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114TH CONGRESS
2D SESSION

S. 2943

AN ACT

To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2017''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Uniform Code of Military Justice Reform.

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

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Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Budgetary effects of this Act.

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Sec. 101. Authorization of appropriations.

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Sec. 122. Littoral Combat Ship.
Sec. 123. Certification on ship deliveries.
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Sec. 125. Limitation on availability of funds for the advanced arresting gear program.
Sec. 126. Limitation on procurement of USS JOHN F. KENNEDY (CVN–79) and USS ENTERPRISE (CVN–80).
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Sec. 213. Authorization for National Defense University and Defense Acquisition University to enter into cooperative research and development agreements.
Sec. 214. Manufacturing Universities Grant Program.
Sec. 215. Increased micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.
Sec. 216. Directed energy weapon system programs.
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Sec. 218. Pilot program on disclosure of certain sensitive information to contractors performing under contracts with Department of Defense federally funded research and development centers.
Sec. 219. Pilot program on enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

In this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. DISTRIBUTED COMMON GROUND SYSTEM-ARMY.

(a) TRAINING FOR OPERATORS.—The Secretary of the Army shall take such actions as may be necessary to improve training for operators of the Distributed Common Ground System–Army (DCGS–A) and their leaders, at division level and below tactical units, with equipment that was current as of the day before the date of the enactment of this Act.

(b) FIELDING OF CAPABILITY.—

(1) IN GENERAL.—The Secretary shall rapidly identify and field a capability for fixed and deployable multi-source ground processing systems for units described in subsection (a).

(2) COMMERCIALLY AVAILABLE EQUIPMENT.—In meeting the requirement in paragraph (1), the Secretary shall procure a commercially available off the shelf, non-developmental capability that—

(A) meets essential tactical operational requirements for processing, analyzing and displaying intelligence information;

(B) is substantially easier for personnel in tactical units to use than the Distributed Common Ground System–Army; and

(C) requires less training than the Distributed Common Ground System–Army.

(3) LIMITATION ON AWARD OF CONTRACT.—The Secretary may not award any contract for the design, development, procurement, or operation and maintenance of any data architecture, data integration, ''cloud'' capability, data analysis, or data visualization and workflow capabilities, including various warfighting function-related tools under or contributing to any increment of the Distributed Common Ground System–Army, for tactical units described in subsection (a) unless the contract—

(A) is awarded not later than 180 days after the date of the enactment of this Act;

(B) is awarded using procedures relating to the acquisition of commercial items pursuant to part 12 of the Federal Acquisition Regulation (48 CFR 12.000 et seq.);

(C) includes firm fixed-price procedures; and

(D) provides that the technology to be procured through the contract will—

(i) begin initial fielding rapidly after the contract award;

(ii) achieve Initial Operating Capability (IOC) within nine months of the contract award; and

(iii) achieve Full Operating Capability (FOC) within 18 months of the contract award.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH–60M/HH–60M BLACK HAWK HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of UH–60M/HH–60M Black Hawk helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64E APACHE HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2017 program year, for the procurement of AH–64E Apache helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2017 is subject to the availability of appropriations for that purpose for such later fiscal year.

Subtitle C—Navy Programs

SEC. 121. INCREMENTAL FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA 8.

(a) AUTHORITY TO USE INCREMENTAL FUNDING.—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA Replacement ship designated LHA 8 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2017 and 2018.

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

SEC. 122. LITTORAL COMBAT SHIP.

(a) REPORT ON LITTORAL COMBAT SHIP MISSION PACKAGES.—

(1) IN GENERAL.—The Secretary of the Navy shall include annually with the justification materials submitted with the budget of the President under

section 1105(a) of title 31, United States Code, a report on Littoral Combat Ship mission packages.

