3) The Chief of Chaplains shall be appointed in the regular grade of major general.

''(4) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

''(b) DEPUTY CHIEF OF CHAPLAINS.—

''(1) There is a Deputy Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains, who are serving in the grade of colonel, are serving on active duty, and have served on active duty as a chaplain for at least eight years.

''(2) An officer appointed as the Deputy Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

''(3) The Deputy Chief of Chaplains shall be appointed in the regular grade of brigadier general.

''(4) The Deputy Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and the Chief of Chaplains and by law.

''(c) SELECTION BOARD.—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force in selecting an officer for recommendation to the President under subsection (a) for appointment as the Chief of Chaplains or under subsection (b) for appointment as the Deputy Chief of Chaplains, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to the selection boards convened under chapter 36 of this title.''.

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

''8039. Chief and Deputy Chief of Chaplains; appointment; duties.''.

SEC. 542. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMS FOR POST-TRAUMATIC STRESS DISORDER.

Section 1177(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''or psychiatrist'' and inserting ''psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner''; and

(2) in paragraph (3), by striking ''or psychiatrist'' and inserting '', psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner''.

SEC. 543. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking ''detailed'' and inserting ''appointed by the President, by and with the advice and consent of the Senate,''; and

(2) in the second sentence—

(A) by striking ''The'' and inserting ''If an officer appointed as the''; and

(B) by striking '', while so serving, has the grade of'' and inserting ''holds a lower grade, the officer shall be appointed in the grade of''.

(b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

''(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

''(1) perform duties relating to legal matters arising in the Marine Corps as may be assigned to him;

''(2) perform the functions and duties and exercise the powers prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapter 47 of this title (the Uniform Code of Military Justice) and chapter 53 of this title; and

''(3) perform such other duties as may be assigned to him.''.

(c) COMPOSITION OF HEADQUARTERS, MARINE CORPS.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

''(4) The Staff Judge Advocate to the Commandant of the Marine Corps.''.

(d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

(1) ADMINISTRATION OF MILITARY JUSTICE.—Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended by inserting '', and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps,'' in the third sentence after ''Judge Advocate General''.

(2) DELIVERY OF LEGAL ASSISTANCE.—Section 1044(b) of such title is amended by inserting ''and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps'' after ''title)''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SEC. 601. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO WERE CARRIED DURING PREGNANCY AT THE TIME OF THE DEPENDENT-ABUSE OFFENSE.

(a) IN GENERAL.—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

''(4) Payment to a child under this section shall not be paid for any period that the child was in utero.''; and

(2) in subsection (l), by striking ''at the time of the dependent-abuse offense resulting in the separation of the former member'' and inserting ''or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse''.

(b) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. REVISIONS TO TRICARE COST SHARING REQUIREMENTS.

(a) REVISION OF ANNUAL ENROLLMENT FEES.—Section 1097(e)(2) of title 10, United States Code, is amended to read as follows:

''(2)(A) Beginning October 1, 2012, the annual enrollment fees referred to in paragraph (1)—

"(i) may not be increased for a survivor of a member of the uniformed services who dies while on active duty, or a person retired under chapter 61 of this title or the dependents of such person; and

"(ii) for an individual enrollment, shall be one-half of the amount for a family enrollment.

"(B) Beginning October 1, 2012, such annual enrollment fees shall have three Tiers, as follows:

"(i) Tier 1, which shall be applicable to former members (or their survivors) with retired pay (or in the case of survivors, annuity under the Survivor Benefits Plan under chapter 73 of this title) in 2012 less than $22,590.

"(ii) Tier 2, which shall be applicable to former members (or their survivors) with retired pay (or in the case of survivors, annuity under the Survivor Benefits Plan under chapter 73 of this title) in 2012 between $22,590 and $45,178 inclusive.

"(iii) Tier 3, which shall be applicable to former members (or their survivors) with retired pay (or in the case of survivors, annuity under the Survivor Benefits Plan under chapter 73 of this title) in 2012 more than $45,178.

