

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.

1 *Be it enacted by the Senate and House of Representatives of the United States of America*

2 *in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2013”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

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- Sec. 2. Table of contents.

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- Sec. 901. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.

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- Sec. 1415. Afghanistan Security Forces Fund.

1 **TITLE I—PROCUREMENT**

2 **Subtitle A—Authorization of Appropriations**

3 **SEC. 101. ARMY.**

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

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

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

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

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

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

11 **SEC. 102. NAVY AND MARINE CORPS.**

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

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

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

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

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

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

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

20 **SEC. 103. AIR FORCE.**

21 (a) FISCAL YEAR 2013.—Funds are hereby authorized to be appropriated for fiscal year
22 2013 for procurement for the Air Force as follows:

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

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

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

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

3 (b) ADVANCE APPROPRIATIONS.—Funds, in the form of advance appropriations, are
4 hereby authorized to be appropriated for procurement of missiles for the Air Force to fully fund
5 the procurement of Advanced Extremely High Frequency communications satellites 5 and 6 and
6 Space Based Infrared System missile warning satellites 5 and 6, as follows:

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

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

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

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

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

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

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

15 **SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

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

18 **SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.**

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

21 **Subtitle B—Specific Programs**

22 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH-47F**

23 **HELICOPTERS.**

24 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10,

1 United States Code, the Secretary of the Army may enter into a multiyear contract or contracts,
2 beginning with the fiscal year 2013 program year, for the procurement of airframes for CH-47F
3 helicopters.

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

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

10 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10,
11 United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with
12 the fiscal year 2013 program year, for the procurement of Arleigh Burke class guided missile
13 destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and
14 Commercial Broadband Satellite Systems associated with those vessels.

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

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

23 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22 JOINT AIRCRAFT**
24 **PROGRAM.**

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

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

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

12 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount appropriated or
13 otherwise made available for shipbuilding and conversion, Navy, for fiscal year 2013,
14 \$1,613,392,000 is authorized to be available for the commencement of the nuclear refueling and
15 complex overhaul of the U.S.S. Abraham Lincoln (CVN-72) during fiscal year 2013. The
16 amount authorized to be made available in the preceding sentence is the first increment in the
17 two-year sequence of incremental funding planned for the nuclear refueling and complex
18 overhaul of that vessel.

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

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

1 that purpose for that later fiscal year.

2 **SEC. 115. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS**
3 **SUBMARINE PROGRAM.**

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

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

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

16 **SEC. 116. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-**
17 **18E, F/A-18F, AND EA-18G AIRCRAFT.**

18 Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law
19 111-84; 123 Stat. 2217), as amended by Public Law 111-238 (124 Stat. 2500), is further
20 amended by adding at the end the following new subsection:

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

1 **SEC. 117. AUTHORITY FOR REALLOCATION OF CERTAIN AEGIS WEAPON**
2 **SYSTEM ASSETS BETWEEN AND WITHIN THE DDG-51 DESTROYER**
3 **AND AEGIS ASHORE PROGRAMS IN ORDER TO MEET MISSION**
4 **REQUIREMENTS.**

5 (a) **AUTHORITY.**—Notwithstanding any other provision of law, the Secretary of the Navy
6 is authorized to provide Aegis Weapon System (AWS) equipment with Ballistic Missile Defense
7 (BMD) capability to the Missile Defense Agency (MDA) for use in its Aegis Ashore System for
8 installation in the country designated as Host Nation #1 (HN-1) by transferring to MDA such
9 equipment procured with prior-year Shipbuilding and Conversion, Navy (SCN) appropriations
10 for the DDG-51 Destroyer Program. The Secretary of the Navy is further authorized to make
11 adjustments in equipment deliveries in accordance with subparagraph (a)(2) of this section as
12 needed to support shipbuilding schedules for affected ships. The Secretary of the Navy is further
13 authorized to install on an SCN-funded DDG-51 Class Destroyer, AWS equipment with BMD
14 capability procured using appropriations for Research, Development, Test and Evaluation,
15 Defense-Wide (RDT&E,DW). The authority of the Secretary of the Navy under this section
16 shall consist of the following specific authorizations:

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

20 (2) The Secretary of the Navy may obligate funds appropriated under the
21 subdivision of appropriations “DDG–51 Destroyer” under the heading “Shipbuilding and
22 Conversion, Navy” for FY 2012, or may use any AWS assets acquired with such funds,
23 to deliver complete, mission-ready AWS with BMD capability to any DDG-51 Class
24 Destroyer for which SCN funds were appropriated in FY 2011.

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

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

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

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

17 (1) by striking “Effective October 1, 2011, the” and inserting “The”; and

18 (2) by striking “301 aircraft” and inserting “275 aircraft”.

19 (b) MODIFICATION OF CERTIFICATION REQUIREMENT.—Subsection (d)(3)(B) of section
20 137 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123
21 Stat. 2221) is amended by striking “316 strategic airlift aircraft” and inserting “275 strategic
22 airlift aircraft”.

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

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

3 **“§ 231a. Long-range plan for procurement of aircraft for the Navy and Air Force**

4 “(a) QUADRENNIAL AIRCRAFT PROCUREMENT PLAN.—At the same time that the budget of
5 the President is submitted under section 1105(a) of title 31 during each year in which the
6 Secretary of Defense submits a quadrennial defense review, the Secretary of Defense shall
7 submit to the congressional defense committees a long-range plan for the procurement of
8 covered aircraft for the Department of the Navy and the Department of the Air Force that
9 supports the aviation force structure recommendations of the quadrennial defense review.

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

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

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

17 “(3) For the procurement schedules under paragraph (1)—

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

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

22 “(C) an evaluation by the Director of the potential risk associated with
23 such schedules, including detailed effects on operational plans, missions,

1 deployment schedules, and fulfillment of the requirements of the commanders of
2 the combatant commands.

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

11 “(d) CBO EVALUATION.—Not later than 60 days after the date on which the
12 congressional defense committees receive the plan under subsection (a), the Director of the
13 Congressional Budget Office shall submit to such committees a report assessing the sufficiency
14 of the estimated levels of annual funding included in such plan with respect to the budget
15 submitted during the year in which the plan is submitted and the future-years defense program
16 submitted under section 221 of this title.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘covered aircraft’ means the following:

19 “(A) Fighter aircraft.

20 “(B) Attack aircraft.

21 “(C) Bomber aircraft.

22 “(D) Strategic lift aircraft.

23 “(E) Intratheater lift aircraft.

24 “(F) Intelligence, surveillance, and reconnaissance aircraft.

1 “(G) Tanker aircraft.

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

4 “(2) The term ‘budget’, with respect to a fiscal year, means the budget for that
5 fiscal year that is submitted to Congress by the President under section 1105(a) of title
6 31.

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

10 “(4) The term ‘quadrennial defense review’ means the review of the defense
11 programs and policies of the United States that is carried out every four years under
12 section 118 of this title.”