(2) ELEMENTS.—The report required under paragraph (1) shall include for each mission package and increment therein the following elements:

(A) A description of the current status of and plans for development, production, and sustainment, including—

(i) currently projected versus originally estimated unit costs for each system composing the mission package;

(ii) currently projected versus originally estimated development cost, procurement cost, and 20-year sustainment cost for each system composing the mission package;

(iii) demonstrated versus required performance for each system composing the mission package and for the mission package as a whole; and

(iv) realized and potential cost, schedule, or performance problems with such development, production, or sustainment and mitigation plans to address such problems.

(B) A description, including dates, for each developmental test, operational test, integrated test, and follow-on test event completed in the preceding fiscal year and forecast in the current fiscal year and each of the next five fiscal years.

(C) The planned initial operational capability (IOC) date and a description of the performance level criteria that must be demonstrated to declare IOC.

(D) A description of systems that reached IOC in the preceding fiscal year and the performance level demonstrated versus the performance level required.

(E) The acquisition inventory objective listed by system.

(F) The current locations and quantities of delivered systems listed by city, State, and country.

(G) The planned locations and quantities of systems listed city, State, and country in each of the next five fiscal years.

(b) CERTIFICATION OF LITTORAL COMBAT SHIP MISSION PACKAGE PROGRAM OF RECORD.—

(1) IN GENERAL.—The Undersecretary of Defense for Acquisition, Technology, and Logistics

shall include with the justification materials submitted with the budget of the President under section 1105(a) of title 31, United States Code, for fiscal year 2018 a certification on Littoral Combat Ship mission packages.

(2) CERTIFICATION.—The certification required under paragraph (1) shall include the current program of record quantity for—

(A) surface warfare (SUW) mission packages;

(B) anti-submarine warfare (ASW) mission packages; and

(C) mine countermeasures (MCM) mission packages.

(c) LIMITATION ON THE USE OF FUNDS TO REVISE OR DEVIATE FROM THE LITTORAL COMBAT SHIP ACQUISITION STRATEGY.—

(1) LIMITATION ON REVISIONS AND DEVIATIONS.—Except as provided under paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2017 may be used to revise or deviate from revision three of the Littoral Combat Ship acquisition strategy.

(2) WAIVER.—The Secretary of Defense may waive the limitation required under paragraph (1) if the Secretary submits to the congressional defense committees a notification of such waiver. The waiver shall include—

(A) the rationale of the Secretary for issuing such waiver to revise or deviate from revision three of the Littoral Combat Ship acquisition strategy;

(B) a determination that a proposed revision to, or deviation from, revision three of the Littoral Combat Ship acquisition strategy is in the national security interest;

(C) a description of the specific revisions or deviations to the Littoral Combat Ship acquisition strategy;

(D) the Littoral Combat Ship acquisition strategy that is in effect following such revision or deviation; and

(E) Independent Cost Estimates prepared by the Assistant Secretary of the Navy for Financial Management and Comptroller, as well as the Office of the Secretary of Defense, that compare the cost of such revision or deviation

to revision three of the Littoral Combat Ship acquisition strategy.

(d) DEFINITIONS.—In this section:

(1) LITTORAL COMBAT SHIP MISSION PACKAGE.—The term ''Littoral Combat Ship mission package'' means a mission module combined with the crew detachment and support aircraft.

(2) MISSION MODULE.—The term ''mission module'' means the mission systems (such as vehicles, communications, sensors, weapons systems) combined with support equipment (such as support containers and standard interfaces) and software (including related to the mission package computing environment and multiple vehicle communications system).

(e) REPEAL OF REPORTING REQUIREMENTS RELATED TO NAVAL VESSELS AND MERCHANT MARINE.—Section 126 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1657) is amended by striking subsection (b).

SEC. 123. CERTIFICATION ON SHIP DELIVERIES.

(a) IN GENERAL.—The delivery of the USS JOHN F. KENNEDY (CVN–79), the USS ZUMWALT (DDG–1000), and any other new construction ship that employs

a multiple phase delivery scheme shall be deemed to occur at the completion of the final phase of construction.