''(C) Each amount specified in subparagraph (B) shall be adjusted in subsequent years by the cost of living adjustment applied to retired pay. In subsequent years, tier placement will be based on retired pay or annuity during the calendar year in which the fiscal year starts. For purposes of applying subparagraph (B), the amount of retired pay or annuity determined to be received by any eligible beneficiary under this section and any other tier placement issues under this section shall be determined by the Secretary of Defense.

''(D) The annual family enrollment fee by fiscal year referred to in paragraph (1), based upon the Tiers determined under subparagraphs (B) and (C), is the following:

''(i) For 2013, $600 for Tier 1, $720 for Tier 2, and $820 for Tier 3.

''(ii) For 2014, $680 for Tier 1, $920 for Tier 2, and $1,120 for Tier 3.

''(iii) For 2015, $760 for Tier 1, $1,185 for Tier 2, and $1,535 for Tier 3.

''(iv) For 2016, $850 for Tier 1, $1,450 for Tier 2, and $1,950 for Tier 3.

''(v) For years after 2016, the amount for 2016, indexed by the National Health Expendi-

tures per capita rate, as established by the Secretary of Health and Human Services.''.

(b) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE FOR CERTAIN TRICARE STANDARD BENEFICIARIES.—Section 1086(b)(1) of such title is amended to read as follows:

''(1) Beginning October 1, 2012, an annual enrollment fee, which shall be a precondition to coverage under this section (including coverage that provides for discounts on cost-sharing for using TRICARE network providers) and section 1074g, except that such fee shall not apply to persons described in paragraph (5) or in subsection (d), or to those covered by an enrollment fee under section 1097. The amount of the enrollment fee by fiscal year shall be—

''(A) in 2013, $70 for an individual or $140 for a family group;

''(B) in 2014, $85 for an individual or $170 for a family group;

''(C) in 2015, $100 for an individual or $200 for a family group;

''(D) in 2016, $115 for an individual or $230 for a family group;

''(E) in 2017, $130 for an individual or $250 for a family group; and

''(F) after 2017, the amounts for 2017 adjusted based on the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services.''.

(c) REVISION OF ANNUAL DEDUCTIBLE AMOUNTS.—(1) Section 1086(b)(2) of such title is amended to read as follows:

''(2) An annual deductible amount applicable to the charges for all types of care authorized by this section and received while in an outpatient status and 25 percent of the additional charges for such care during a year. The annual deductible amount, except for persons described in paragraph (5), by fiscal year shall be—

''(A) in 2013, $160 for an individual or $320 for a family group;

''(B) in 2014, $200 for an individual or $400 for a family group;

''(C) in 2015, $230 for an individual or $460 for a family group;

''(D) in 2016, $260 for an individual or $520 for a family group;

''(E) in 2017, $290 for an individual or $580 for a family group; and

''(F) after 2017, the amounts for 2017 adjusted based on the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services.''.

(2) Such subsection is further amended by adding at the end the following new paragraph:

''(5) Paragraphs (1), (2), and (4)(B) shall not apply to a survivor of a member of the uniformed services who died while on active duty or to a person retired under chapter 61 of this title or the dependents of such person. For such individuals—

''(A) there is no annual enrollment fee;

''(B) the deductible amounts in effect in fiscal year 2012 shall remain in effect; and

''(C) the maximum payment amount referred to in paragraph (4)(A) shall remain in effect.''.

(d) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE FOR TRICARE FOR LIFE BENEFICIARIES.—Section 1086(d)(3) of such title is amended by adding at the end the following new subparagraph:

''(D) A person described in paragraph (2) (except a person described in clause (i) of this

subparagraph), shall pay an annual fiscal year enrollment fee as an additional condition of eligibility for health care benefits under this section.

''(i) The annual enrollment fee shall not be charged to a survivor of a member of the uniformed services who died while on active duty, or to a person retired under chapter 61 of this title or the dependents of such person.

''(ii) The annual enrollment fee shall have three Tiers, with Tier 1 applicable to former members (or their survivors) with retired pay (or in the case of survivors, annuity under the Survivor Benefits Plan under chapter 73 of this title) in 2012 less than $22,590, Tier 2 between $22,590 and $45,178 (inclusive), and Tier 3 more than $45,178.