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

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

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

17 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

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

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

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

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

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

9 (b) TECHNICAL AMENDMENT.—Paragraph (2) of such section is amended by inserting
10 “(20 U.S.C. 7801)” before the period.

11 **SEC. 203. TRANSFER OF ADMINISTRATION OF OCEAN RESEARCH ADVISORY**
12 **PANEL FROM DEPARTMENT OF THE NAVY TO NATIONAL**
13 **OCEANIC AND ATMOSPHERIC ADMINISTRATION.**

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

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

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

19 (B) by inserting “and Resources” after “Ocean Research.”;

20 (C) by striking “Panel consisting” and inserting “Panel. The Panel shall
21 consist”; and

22 (D) by striking “chairman” and inserting “Administrator of the National
23 Oceanic and Atmospheric Administration, on behalf of the Council”;

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

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

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

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

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

10 (3) by striking paragraph (2) and inserting the following new paragraphs (2) and
11 (3):

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

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

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

17 (d) CONFORMING AMENDMENT.—Section 7902(e)(1) of such title is amended by striking
18 “Ocean Research Advisory Panel” and inserting “Ocean Research and Resources Advisory
19 Panel”.

20 (e) CLERICAL AMENDMENTS.—

21 (1) SECTION HEADING. —The heading of section 7903 of such title is amended to
22 read as follows:

23 “§ 7903. Ocean Research and Resources Advisory Panel”.

1 (2) TABLE OF SECTIONS.—The item relating to such section in the table of sections
2 at the beginning of chapter 665 of such title is amended to read as follows:

“7903. Ocean Research and Resources Advisory Panel.”.

3 (f) REFERENCES.—Any reference to the Ocean Research Advisory Panel in any law,
4 regulation, map, document, record, or other paper of the United States shall be deemed to be a
5 reference to the Ocean Research and Resources Advisory Panel.

6 **TITLE III—OPERATION AND MAINTENANCE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (13) For the Department of Defense Acquisition Workforce Development Fund,
2 \$274,198,000.

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

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

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

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

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

8 (19) For Overseas Humanitarian, Disaster, and Civic Aid programs,
9 \$108,759,000.

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

11 **SEC. 302 . REPEAL OF REDUNDANT AUTHORITY TO ENSURE**

12 **INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY**
13 **RESPONDER TRAINING.**

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

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

16 (2) by striking subsection (b).

17 **SEC. 303. REPEAL OF CERTAIN RECORD KEEPING AND REPORTING**

18 **REQUIREMENTS APPLICABLE TO COMMISSARY AND EXCHANGE**
19 **STORES OVERSEAS.**

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

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

23 (1) by striking “(1)” after “(a) GENERAL AUTHORITY.—”;

1 (2) by redesignating paragraph (2) as subsection (b) and inserting
2 “LIMITATIONS.—” before “In establishing”; and
3 (3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2),
4 respectively.

5 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

6 **Subtitle A—Active Forces**

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

8 The Armed Forces are authorized strengths for active duty personnel as of September 30,
9 2013, as follows:

- 10 (1) The Army, 552,100.
- 11 (2) The Navy, 322,700.
- 12 (3) The Marine Corps, 197,300.
- 13 (4) The Air Force, 328,900.

14 **Subtitle B—Reserve Forces**

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

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

- 18 (1) The Army National Guard of the United States, 358,200.
- 19 (2) The Army Reserve, 205,000.
- 20 (3) The Navy Reserve, 62,500.
- 21 (4) The Marine Corps Reserve, 39,600.
- 22 (5) The Air National Guard of the United States, 101,600.
- 23 (6) The Air Force Reserve, 70,500.
- 24 (7) The Coast Guard Reserve, 9,000.

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

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

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

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

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

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

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

23 (2) The Army Reserve, 16,277.

24 (3) The Navy Reserve, 10,114.

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

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

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

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

5 The minimum number of military technicians (dual status) as of the last day of fiscal year
6 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
7 title 10, United States Code) shall be the following:

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

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

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

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

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

14 (a) LIMITATIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **Subtitle C—Authorization of Appropriations**

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

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

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

21 **TITLE V—MILITARY PERSONNEL AUTHORIZATIONS**

22 **Subtitle A—Officer Personnel Policy**

23 **SEC. 501. EXCEPTION TO 30-YEAR RETIREMENT FOR REGULAR NAVY**

24 **WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT**

1 **OFFICER, W-5.**

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

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

6 (2) by striking “he” and inserting “the officer”.

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

10 “(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W-
11 5, the officer shall be retired 60 days after the date on which the officer completes 33 years of
12 total active service.”.

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

15 (a) ARMY.—

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

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

22 (b) NAVY.—

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

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

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

5 (B) by striking the last sentence.

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

8 (c) AIR FORCE.—

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

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

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

17 Section 668(b)(2) of title 10, United States Code, is amended by striking “assignments
18 for joint” and all that follows through “Phase II” and inserting “student assignments for joint
19 training and education”.

20 **Subtitle B—Reserve Component Management**

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

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

4 **SEC. 512. PLACEMENT OF NATIONAL GUARD NON-DUAL STATUS**

5 **TECHNICIANS IN THE EXCEPTED SERVICE WITH ALL DUAL**
6 **STATUS NATIONAL GUARD TECHNICIANS.**

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

8 (1) by striking “However, a position” and inserting “A position”; and

9 (2) by striking “if the” and all that follows and inserting a period.

10 **Subtitle C—Education and Training**

11 **SEC. 521. INCLUSION OF THE SCHOOL OF ADVANCED MILITARY STUDIES**

12 **SENIOR LEVEL COURSE AS A SENIOR LEVEL SERVICE**
13 **SCHOOL.**

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

16 “(E) The United States Army Command and General Staff College’s School of
17 Advanced Military Studies Senior Level Course.”.

18 **SEC. 522. SUPPORT OF NAVAL ACADEMY ATHLETIC PROGRAMS.**

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

21 **“§ 6981. Support of athletic and physical fitness programs**

22 **“(a) AUTHORITY.—**

23 **“(1) IN GENERAL.—**The Secretary of the Navy may enter into agreements,
24 including cooperative agreements (as described in section 6305 of title 31), with the

1 association to manage any aspect of the athletic and physical fitness programs of the
2 Naval Academy.

3 “(2) ASSOCIATION DEFINED.—In this section, the term ‘association’ means the
4 Naval Academy Athletic Association and its successors and assigns.

5 “(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIATION.—

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

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

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

16 “(d) RECEIPT AND RETENTION OF FUNDS.—

17 “(1) FUNDS RECEIVED FROM THE ASSOCIATION.—The Secretary may receive from
18 the association funds generated by the athletic and physical fitness programs of the Naval
19 Academy and any other activity of the association and to retain and use such funds to
20 further the mission of the Naval Academy. Receipt and retention of such funds shall be
21 subject to oversight by the Secretary of the Navy.