(b) CERTIFICATION REQUIREMENT.—Not later than January 1, 2017, the Secretary of the Navy shall certify that ship delivery dates have been adjusted in accordance with subsection (a). The certification shall include the ship hull numbers and delivery date adjustments. The adjustments shall be reflected in the budget of the President submitted under section 1105(a) of title 31, United States Code, as well as Department of Defense Selected Acquisition Reports.

SEC. 124. LIMITATION ON THE USE OF SOLE SOURCE SHIPBUILDING CONTRACTS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF) may be used to enter into or prepare to enter into a sole source contract unless the Secretary of the Navy submits to the congressional defense committees the certification described in subsection (b) and the report described in subsection (c).

(b) CERTIFICATION.—A certification described in this subsection is a certification by the Secretary of the Navy

that a contract for one or more Joint High Speed Vessels (JHSV) or Expeditionary Fast Transports (EPF)—

(1) is in the national security interest of the United States;

(2) will not result in exceeding the requirement for the ship class, as delineated in the most recent Navy Force Structure Assessment;

(3) will use a fixed-price contract;

(4) will include a fair and reasonable contract price, as determined at the discretion of the Service Acquisition Executive; and

(5) will provide for government purpose data rights of the ship design.

(c) REPORT.—A report described in this subsection is a report that contains the following elements:

(1) The basis for awarding a non-competitive sole source contract.

(2) A description of courses of action to achieve competitive ship or component-level contract awards in the future, should additional ships in the class be procured, including for each such course of action, a notional implementation schedule and associated cost savings, as compared to a sole source award.

SEC. 125. LIMITATION ON AVAILABILITY OF FUNDS FOR THE ADVANCED ARRESTING GEAR PROGRAM.

(a) LIMITATION ON FUNDS.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for research and development, design, procurement, or advanced procurement of materials for the Advanced Arresting Gear to be installed on USS ENTERPRISE (CVN–80) may be obligated or expended until the Secretary of Defense submits to the congressional defense committees the report described under section 2433a(c)(2) of title 10, United States Code, for the Advanced Arresting Gear program.

(b) BASELINE ESTIMATE.—The Secretary of Defense shall deem the 2009 Advanced Arresting Gear acquisition program baseline as the original Baseline Estimate and execute the requirements of sections 2433 and 2433a of title 10, United States Code, as though the Department had submitted a Selected Acquisition Report with this Baseline Estimate included.

SEC. 126. LIMITATION ON PROCUREMENT OF USS JOHN F. KENNEDY (CVN–79) AND USS ENTERPRISE (CVN–80).

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for advance procurement or procurement of USS JOHN F. KENNEDY (CVN–79) or USS EN-

TERPRISE (CVN–80), not more than 25 percent may be obligated or expended until the Secretary of the Navy and the Chief of Naval Operations submit to the congressional defense committees the report required under subsection (b).

(b) REPORT ON CVN–79 AND CVN–80.—Not later than December 1, 2016, the Secretary of the Navy and the Chief of Naval Operations shall submit to the congressional defense committees a report on alternatives, including de-scoping requirements if necessary, to achieve a CVN–80 procurement end cost of $12,000,000,000. In addition, the report shall describe all applicable CVN–80 alternatives that could be applied to CVN–79 to enable an $11,000,000,000 procurement end cost.

(c) ANNUAL REPORT ON CVN–79 AND CVN–80.—

(1) IN GENERAL.—The Secretary of the Navy and the Chief of Naval Operations shall annually submit, with the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, a progress report describing efforts to attain the CVN–79 and CVN–80 procurement end costs specified in subsection (b).

(2) ELEMENTS.—The report under paragraph (1) shall include the following elements:

(A) A description of progress made toward achieving the procurement end costs specified in subsection (b), including realized cost savings.

(B) A description of specific low value-added or unnecessary elements of program cost that have been reduced or eliminated.

(C) Cost savings estimates for current and planned initiatives.

(D) A schedule including a spend plan with phasing of key obligations and outlays, decision points when savings could be realized, and key events that must take place to execute initiatives and achieve savings.

(E) Instances of lower estimates used in contract negotiations.

(F) A description of risks to achieving the procurement end costs specified in subsection (b).