''(iii) Each of the amounts in clause (ii) shall be adjusted in subsequent years by the cost of living adjustment applied to retired pay.

''(iv) Tier placement in years after 2012 shall be based on retired pay or an-

nuity during the calendar year in which the fiscal year starts.

''(v) For purposes of tier placement, the amount of retired pay or annuity determined to be received by any eligible beneficiary under this subparagraph, and any other tier placement issues under this section shall be determined by the Secretary of Defense.

''(vi) In 2013 the enrollment fee for an individual shall be $35 for Tier 1, $75 for Tier 2, and $115 for Tier 3.

''(vii) In 2014 the enrollment fee for an individual shall be $75 for Tier 1, $150 for Tier 2, and $225 for Tier 3.

''(viii) In 2015 the enrollment fee for an individual shall be $115 for Tier 1, $225 for Tier 2, and $335 for Tier 3.

''(ix) In 2016 the enrollment fee for an individual shall be $150 for Tier 1, $300 for Tier 2, and $450 for Tier 3.

''(x) In subsequent years, the enrollment fee for an individual shall be the amount in 2016, indexed by the National Health Expenditures per capita rate, as es-

tablished by the Secretary of Health and Human Services.''.

(e) REVISIONS TO CATASTROPHIC CAP.—Section 1086(b)(4) of such title is amended—

(1) by inserting ''(A)'' after ″(4); and

(2) by adding at the end the following new subparagraph:

''(B) Beginning October 1, 2012, the amount referred to in subparagraph (A) shall be adjusted based on the National Health Expenditures per capita rate, as established by the Secretary of Health and Human Services, and shall not include enrollment fees under this chapter.''.

(f) REVISIONS TO TRICARE PHARMACY PROGRAM REQUIREMENTS.—(1) Section 1074g(a)(5) of such title is amended by striking ''at least one of the means described in paragraph (2)(E)'' and inserting ''the national mail order pharmacy program''.

(2) Section 1074g(a)(6) of such title is amended by adding at the end the following new subparagraph:

''(C)(i) Notwithstanding any limitation in subparagraph (A) and subject to clause (iv), the generally applicable cost sharing amounts specified in

the following table shall apply in the years 2013 through 2021:

''Fiscal Year	Retail Generic	Retail For-mulary	Mail Order Generic	Mail Order Formulary	Mail Order Non-formulary
2013 ...	$5	$26	$0	$26	$51
2014 ...	$6	$28	$0	$28	$54
2015 ...	$7	$30	$0	$30	$58
2016 ...	$8	$32	$0	$32	$62
2017 ...	$9	$34	$9	$34	$66
2018 ...	$10	$36	$10	$36	$70
2019 ...	$11	$38	$11	$38	$75
2020 ...	$12	$40	$12	$40	$80
2021 ...	$13	$43	$13	$43	$85.

''(ii) The amounts specified in the table in clause (i) for retail dispensing refer to dispensing in retail network pharmacies for prescriptions for up to a 30-day supply. The amounts specified for mail order dispensing are for an up to 90-day supply.

''(iii) The amounts specified in the table in clause (i) shall be adjusted by the Secretary for years after 2021 based on changes (as determined by the Secretary) in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

''(iv) A cost-sharing amount under this subparagraph shall not apply to a survivor of a member of the uniformed services who died while on active duty, or to a person retired under chapter 61 of this title or the dependents of such person. For such in-

dividuals, the amounts in effect during fiscal year 2012 shall remain in effect.''.

(g) EFFECTIVE DATE AND REGULATIONS.—This section shall take effect October 1, 2012. The Secretary of Defense may issue an interim final rule or take such other action as necessary to ensure implementation as of that date. Such action may include presumptive enrollment for designated beneficiaries (subject to declination) and automatic deduction from retired pay or annuity of enrollment fee amounts.