22 “(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept, use, and retain
23 funds from the National Collegiate Athletic Association and to transfer all or part of those

1 funds to the association for the support of the athletic and physical fitness programs of
2 the Naval Academy.

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

7 “(e) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—The Secretary may enter
8 into an agreement with the association authorizing the association to represent the Department of
9 the Navy in connection with licensing, marketing, and sponsorship agreements relating to
10 trademarks and service marks identifying the Naval Academy, to the extent authorized by the
11 Chief of Naval Research and in accordance with sections 2260 and 5022 of this title.

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

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

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

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

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

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

“6981. Support of athletic and physical fitness programs.”.

5 **SEC. 523. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE DEGREE**

6 **PROGRAMS UNDER THE COMMUNITY COLLEGE OF THE AIR**
7 **FORCE.**

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

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

13 **SEC. 524. REPEAL OF REQUIREMENT THAT AT LEAST 50 PERCENT OF**

14 **PARTICIPANTS IN SENIOR RESERVE OFFICERS’ TRAINING CORPS**
15 **PROGRAM BE ELIGIBLE FOR IN-STATE TUITION.**

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

18 **SEC. 525. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE**

19 **ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL**
20 **INSTITUTIONS NOT MAINTAINING UNITS OF JUNIOR ROTC.**

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

1 **“§ 2552a. Arms, tentage, and equipment: educational institutions not maintaining units of**
2 **Junior ROTC**

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

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

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

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

10 (c) CLERICAL AMENDMENTS.—

11 (1) The table of sections at the beginning of chapter 152 of such title is amended
12 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.”.

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

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

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

19 **Subtitle D—Defense Dependents Education**

20 **SEC. 531. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM**

21 **DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE**

22 **AND ENHANCEMENTS TO THE PROGRAM.**

23 (a) TRANSFER OF FUNCTIONS.—

1 (1) TRANSFER.—The responsibility and authority for operation and administration
2 of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the
3 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred
4 from the Secretary of Education to the Secretary of Defense.

5 (2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the
6 first day of the first month beginning more than 180 days after the date of the enactment
7 of this Act, or on such earlier date as the Secretary of Education and the Secretary of
8 Defense may jointly provide.

9 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

10 (1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by
11 adding at the end the following new section:

12 **“§ 1154. Assistance to eligible members and former members to obtain employment as**
13 **teachers: Troops-to-Teachers Program**

14 “(a) DEFINITIONS.—In this section:

15 “(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program
16 authorized by this section.

17 “(2) MEMBER OF THE ARMED FORCES.—The term ‘member of the armed forces’
18 includes a former member of the armed forces.

19 “(3) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that
20 term in section 5210(1) of the Elementary and Secondary Education Act of 1965 (20
21 U.S.C. 7221i(1)).

22 “(4) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

23 “(A) a public school, including a charter school, at which—

1 “(i) at least 30 percent of the students enrolled in the school are
2 from families with incomes below 185 percent of poverty level (as defined
3 by the Office of Management and Budget and revised at least annually in
4 accordance with section 9(b)(1) of the Richard B. Russell National School
5 Lunch Act) applicable to a family of the size involved; or

6 “(ii) at least 13 percent of the students enrolled in the school
7 qualify for assistance under part B of the Individuals with Disabilities
8 Education Act; or

9 “(B) a Bureau-funded school as defined in section 1141(3) of the
10 Education Amendments of 1978 (25 U.S.C. 2021(3)).

11 “(5) HIGH-NEED SCHOOL.—The term ‘high-need school’ means—

12 “(A) an elementary or middle school in which at least 50 percent of the
13 enrolled students are children from low-income families, based on the number of
14 children eligible to for free and reduced priced lunches under the Richard B.
15 Russell National School Lunch Act, the number of children in families receiving
16 assistance under the State program funded under part A of title IV of the Social
17 Security Act, the number of children eligible to receive medical assistance under
18 the Medicaid program, or a composite of these indicators;

19 “(B) a high school in which at least 40 percent of enrolled students are
20 children from low-income families, which may be calculated using comparable
21 data from feeder schools; or

22 “(C) a school that is in a local educational agency that is eligible under
23 section 6211(b) of the Elementary and Secondary Education Act of 1965.

1 “(6) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified
2 teacher’, ‘local educational agency’, ‘secondary school’, and ‘State’ have the meanings
3 given those terms in section 9101 of the Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 7801).

5 “(b) PROGRAM AUTHORIZATION.—The Secretary of Defense (hereinafter in this section
6 referred to as the ‘Secretary’) may carry out a program (to be known as the ‘Troops-to-Teachers
7 Program’)—

8 “(1) to assist eligible members of the armed forces described in subsection (d) to
9 obtain certification or licensing as elementary school teachers, secondary school teachers,
10 or career or technical teachers, and to become highly qualified teachers; and

11 “(2) to facilitate the employment of such members—

12 “(A) by local educational agencies or charter schools that the Secretary of
13 Education identifies as—

14 “(i) receiving grants under part A of title I of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C. 6301 et. seq.) as a result of
16 having within their jurisdictions concentrations of children from low-
17 income families; or

18 “(ii) experiencing a shortage of highly qualified teachers, in
19 particular a shortage of highly qualified science, mathematics, special
20 education, foreign language, or career or technical teachers; and

21 “(B) in elementary schools or secondary schools, or as career or technical
22 teachers.

23 “(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and
24 referral services to members of the armed forces who do not meet the criteria described in

1 subsection (d), including meeting the education qualification requirements under subsection
2 (d)(3)(B).

3 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

4 “(1) ELIGIBLE MEMBERS.—The following members of the armed forces are
5 eligible for selection to participate in the Program:

6 “(A) Any member who—

7 “(i) on or after October 1, 1999, becomes entitled to retired or
8 retainer pay under this title or title 14;

9 “(ii) has an approved date of retirement that is within one year after
10 the date on which the member submits an application to participate in the
11 Program; or

12 “(iii) has been transferred to the Retired Reserve.

13 “(B) Any member who, on or after January 8, 2002—

14 “(i)(I) is separated or released from active duty after four or more
15 years of continuous active duty immediately before the separation or
16 release; or

17 “(II) has completed a total of at least six years of active duty
18 service, six years of service computed under section 12732 of this title, or
19 six years of any combination of such service; and

20 “(ii) executes a reserve commitment agreement for a period of not
21 less than three years under paragraph (5)(B).

22 “(C) Any member who, on or after January 8, 2002, is retired or separated
23 for physical disability under chapter 61 of this title.

1 “(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the
2 armed forces to participate in the Program shall be made on the basis of applications
3 submitted to the Secretary within the time periods specified in subparagraph (B). An
4 application shall be in such form and contain such information as the Secretary may
5 require.

6 “(B) An application shall be considered to be submitted on a timely basis under
7 subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later
8 than three years after the date on which the member is retired, separated, or released from
9 active duty, whichever applies to the member.