(G) A description of incentives or rewards provided or planned to be provided for meeting the procurement end costs specified in subsection (b).

SEC. 127. LIMITATION ON AVAILABILITY OF FUNDS FOR TACTICAL COMBAT TRAINING SYSTEM INCREMENT II.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense for the Tactical Combat Training System Increment II, not more than 75 percent may be obligated or expended until 60 days after the Secretary of the Navy submits to the congressional defense committees the report required by section 235 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 780).

Subtitle D—Air Force Programs

SEC. 141. EXTENSION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF A–10 AIRCRAFT.

Section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 755) is amended—

(1) in subsection (a)—

(A) by inserting ''or any subsequent fiscal year'' after ''fiscal year 2016''; and

(B) by inserting ''until the Secretary of the Air Force and Chief of Staff of the Air Force submit to the congressional defense committees

the report described in subsection (f)(2)'' before the period at the end;

(2) in subsection (b)(1)—

(A) by striking ''during the period before December 31, 2016,''; and

(B) by inserting ''until the Secretary and Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(3) in subsection (c)—

(A) by inserting ''or any subsequent fiscal year'' after ''fiscal year 2016''; and

(B) by inserting ''or to reduce manning levels to less than those commensurate with other Air Force fighter operational, test, or training units or divisions until the Secretary and the Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(4) in subsection (d)—

(A) by striking ''during the period before December 31, 2016,''; and

(B) by inserting ''until the Secretary and Chief of Staff submit the report described in subsection (f)(2)'' before the period at the end;

(5) by redesignating subsection (e) as subsection (g); and

(6) by inserting after subsection (d) the following new subsections:

"(e) COMPARISON TEST OF THE F–35A AND A–10C AIRCRAFT.—The Director for Operational Test and Evaluation (DOT&E) shall ensure the initial operational test and evaluation (IOT&E) of the F–35 aircraft includes a realistic comparison and evaluation test examining the abilities of the F–35A aircraft and A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller (airborne) missions under a tactically representative variety of combat conditions.

"(f) REPORTS REQUIRED.—

"(1) DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—The Director of Operational Test and Evaluation shall submit to the congressional defense committees a report that includes the following elements:

"(A) The results and findings of the initial operational test and evaluation of the F–35 aircraft program.

"(B) The results and findings of the comparison test and evaluation required under subsection (e) that details the results of all sce-

narios tested and the capabilities of the F–35A and the A–10C aircraft in conducting close air support, combat search and rescue, and forward air controller (airborne) missions in a tactically representative variety of combat conditions.

"(C) A detailed assessment of the F–35A aircraft's close air support, combat search and rescue, and forward air controller (airborne) capabilities and whether the replacement of the A–10C aircraft with the F–35A aircraft for these missions would create a capability gap in these missions.

"(2) SECRETARY OF THE AIR FORCE AND CHIEF OF STAFF OF THE AIR FORCE.—

"(A) REPORT REQUIRED.—Not later than 180 days after the date of the submission of the report under paragraph (1), the Secretary of the Air Force and Chief of Staff of the Air Force shall submit to the congressional defense committees a report that includes—

"(i) the views of the Secretary and Chief of Staff with respect to the results of the initial operational test and evaluation of the F–35 aircraft program as summarized in the report under paragraph (1),

including any issues or concerns of the Secretary and Chief of Staff with respect to such results;

"(ii) a plan for addressing any deficiencies and carrying out any corrective actions identified in such report; and

"(iii) short-term and long-term strategies for preserving the capability of the Air Force to conduct close air support, combat search and rescue, and airborne forward air controller missions.

"(B) REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES.—

"(i) IN GENERAL.—Not later than 90 days after the date that the Secretary of the Air Force and Chief of Staff of the Air Force submit the report required under subparagraph (A), the Comptroller General of the United States shall submit to the congressional defense committees a report on the report submitted under such subparagraph.