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

Section 1842(h)(1) of the Social Security Act (42 U.S.C. 1395u(h)(1)) is amended by adding at the end the following new sentence: ''Any physician or supplier who voluntarily enters into an agreement with the Secretary to become a participating physician or supplier shall be deemed to have agreed to be a participating provider of medical care or services under any health plan contracted for under section 1079 or 1086 of title 10, United States Code, or under section 1718 of title 38, United States Code, in accordance with the payment methodology and amounts prescribed under joint regulations prescribed by

the Secretary, the Secretary of Defense, and the Secretary of Homeland Security pursuant to sections 1079 and 1086 of title 10, United States Code.''.

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

SEC. 801. REDUCTION IN REQUIREMENTS FOR SUBMISSION OF SELECTED ACQUISITION REPORTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 2432(g) of title 10, United States Code, is amended by striking ''90 percent'' both places it appears and inserting ''75 percent''.

SEC. 802. AUTHORIZATION FOR ENTERING INTO MULTIYEAR CONTRACTS WITH FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

Section 2367 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) ADMINISTRATION OF CENTERS.—(1) The head of an agency may enter into multiyear contracts with federally funded research and development centers with which the agency has a sponsoring agreement. Any such contract may be for a term not to exceed five years, consistent with

the sponsoring agreement of the Department of Defense with such center.

''(2) The head of an agency that enters into a sponsoring agreement with a federally funded research and development center—

''(A) shall include in the sponsoring agreement, or in applicable contracts with that center, provisions—

''(i) for the orderly termination or nonrenewal of the center; and

''(ii) upon such termination or nonrenewal, for disposal of assets, and settlement of liabilities, of the center; and

''(B) may include in the sponsoring agreement, or in applicable contracts with that center, provisions—

''(i) for special close-out costs, cancellation costs, termination costs and other types of expenses that may be incurred at the end of sponsorship; and

''(ii) for transfer of title to, or liquidation of, the proceeds of sale or transfer of any property held by the center for the benefit of the Government.

''(3) In this subsection, the term 'head of an agency' has the meaning given that term in subsection (c)(2).''.

SEC. 803. AUTHORITY FOR THE SECRETARY OF DEFENSE TO PROVIDE FEE-FOR-SERVICE INSPECTION AND TESTING BY THE DEFENSE CONTRACT MANAGEMENT AGENCY FOR CERTAIN CRITICAL EQUIPMENT IN THE ABSENCE OF A PROCUREMENT CONTRACT.

(a) AUTHORITY.—Section 2539b of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(5) make available to any person or entity, in advance of the award of a procurement contract, through contracts or other appropriate arrangements and subject to subsection (e), the services of the Defense Contract Management Agency for testing and inspection of items when such testing and inspection is determined by the Secretary to be critical to a

specific program of the Department of Defense.''; and

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

''(e) DCMA SERVICES.—Services of the Defense Contract Management Agency may be made available under subsection (a)(5) only if the contract or other arrangement for those services—

''(1) holds the United States harmless if the items covered by the contract or other arrangement (whether or not tested and inspected under the contract or other arrangement) are not subsequently ordered by or delivered to the United States under a procurement contract entered into after the contract or other arrangement is entered into; and

''(2) holds the United States harmless against any claim arising out of the inspection and testing, or the use in any commercial application, of the equipment tested and inspected by the Defense Contract Management Agency under the contract or other arrangement.''.

(b) FEES.—Subsection (c) of such section is amended—

(1) by striking ''and (a)(4)'' in the first sentence and inserting '', (a)(4), and (a)(5)'';

(2) by inserting ", travel, and other incidental overhead expenses" in the second sentence after "salaries"; and

(3) by inserting "or inspection" before the period at the end of the second sentence.

(c) USE OF FEES.—Subsection (d) of such section is amended by striking "and (a)(4)" and inserting ", (a)(4), and (a)(5)".

SEC. 804. ELIMINATION OF CONTINUOUS-DAYS-OF-SESSION REQUIREMENT FOR CONGRESSIONAL NOTIFICATION OF THE LEASE OF CERTAIN VESSELS BY THE DEPARTMENT OF DEFENSE.