10 “(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND
11 HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the
12 Secretary shall prescribe the criteria to be used to select eligible members of the armed
13 forces to participate in the Program.

14 “(B)(i) If a member of the armed forces is applying for assistance for placement
15 as an elementary school or secondary school teacher, the Secretary shall require the
16 member to have received a baccalaureate or advanced degree from an accredited
17 institution of higher education.

18 “(ii) If a member of the armed forces is applying for assistance for placement as a
19 career or technical teacher, the Secretary shall require the member—

20 “(I) to have received the equivalent of one year of college from an
21 accredited institution of higher education or the equivalent in military education
22 and training as certified by the Department of Defense; or

1 “(II) to otherwise meet the certification or licensing requirements for a
2 career or technical teacher in the State in which the member seeks assistance for
3 placement under the Program.

4 “(C) A member of the armed forces is eligible to participate in the Program only
5 if the member’s last period of service in the armed forces was honorable, as characterized
6 by the Secretary concerned. A member selected to participate in the Program before the
7 retirement of the member or the separation or release of the member from active duty
8 may continue to participate in the Program after the retirement, separation, or release
9 only if the member’s last period of service is characterized as honorable by the Secretary
10 concerned.

11 “(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to
12 receive assistance under the Program, the Secretary—

13 “(A) shall give priority to members who—

14 “(i) have educational or military experience in science,
15 mathematics, special education, foreign language, or career or technical
16 subjects; and

17 “(ii) agree to seek employment as science, mathematics, foreign
18 language, or special education teachers in elementary schools or secondary
19 schools or in other schools under the jurisdiction of a local educational
20 agency; and

21 “(B) may give priority to members who agree to seek employment in a
22 high-need school.

23 “(5) OTHER CONDITIONS ON SELECTION.—

24 “(A) The Secretary may not select an eligible member of the armed forces

1 to participate in the Program and receive financial assistance unless the Secretary
2 has sufficient appropriations for the Program available at the time of the selection
3 to satisfy the obligations to be incurred by the United States under subsection (e)
4 with respect to the member.

5 “(B) The Secretary may not select an eligible member of the armed forces
6 described in paragraph (1)(B)(i) to participate in the Program under this section
7 and receive financial assistance under subsection (e) unless the member executes
8 a written agreement to serve as a member of the Selected Reserve of a reserve
9 component of the armed forces for a period of not less than three years.

10 “(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

11 “(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces
12 selected to participate in the Program under subsection (b) and receive financial
13 assistance under this subsection shall be required to enter into an agreement with the
14 Secretary in which the member agrees—

15 “(i) within such time as the Secretary may require, to obtain certification
16 or licensing as an elementary school teacher, secondary school teacher, or career
17 or technical teacher, and to become a highly qualified teacher; and

18 “(ii) to accept an offer of full-time employment as an elementary school
19 teacher, secondary school teacher, or career or technical teacher for not less than
20 three school years in an eligible school to begin the school year after obtaining
21 that certification or licensing.

22 “(B) The Secretary may waive the three-year commitment described in
23 subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be
24 appropriate. If the Secretary provides the waiver, the participant shall not be considered

1 to be in violation of the agreement and shall not be required to provide reimbursement
2 under subsection (f), for failure to meet the three-year commitment.

3 “(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in
4 the Program shall not be considered to be in violation of the participation agreement
5 entered into under paragraph (1) during any period in which the participant—

6 “(A) is pursuing a full-time course of study related to the field of teaching
7 at an institution of higher education;

8 “(B) is serving on active duty as a member of the armed forces;

9 “(C) is temporarily totally disabled for a period of time not to exceed three
10 years as established by sworn affidavit of a qualified physician;

11 “(D) is unable to secure employment for a period not to exceed 12 months
12 by reason of the care required by a spouse who is disabled;

13 “(E) is a highly qualified teacher who is seeking and unable to find full-
14 time employment as a teacher in an elementary school or secondary school or as a
15 career or technical teacher for a single period not to exceed 27 months; or

16 “(F) satisfies the provisions of additional reimbursement exceptions that
17 may be prescribed by the Secretary.

18 “(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C),
19 the Secretary may pay to a participant in the Program selected under this section a stipend
20 to cover expenses incurred by the participant to obtain the required educational level,
21 certification or licensing. Such stipend may not exceed \$5,000 and may vary by
22 participant.

23 “(B) Subject to subparagraph (C), the Secretary may pay a bonus of up to \$10,000
24 to a participant in the Program selected under this section who agrees in the participation

1 agreement under paragraph (1) to become a highly qualified teacher and to accept full-
2 time employment as an elementary school teacher, secondary school teacher, or career or
3 technical teacher for not less than three school years in a high-need school. Such bonus
4 may vary by participant and may take into account the priority placements as determined
5 by the Secretary.

6 “(C)(i) The total number of stipends that may be paid under subparagraph (A) in
7 any fiscal year may not exceed 5,000.

8 “(ii) The total number of bonuses that may be paid under subparagraph (B) in any
9 fiscal year may not exceed 3,000.

10 “(iii) The combination of stipend and bonus for any one participant may not
11 exceed \$10,000.”

12 “(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this
13 subsection to a participant in the Program shall be taken into account in determining the
14 eligibility of the participant for Federal student financial assistance provided under title
15 IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

16 “(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

17 “(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a
18 stipend or bonus under this subsection shall be required to repay the stipend or bonus
19 under the following circumstances:

20 “(A) The participant fails to obtain teacher certification or licensing, to
21 become a highly qualified teacher, or to obtain employment as an elementary
22 school teacher, secondary school teacher, or career or technical teacher as
23 required by the participation agreement under subsection (e)(1).

1 “(B) The participant voluntarily leaves, or is terminated for cause from,
2 employment as an elementary school teacher, secondary school teacher, or career
3 or technical teacher during the three years of required service in violation of the
4 participation agreement.

5 “(C) The participant executed a written agreement with the Secretary
6 concerned under subsection (d)(5)(B) to serve as a member of a reserve
7 component of the armed forces for a period of three years and fails to complete
8 the required term of service.

9 “(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the
10 Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an
11 amount that bears the same ratio to the amount of the stipend or bonus as the unserved
12 portion of required service bears to the three years of required service. Any amount owed
13 by the participant shall bear interest at the rate equal to the highest rate being paid by the
14 United States on the day on which the reimbursement is determined to be due for
15 securities having maturities of 90 days or less and shall accrue from the day on which the
16 participant is first notified of the amount due.

17 “(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary
18 under this subsection is, for all purposes, a debt owing the United States. A discharge in
19 bankruptcy under title 11 shall not release a participant from the obligation to reimburse
20 the Secretary under this subsection.

21 “(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be
22 excused from reimbursement under this subsection if the participant becomes
23 permanently totally disabled as established by sworn affidavit of a qualified physician.

1 The Secretary may also waive the reimbursement in cases of extreme hardship to the
2 participant, as determined by the Secretary.