Section 2401(h)(2) of title 10, United States Code, is amended by striking "of continuous session of Congress".

SEC. 805. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

(a) DISESTABLISHMENT OF BOARD.—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is hereby disestablished.

(b) TERMINATION OF DEFENSE STRATEGIC READINESS FUND.—The Defense Strategic Readiness Fund established by section 872(d) of the National Defense Au-

thorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is hereby closed.

(c) REPEAL.—Subtitle G of title VIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Intelligence-Related Matters

SEC. 901. TECHNICAL AMENDMENTS TO REFLECT CHANGE IN NAME OF NATIONAL DEFENSE INTELLIGENCE COLLEGE TO NATIONAL INTELLIGENCE UNIVERSITY.

(a) CONFORMING AMENDMENTS TO REFLECT NAME CHANGE.—Section 2161 of title 10, United States Code, is amended by striking ''National Defense Intelligence College'' each place it appears and inserting ''National Intelligence University''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2161. Degree granting authority for national intelligence university".

(2) TABLE OF SECTIONS.—The item related to such section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2161. Degree granting authority for National Intelligence University.''.

Subtitle B—Space Activities

SEC. 911. REVISIONS TO POLICY ON DEVELOPMENT AND PROCUREMENT OF UNMANNED SYSTEMS.

(a) REVISION TO REQUIRED POLICY.—Subsection (a) of section 941 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2083) is amended—

(1) by striking ''on'' and inserting ''for the conduct of'';

(2) by striking ''procurement, and operation'' and inserting ''and for the conduct of procurement,'';

(3) by inserting ''manned and'' before ''unmanned systems''; and

(4) by inserting ''in a manner that is fiscally responsible and enhances warfighter capability'' before the period at the end.

(b) MODIFICATION TO ELEMENTS OF POLICY.—Subsection (b) of such section is amended—

(1) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

''(1) An identification of those Department of Defense capabilities for which manned and unmanned systems may address potential needs.

''(2) A thorough and objective consideration of the acquisition of manned and unmanned systems whenever a new system is to be acquired to meet a capability requirement.'';

(2) in paragraph (5), by striking '', including'' and all that follows through ''on unmanned systems''; and

(3) in paragraph (6), by striking ''missions'' and inserting ''capabilities''.

(c) ROADMAP.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following new subsection (c):

''(c) ROADMAP.—The Secretary of Defense shall prepare and update periodically a roadmap for the policy required by subsection (a) that includes—

''(1) goals for the development of unmanned system technologies to address capabilities identified pursuant to subsection (b)(1); and

''(2) plans to address technical, operational, and production challenges, and gaps in capabilities, with respect to unmanned systems.''; and

(4) in subsection (d), as redesignated by paragraph (2), by inserting '', and implement the roadmap required by subsection (c),'' after ''subsection (a)''.

(d) CONFORMING AMENDMENT.—The heading of such section is amended by inserting ''**MANNED AND**'' before ''**UNMANNED**''.

SEC. 912. REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON GLOBAL POSITIONING SYSTEM.

Section 2281 of title 10, United States Code, is amended by striking subsection (d).

TITLE X—GENERAL PROVISIONS

SEC. 1001. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 485(b) is amended—

(A) in paragraph (5)—

(i) by striking ''including a description of'' and all that follows through ''(A) Specific outcomes'' and inserting ''including a description of specific outcomes''; and

(ii) by striking subparagraph (B);

(B) by striking paragraph (8); and

(C) by redesignating paragraph (9) as paragraph (8).

(3) Section 2859(d) is amended by striking paragraph (2).

(4) Section 10503(13)(B) is amended by striking clause (iii) and redesignating clause (iv) as clause (iii).

SEC. 1002. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) REDESIGNATION.—The Department of Defense regional center for security studies known as the Center for Hemispheric Defense Studies is hereby renamed the

"William J. Perry Center for Hemispheric Defense Studies".