3 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The
4 receipt by a participant in the Program of a stipend or bonus under this subsection (e) shall not
5 reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or
6 33 of title 38 or chapter 1606 of this title.

7 “(h) PARTICIPATION BY STATES.—

8 “(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The
9 Secretary may permit States participating in the Program to carry out activities authorized
10 for such States under the Program through one or more consortia of such States.

11 “(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary
12 may make grants to States participating in the Program, or to consortia of such States, in
13 order to permit such States or consortia of States to operate offices for purposes of
14 recruiting eligible members of the armed forces for participation in the Program and
15 facilitating the employment of participants in the Program as elementary school teachers,
16 secondary school teachers, and career or technical teachers.

17 “(B) The total amount of grants made under subparagraph (A) in any fiscal year
18 may not exceed \$5,000,000.”.

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

21 “1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers
22 Program.”.

23 (c) CONFORMING AMENDMENT.—Section 1142(b) (4)(C) of such title is amended by
24 striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under

1 section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)’’ and
2 inserting “under sections 1152, 1153, and 1154 of this title”.

3 (d) TERMINATION OF ORIGINAL PROGRAM.—

4 (1) TERMINATION.—

5 (A) Chapter A of subpart 1 of Part C of title II of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

7 (B) The table of contents in section 2 of Part I of the Elementary and
8 Secondary Education Act 1965 is amended by striking the items relating to such
9 chapter.

10 (2) EXISTING AGREEMENTS.—The repeal of chapter A of subpart 1 of Part C of
11 title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.)
12 by paragraph (1)(A) shall not affect the validity or terms of any agreement entered into
13 before the date of the enactment of this Act under such chapter, or to pay assistance,
14 make grants, or obtain reimbursement in connection with such an agreement as in effect
15 before such repeal.

16 (e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the
17 effective date of the transfer under subsection (a).

18 **SEC. 532. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF**
19 **DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND**
20 **SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.**

21 Section 2164 of title 10, United States Code, is amended by inserting at the end the
22 following new subsections:

23 “(k) TUITION-FREE ENROLLMENT FOR DEPENDENTS OF DOMESTIC DEPENDENT
24 ELEMENTARY AND SECONDARY SCHOOLS.—Tuition-free enrollment in the domestic dependent

1 elementary and secondary schools is authorized for dependents who are currently enrolled in the
2 defense dependents' education school system pursuant to the Defense Dependents' Education
3 Act of 1978, as amended (20 U.S.C. 921 et seq.) if—

4 “(1) such dependents departed their overseas location due to an authorized
5 departure or evacuation order;

6 “(2) the designated safe haven of such dependents is located within commuting
7 distance of a school operated by the domestic dependent elementary and secondary
8 schools; and

9 “(3) the school already possesses the capacity and resources for the student to
10 attend the school.

11 “(I) TUITION-PAYING ENROLLMENT IN THE DEPARTMENT’S VIRTUAL ELEMENTARY AND
12 SECONDARY EDUCATION PROGRAM.—Under circumstances prescribed by the Secretary, tuition-
13 paying enrollment in the department’s virtual elementary and secondary education program for
14 dependents of active-duty members of the armed forces is authorized for dependents when such
15 dependents—

16 “(1) transition from an overseas defense dependents' education system school into
17 a school operated by a local educational agency or another accredited educational
18 program in the United States, and

19 “(2) are not otherwise eligible to enroll in a Department of Defense domestic
20 dependent elementary or secondary school pursuant to subsection (a).”.

21 **SEC. 533. AUTHORITY FOR ACCEPTANCE OF GIFTS AND OTHER PRIVATE**
22 **SUPPORT FOR MARINE CORPS UNIVERSITY.**

23 (a) IN GENERAL.—Chapter 609 of title 10, United States Code, is amended by adding a
24 the end the following new section:

1 **“§ 7105. Marine Corps University: acceptance of gifts and support from nonprofit entities**

2 “(a) ACCEPTANCE OF GIFTS.—The Secretary of the Navy may accept, hold, administer,
3 and spend any gift, including a gift from an international organization and a foreign gift or
4 donation (as defined in section 2166(f)(4) of this title), that is made on the condition that it be
5 used for the benefit of or in connection with the Marine Corps University. The Secretary may
6 pay all necessary expenses in connection with the acceptance of a gift under this subsection. For
7 the purposes of Federal income, estate, and gift taxes, any property, money, or services accepted
8 under this section shall be considered as a gift to or for the use of the United States. This
9 authority is in addition to existing authority to accept gifts and services under this title, and
10 notwithstanding section 1342 of title 31.

11 “(b) ACCEPTANCE OF GIFTS OF FUNDS.—A gift of funds shall be accepted under this
12 section in the same manner as funds accepted under subsection (c) of section 2601 of this title.

13 “(c) LIMITATION ON USE OF GIFTS OF FUNDS.—A gift of money, and the proceeds of the
14 sale of all property, received under subsection (a), for, the Marine Corps University shall be
15 deposited into the Navy General Gift Fund pursuant to section 2601 of this title and shall be
16 available for obligation and disbursement only for the benefit of or in connection with the
17 Marine Corps University or any of its programs. Subject to the prohibitions set forth in section
18 2601(d)(2) of this title, funds donated to the Marine Corps University from nonprofit entities,
19 and accepted by the Secretary, are not otherwise subject to the limitations set forth in section
20 2601 and may be used for any purpose in furtherance of a Marine Corps University mission.

21 “(d) COOPERATIVE AGREEMENTS.—The Secretary may authorize cooperative agreements
22 (as described in section 6305 of title 31) with nonprofit entities for purposes related to support of
23 the Marine Corps University.

1 “(e) EMPLOYEE STATUS.—For purposes of this section, employees or personnel of a
2 nonprofit entity may not be considered to be employees of the United States.

3 “(f) DEFINITIONS.—In this section:

4 “(1) The term ‘gift’ includes any gift, devise, or bequeath of real property,
5 personal property, money, or any gift of services from a nonprofit entity.

6 “(2) The term ‘funds’ refers to money.

7 “(3) The term ‘money’ means cash, checks, or other forms of negotiable
8 instruments.

9 “(4) The term ‘Marine Corps University’ includes any school or other component
10 of the Marine Corps University.

11 “(5) The term ‘nonprofit entity’ means any entity—

12 “(A) that qualifies as an exempt organization under section 501(c)(3) of
13 the Internal Revenue Code of 1986; and

14 “(B) that has as a primary purpose supporting a military university or
15 museum program.

16 “(g) IMPLEMENTING REGULATIONS.—The Secretary of the Navy shall prescribe
17 regulations to carry out this section.”.

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

“7105. Marine Corps University; acceptance of gifts and support from nonprofit entities.”.