(b) CONFORMING AMENDMENTS.—

(1) Section 184 of title 10, United States Code, is amended—

(A) by striking "The Center for Hemispheric Defense Studies" in subsection (b)(2)(C) and inserting "The William J. Perry Center for Hemispheric Defense Studies"; and

(B) by striking "the Center for Hemispheric Defense Studies" in subsection (f)(5) and inserting "the William J. Perry Center for Hemispheric Defense Studies".

(2) Section 2611(a)(2)(C) of such title is amended by striking "The Center for Hemispheric Defense Studies." and inserting "The William J. Perry Center for Hemispheric Defense Studies.".

(c) REFERENCES.—Any reference to the Department of Defense Center for Hemispheric Defense Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

TITLE XIII—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1301. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for the Defense Working Capital Funds in the amount of $1,516,184,000.

SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the National Defense Sealift Fund in the amount of $608,136,000.

SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Urgent Operational Needs Fund in the amount of $99,477,000.

SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,301,786,000, of which—

(1) $635,843,000 is for Operation and Maintenance;

(2) $647,351,000 is for Research, Development, Test, and Evaluation; and

(3) $18,592,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $999,363,000.

SEC. 1306. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the

Inspector General of the Department of Defense, in the amount of $273,821,000, of which—

(1) $272,821,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1307. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $32,980,718,000, of which—

(1) $31,801,279,000 is for Operation and Maintenance;

(2) $672,977,000 is for Research, Development, Test, and Evaluation; and

(3) $506,462,000 is for Procurement.

Subtitle B—Other Matters

SEC. 1311. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of $67,590,000 for the operation of the Armed Forces Retirement Home.

TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR 2013

SEC. 1401. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1402. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army in amounts as follows:

(1) For aircraft procurement, $486,200,000.

(2) For missile procurement, $49,653,000.

(3) For weapons and tracked combat vehicles procurement, $15,422,000.

(4) For ammunition procurement, $357,493,000.

(5) For other procurement, $2,015,907,000.

SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Improvised Explosive Device Defeat Fund in the amount of $1,675,400,000.

SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $164,582,000.

(2) For weapons procurement, Navy, $23,500,000.

(3) For ammunition procurement, Navy and Marine Corps, $285,747,000.

(4) For other procurement, Navy, $98,882,000.

(5) For procurement, Marine Corps, $943,683,000.

SEC. 1405. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Air Force in amounts as follows:

(1) For aircraft procurement, $305,600,000.

(2) For ammunition procurement, $116,203,000.

(3) For missile procurement, $34,350,000.

(4) For other procurement, $2,818,270,000.

SEC. 1406. JOINT URGENT OPERATIONAL NEEDS FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Joint Urgent Operational Needs Fund in the amount of $100,000,000.

SEC. 1407. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the procurement account for Defense-wide activities in the amount of $196,349,000.

SEC. 1408. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $19,860,000.

(2) For the Navy, $60,119,000.

(3) For the Air Force, $53,150,000.

(4) For Defense-wide activities, $112,387,000.

SEC. 1409. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $28,591,441,000.

(2) For the Navy, $5,880,395,000.

(3) For the Marine Corps, $4,066,340,000.

(4) For the Air Force, $9,241,613,000.

(5) For Defense-wide activities, $7,824,579,000.

(6) For the Army Reserve, $154,537,000.

(7) For the Navy Reserve, $55,924,000.

(8) For the Marine Corps Reserve, $25,477,000.

(9) For the Air Force Reserve, $120,618,000.

(10) For the Army National Guard, $382,448,000.

(11) For the Air National Guard, $19,975,000.

(12) For the Afghanistan Security Forces Fund, $5,749,167,000.

(13) For the Afghanistan Infrastructure Fund, $400,000,000.

SEC. 1410. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2013 to the Department of Defense for military personnel accounts in the total amount of $13,788,421,000.

SEC. 1411. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for

providing capital for working capital and revolving funds in the amount of $503,364,000.

SEC. 1412. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $993,898,000 for operation and maintenance.

SEC. 1413. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $469,025,000.

SEC. 1414. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $10,766,000.

SEC. 1415. AFGHANISTAN SECURITY FORCES FUND.

Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections

(b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

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