20 **Subtitle E—Other Matters**

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

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

1 **“§ 8039. Chief and Deputy Chief of Chaplains: appointment; duties**

2 “(a) CHIEF OF CHAPLAINS.—

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

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

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

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

15 “(b) DEPUTY CHIEF OF CHAPLAINS.—

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

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

24 “(3) The Deputy Chief of Chaplains shall be appointed in the regular grade of

1 brigadier general.

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

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

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

“8039. Chief and Deputy Chief of Chaplains; appointment; duties.”.

12 **SEC. 542. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH**

13 **PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL**
14 **EXAMS FOR POST-TRAUMATIC STRESS DISORDER.**

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

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

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

20 **SEC. 543. MODIFICATION OF PROHIBITION ON REFUSAL OF VOTER**

21 **REGISTRATION APPLICATIONS AND ABSENTEE BALLOT**
22 **REQUESTS.**

1 Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C.
2 1973ff-3) is amended—

3 (1) by inserting “(a) PROHIBITION ON REFUSAL OF APPLICATIONS SUBMITTED IN
4 YEAR OF A FEDERAL ELECTION ON GROUNDS OF EARLY SUBMISSION.—” before “A State
5 may not”;

6 (2) by inserting “or overseas voter” before “during a year on the grounds”;

7 (3) by inserting “or overseas voter” after “absentee voters who are not members
8 of the uniformed services”; and

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

10 “(b) PROHIBITION ON REFUSAL OF APPLICATIONS SUBMITTED IN A YEAR WHEN A FEDERAL
11 ELECTION WILL BE HELD WITHIN 120 DAYS OF THE FOLLOWING YEAR ON GROUNDS OF EARLY
12 SUBMISSION.—A State may not refuse to accept or process, with respect to any election for
13 Federal office to be held in the first 120 days of the following year, any otherwise valid voter
14 registration application or absentee ballot application (including the post card form prescribed
15 under section 101) submitted by an absent uniformed services voter or overseas voter during a
16 year on the grounds that the voter submitted the application before the first date on which the
17 State otherwise accepts or processes such applications submitted by absentee voters who are not
18 members of the uniformed services or an overseas voter.

19 “(c) REVISION OF OFFICIAL POST CARD FORM FOR ABSENTEE BALLOT REQUESTS.—The
20 Presidential designee shall revise the official post card form prescribed under section 101 to
21 enable a voter using the form to—

22 “(1) request an absentee ballot for each election for Federal office held in a State
23 during a year and the first 120 days of the following year; or

24 “(2) request an absentee ballot for only the next scheduled election for Federal

1 office held in a State.”.

2 **SEC. 544. INCLUSION OF NORTHERN MARIANA ISLANDS AS A “STATE” FOR**
3 **PURPOSES OF THE UNIFORMED AND OVERSEAS CITIZENS**
4 **ABSENTEE VOTING ACT.**

5 Paragraphs (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee
6 Voting Act (42 U.S.C. 1973ff-6) are each amended by striking “and American Samoa” and
7 inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

8 **SEC. 545. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF THE STAFF**
9 **JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE**
10 **CORPS.**

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

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

15 (2) in the second sentence—

16 (A) by striking “The” and inserting “If an officer appointed as the”; and

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

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

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

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

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

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

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

6 “(3) perform such other duties as may be assigned to him.”.

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

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

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

12 “(4) The Staff Judge Advocate to the Commandant of the Marine Corps.”.

13 (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

14 (1) ADMINISTRATION OF MILITARY JUSTICE.—Section 806(a) of such title (article
15 6(a) of the Uniform Code of Military Justice) is amended by inserting “, and within the
16 Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps,” in the
17 third sentence after “Judge Advocate General”.

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

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

22 **SEC. 601. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT**

23 **PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO**

24 **PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES**

1 **RETIREMENT SYSTEM AND TERMINATING PAYMENT OF THE**
2 **SURVIVOR BENEFIT PLAN ANNUITY.**

3 (a) DEPOSITS NOT REQUIRED.—Section 1452(e) of title 10, United States Code, is
4 amended—

5 (1) by inserting “AND FERS” in the subsection heading after “CSRS”;

6 (2) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of
7 title 5,”;

8 (3) by inserting “or 8416(j)” after “8339(j)”; and

9 (4) by inserting “or 8442(a)” after “8341(b)”.

10 (b) CONFORMING AMENDMENT.—Section 1450(d) of such title is amended—

11 (1) by inserting “or for the purposes of chapter 84 of title 5,” after “chapter 83 of
12 title 5,”;

13 (2) by inserting “or 8146(a)” after “8339(j)”; and

14 (3) by inserting “or 8442(a)” after “8341(b).”

15 (c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply
16 with respect to any participant electing a annuity for survivors under chapter 84 of title 5, United
17 States Code, on or after the date of the enactment of this Act.

18 **SEC. 602. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO**
19 **WERE CARRIED DURING PREGNANCY AT THE TIME OF THE**
20 **DEPENDENT-ABUSE OFFENSE.**

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

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

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

1 (2) in subsection (1), by striking “at the time of the dependent-abuse offense
2 resulting in the separation of the former member” and inserting “or eligible spouse at the
3 time of the dependent-abuse offense resulting in the separation of the former member or
4 who was carried during pregnancy at the time of the dependent-abuse offense resulting in
5 the separation of the former member and was subsequently born alive to the eligible
6 spouse or former spouse”.

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

10 **TITLE VII—HEALTH CARE PROVISIONS**

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

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

14 “(2)(A) Beginning October 1, 2012, the annual enrollment fees referred to in paragraph
15 (1)—

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

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

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

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

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

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

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

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

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

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

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

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

22 “(v) For years after 2016, the amount for 2016, indexed by the National Health
23 Expenditures per capita rate, as established by the Secretary of Health and Human
24 Services.”.

1 (b) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE FOR CERTAIN TRICARE STANDARD

2 BENEFICIARIES.—Section 1086(b)(1) of such title is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

1 “(C) in 2015, \$230 for an individual or \$460 for a family group;
2 “(D) in 2016, \$260 for an individual or \$520 for a family group;
3 “(E) in 2017, \$290 for an individual or \$580 for a family group; and
4 “(F) after 2017, the amounts for 2017 adjusted based on the National
5 Health Expenditures per capita rate, as established by the Secretary of Health and
6 Human Services.”.

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

9 “(5) Paragraphs (1), (2), and (4)(B) shall not apply to a survivor of a member of
10 the uniformed services who died while on active duty or to a person retired under chapter
11 61 of this title or the dependents of such person. For such individuals—

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

13 “(B) the deductible amounts in effect in fiscal year 2012 shall remain in
14 effect; and

15 “(C) the maximum payment amount referred to in paragraph (4)(A) shall
16 remain in effect.”.

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

20 “(D) A person described in paragraph (2) (except a person described in clause (i)
21 of this subparagraph), shall pay an annual fiscal year enrollment fee as an additional
22 condition of eligibility for health care benefits under this section.

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

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

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

11 “(iv) Tier placement in years after 2012 shall be based on retired pay or
12 annuity during the calendar year in which the fiscal year starts.

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

17 “(vi) In 2013 the enrollment fee for an individual shall be \$35 for Tier 1,
18 \$75 for Tier 2, and \$115 for Tier 3;

19 “(vii) In 2014 the enrollment fee for an individual shall be \$75 for Tier 1,
20 \$150 for Tier 2, and \$225 for Tier 3;

21 “(viii) In 2015 the enrollment fee for an individual shall be \$115 for Tier
22 1, \$225 for Tier 2, and \$335 for Tier 3;

23 “(xi) In 2016 the enrollment fee for an individual shall be \$150 for Tier 1,
24 \$300 for Tier 2, and \$450 for Tier 3; and

1 “(x) in subsequent years, the enrollment fee for an individual shall be the
2 amount in 2016, indexed by the National Health Expenditures per capita rate, as
3 established by the Secretary of Health and Human Services.”.

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

5 (1) by inserting “(A)” after “(4); and

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

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

11 (f) REVISIONS TO TRICARE PHARMACY PROGRAM REQUIREMENTS.—(1) Section

12 1074g(a)(5) of such title is amended by striking “at least one of the means described in paragraph
13 (2)(E)” and inserting “the national mail order pharmacy program”.

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

16 “(C)(i) Notwithstanding any limitation in subparagraph (A) and subject to clause (iv), the
17 generally applicable cost sharing amounts specified in the following table shall apply in the years
18 2013 through 2021.

	Retail Generic	Retail Formulary	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

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

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

7 “(iv) A cost-sharing amount under this subparagraph shall not apply to a survivor of a
8 member of the uniformed services who died while on active duty, or to a person retired under
9 chapter 61 of this title or the dependents of such person. For such individuals, the amounts in
10 effect during fiscal year 2012 shall remain in effect.”.

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

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

19 Section 1842(h)(1) of the Social Security Act (42 U.S.C. 1395u(h)(1)) is amended by
20 adding at the end the following new sentence: “Any physician or supplier who voluntarily enters
21 into an agreement with the Secretary to become a participating physician or supplier shall be
22 deemed to have agreed to be a participating provider of medical care or services under any health
23 plan contracted for under section 1079 or 1086 of title 10, United States Code, or under section
24 1718 of title 38, United States Code, in accordance with the payment methodology and amounts

1 prescribed under joint regulations prescribed by the Secretary, the Secretary of Defense, and the
2 Secretary of Homeland Security pursuant to sections 1079 and 1086 of title 10, United States
3 Code.”.

4 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,**
5 **AND RELATED MATTERS**

6 **SEC. 801. REDUCTION IN REQUIREMENTS FOR SUBMISSION OF SELECTED**
7 **ACQUISITION REPORTS FOR MAJOR DEFENSE ACQUISITION**
8 **PROGRAMS.**

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

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

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

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

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

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

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

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

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

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

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

9 “(3) In this subsection, the term ‘head of an agency’ has the meaning given that term in
10 subsection (c)(2).”.

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

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

16 (1) in subsection (a)—

17 (A) by striking “and” at the end of paragraph (3);

18 (B) by striking the period at the end of paragraph (4) and inserting “; and”;

19 and

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

21 “(5) make available to any person or entity, in advance of the award of a
22 procurement contract, through contracts or other appropriate arrangements and subject to
23 subsection (e), the services of the Defense Contract Management Agency for testing and

1 inspection of items when such testing and inspection is determined by the Secretary to be
2 critical to a specific program of the Department of Defense.”; and

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

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

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

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

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

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

18 (2) by inserting “, travel, and other incidental overhead expenses” in the second
19 sentence after “salaries”; and

20 (3) by inserting “or inspection” before the period at the end of the second
21 sentence.

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

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

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

6 **SEC. 805. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.**

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

10 (b) TERMINATION OF DEFENSE STRATEGIC READINESS FUND.—The Defense Strategic
11 Readiness Fund established by section 872(d) of the National Defense Authorization Act for
12 Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 117 note) is hereby closed.

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

15 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**
16 **MANAGEMENT**

17 **Subtitle A—Intelligence-Related Matters**

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

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

24 (b) CLERICAL AMENDMENTS.—

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

3 **“§2161. Degree granting authority for National Intelligence University”.**

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

“2161. Degree granting authority for National Intelligence University.”.

6 **Subtitle B—Space Activities**

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

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

12 (1) by striking “on” and inserting “for the conduct of”;

13 (2) by striking “procurement, and operation” and inserting “and for the conduct of
14 procurement,”;

15 (3) by inserting “manned and” before “unmanned systems”; and

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

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

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

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

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

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

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

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

8 (1) by striking subsection (d);

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

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

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

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

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

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

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

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

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

24 **TITLE X—GENERAL PROVISIONS**

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

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

4 (1)(A) Section 232 is repealed.

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

7 (2) Section 485(b) is amended—

8 (A) in paragraph (5)—

9 (i) by striking “including a description of” and all that follows
10 through “(A) Specific outcomes” and inserting “including a description of
11 specific outcomes”; and

12 (ii) by striking subparagraph (B);

13 (B) by striking paragraph (8); and

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

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

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

18 **SEC. 1002. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE**
19 **STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC**
20 **DEFENSE STUDIES.**

21 (a) REDESIGNATION.—The Department of Defense regional center for security studies
22 known as the Center for Hemispheric Defense Studies is hereby renamed the “William J. Perry
23 Center for Hemispheric Defense Studies”.

24 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

15 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

16 **SEC. 1101. EXPANSION OF PERSONS ELIGIBLE FOR EXPEDITED FEDERAL** 17 **HIRING FOLLOWING COMPLETION OF NATIONAL SECURITY** 18 **EDUCATION PROGRAM SCHOLARSHIP.**

19 Section 802(k) of the David L. Boren National Security Education Act of 1991 (50
20 U.S.C. 1902(k)) is amended to read as follows:

21 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

22 “(1) APPOINTMENT AUTHORITY.—The Secretary of Defense, the Secretary of
23 Homeland Security, the Secretary of State, or the head of a Federal agency or office

1 identified by the Secretary of Defense under subsection (g) as having national security
2 responsibilities—

3 “(A) may, without regard to any provision of title 5 governing
4 appointments in the competitive service, appoint an eligible program
5 participant—

6 “(i) to a position in the excepted service that is identified under
7 clause (i) of subsection (b)(2)(A) as contributing to the national security;
8 or

9 “(ii) subject to clause (ii) of such subsection, to a position in the
10 excepted service in such Federal agency or office with national security
11 responsibilities; and

12 “(B) may, upon satisfactory completion of two years of substantially
13 continuous service by an incumbent who was appointed to an excepted service
14 position under the authority of subparagraph (A), convert the appointment of such
15 individual, without competition, to a career or career conditional appointment.

16 “(2) ELIGIBLE PROGRAM PARTICIPANT.—For purposes of paragraph (1), the term
17 ‘eligible program participant’ means an individual who—

18 “(A) has successfully completed an academic program for which a
19 scholarship or fellowship under this section was awarded; and

20 “(B) at the time of the appointment of the individual to an excepted
21 service position under paragraph (1)(A)—

22 “(i) under the terms of the agreement for such individual’s
23 scholarship or fellowship that was awarded under this section, owes a

1 service commitment to a Department or such Federal agency or office
2 referred to in paragraph (1);

3 “(ii) is employed by the Federal Government under a non-
4 permanent appointment to a position in the excepted service that has
5 national security responsibilities; or

6 “(iii) is a former civilian employee of the Federal Government who
7 has less than a one-year break of service from the individual’s last period
8 of Federal employment in a non-permanent appointment in the excepted
9 service with national security responsibilities.

10 “(3) TREATMENT OF CERTAIN SERVICE.—In the case of an individual described in
11 paragraph (2)(B)(ii) or (2)(B)(iii) who receives an appointment under paragraph (1)(A),
12 any period that the individual served in a position with the Federal Government may be
13 counted towards satisfaction of the service requirement under paragraph (1)(B) if that
14 service—

15 “(A) in the case of an appointment under clause (i) of paragraph (1)(A),
16 was in a position that is identified under clause (i) of subsection (b)(2)(A) as
17 contributing to the national security; or

18 “(B) in the case of an appointment under clause (ii) of paragraph (1)(A),
19 was in the Federal agency or office in which the appointment under that clause is
20 made.”.

21 **SEC. 1102. AUTHORITY FOR TRANSPORTATION OF FAMILY HOUSEHOLD PETS**
22 **OF CIVILIAN PERSONNEL DURING EVACUATION OF NON-**
23 **ESSENTIAL PERSONNEL.**

24 Section 5725 of title 5, United States Code, is amended—

1 (1) in subsection (a)(2), by inserting after “personal effects,” the following: “and
2 family household pets,”; and

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

4 “(c)(1) Authority under subsection (a) to transport family household pets of an employee
5 includes authority for shipment and the payment of quarantine costs, if any.

6 “(2) An employee for whom transportation of family household pets is authorized under
7 subsection (a) may be paid reimbursement or a monetary allowance if other commercial
8 transportation means have been used.

9 “(3) The provision of transportation of family household pets for an employee of the
10 Department of Defense under subsection (a) and the payment of reimbursement under paragraph
11 (2) shall be subject to the same terms and conditions as apply under subsection 406(b)(1)(H)(iii)
12 of title 37 with respect to family household pets of members of the uniformed services, including
13 limitations on the types, size, and number of pets for which transportation may be provided or
14 reimbursement paid.”.

15 **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

[RESERVED]

16 **TITLE XIII—OTHER AUTHORIZATIONS**

17 **Subtitle A—Military Programs**

18 **SEC. 1301. WORKING CAPITAL FUNDS.**

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

22 **SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.**

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

3 **SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.**

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

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

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
8 appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise
9 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of
10 \$1,301,786,000, of which—

- 11 (1) \$635,843,000 is for Operation and Maintenance;
- 12 (2) \$647,351,000 is for Research, Development, Test, and Evaluation; and
- 13 (3) \$18,592,000 is for Procurement.

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

- 16 (1) the destruction of lethal chemical agents and munitions in accordance with
17 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521);
18 and
- 19 (2) the destruction of chemical warfare materiel of the United States that is not
20 covered by section 1412 of such Act.

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

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

4 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

5 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
6 year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the
7 Department of Defense, in the amount of \$273,821,000, of which—

8 (1) \$272,821,000 is for Operation and Maintenance; and

9 (2) \$1,000,000 is for Procurement.

10 **SEC. 1307. DEFENSE HEALTH PROGRAM.**

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

14 (1) \$31,801,279,000 is for Operation and Maintenance;

15 (2) \$672,977,000 is for Research, Development, Test, and Evaluation; and

16 (3) \$506,462,000 is for Procurement.

17 **Subtitle B—Other Matters**

18 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**

19 **RETIREMENT HOME.**

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

23 **SEC. 1312. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF**

24 **DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL**

1 **FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A.**
2 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

3 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated
4 for section 1307 and available for the Defense Health Program for operation and maintenance,
5 \$139,204,000 may be transferred by the Secretary of Defense to the Joint Department of
6 Defense—Department of Veterans Affairs Medical Facility Demonstration Fund established by
7 subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010
8 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any
9 funds so transferred shall be treated as amounts authorized and appropriated specifically for the
10 purpose of such a transfer.

11 (b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section
12 1704, facility operations for which funds transferred under subsection (a) may be used are
13 operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North
14 Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting
15 facilities designated as a combined Federal medical facility under an operational agreement
16 covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal
17 Year 2009 (Public Law 110-417; 122 Stat. 4500).

18 **TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS**
19 **FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR**
20 **2013**

21 **SEC. 1401. PURPOSE.**

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

1 **SEC. 1402. ARMY PROCUREMENT.**

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

- 4 (1) For aircraft procurement, \$486,200,000.
- 5 (2) For missile procurement, \$49,653,000.
- 6 (3) For weapons and tracked combat vehicles procurement, \$15,422,000.
- 7 (4) For ammunition procurement, \$357,493,000.
- 8 (5) For other procurement, \$2,015,907,000.

9 **SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

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

12 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

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

- 15 (1) For aircraft procurement, Navy, \$164,582,000.
- 16 (2) For weapons procurement, Navy, \$23,500,000.
- 17 (3) For ammunition procurement, Navy and Marine Corps, \$285,747,000.
- 18 (4) For other procurement, Navy, \$98,882,000.
- 19 (5) For procurement, Marine Corps, \$943,683,000.

20 **SEC. 1405. AIR FORCE PROCUREMENT.**

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

- 23 (1) For aircraft procurement, \$305,600,000.
- 24 (2) For ammunition procurement, \$116,203,000.

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

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

3 **SEC. 1406. JOINT URGENT OPERATIONAL NEEDS FUND.**

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

6 **SEC. 1407. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

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

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

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

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

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

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

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

16 **SEC. 1409. OPERATION AND MAINTENANCE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **SEC. 1410. MILITARY PERSONNEL.**

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

12 **SEC. 1411. WORKING CAPITAL FUNDS.**

13 Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the
14 Armed Forces and other activities and agencies of the Department of Defense for providing
15 capital for working capital and revolving funds in the amount of \$503,364,000.

16 **SEC. 1412. DEFENSE HEALTH PROGRAM.**

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

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

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

1 **SEC. 1414. DEFENSE INSPECTOR GENERAL.**

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

5 **SEC. 1415. AFGHANISTAN SECURITY FORCES FUND.**

6 Funds available to the Department of Defense for the Afghanistan Security Forces Fund
7 for fiscal year 2013 shall be subject to the conditions contained in subsections (b) through (g) of
8 section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-
9 181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense
10 Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).