"(ii) CONTENTS.—The report submitted under clause (i) shall include the following:

"(I) An assessment of whether the conclusions and assertions included in the report submitted under subparagraph (A) are comprehensive, fully supported, and sufficiently detailed.

"(II) An identification of any shortcomings, limitations, or other reportable matters that affect the quality of the report's findings or conclusions.

"(3) FORM.—The reports submitted under paragraph (1) and paragraph (2)(B) may be submitted in classified form, but shall contain unclassified summaries.".

SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF A–10 AIRCRAFT IN STORAGE STATUS.

(a) LIMITATION.—None of the amounts authorized to be appropriated by this Act or otherwise made available for the Air Force may be obligated or expended to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status in the Aerospace Maintenance and Regeneration Group (AMARG) that have serviceable wings or other components that could be used to prevent total ac-

tive inventory A–10 aircraft from being permanently removed from flyable status due to unserviceable wings or other components until the F–35 initial operational test and evaluation is complete and the Secretary of the Air Force and Chief of Staff of the Air Force submit the report required under subsection (f)(2) of section 142 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 755), as added by section 141 of this Act.

(b) NOTIFICATION REQUIREMENT.—The Deputy Chief of Staff of the Air Force for Logistics, Engineering and Force Protection shall notify the congressional defense committees at least 45 calendar days in advance of any action to scrap, destroy, or otherwise dispose of any A–10 aircraft in any storage status at AMARG. The notification shall include a certification that the A–10 aircraft does not possess serviceable wings or other components necessary to prevent the permanent removal from flyable status of total active inventory A–10 aircraft.

(c) PLAN TO PREVENT REMOVAL OF TOTAL ACTIVE INVENTORY A–10 AIRCRAFT FROM FLYABLE STATUS.—The Secretary of the Air Force shall submit with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, and shall implement, a

plan to prevent any total active inventory A–10 aircraft from being permanently removed from flyable status for unserviceable wings or any other required component over the course of the future years defense plan.

SEC. 143. REPEAL OF THE REQUIREMENT TO PRESERVE CERTAIN RETIRED C–5 AIRCRAFT.

Section 141 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1659) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 144. REPEAL OF REQUIREMENT TO PRESERVE F–117 AIRCRAFT IN RECALLABLE CONDITION.

Section 136 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2114) is amended by striking subsection (b).

SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR EC–130H COMPASS CALL RECAPITALIZATION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year may be obligated or expended on the Air Force EC–130H Compass Call recapitalization

program unless the Air Force conducts a full and open competition to acquire the replacement aircraft platform.

SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS) RECAPITALIZATION PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 or any other fiscal year for the Air Force may be made available for the Air Force's Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program unless the contract for engineering and manufacturing development uses a firm fixed-price contract structure.

Subtitle E—Defense-wide, Joint and Multiservice Matters

SEC. 151. REPORT TO CONGRESS ON INDEPENDENT STUDY OF FUTURE MIX OF AIRCRAFT PLATFORMS FOR THE ARMED FORCES.

(a) INDEPENDENT STUDY.—

(1) IN GENERAL.—The Secretary of Defense shall obtain a study, to be performed by an organization or entity independent of the Department of Defense selected by the Secretary for purposes of this section, that determines the following:

(A) An optimized future mix of shorter range fighter-class strike aircraft and long range strike aircraft platforms for the Armed Forces.

(B) An appropriate future mix of manned aerial platforms and unmanned aerial platforms for the Armed Forces.

(2) CONSIDERATIONS IN DETERMINING MIX.—The mixes determined pursuant to the study shall be determined taking into account relevant portions of the defense strategy, critical assumptions, priorities, force-sizing construct, and cost.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 14, 2017, the Secretary shall submit to the congressional defense committees a comprehensive report on the results of the study required by subsection (a), including, at a minimum, the following:

(A) A detailed discussion of the specific assumptions, observations, conclusions, and recommendations of the study.

(B) A detailed description of the modeling and analysis techniques used for the study.

(C) An overarching plan for fielding complementary weapons systems to meet combatant

commander objectives and fulfilling warfighting capability and capacity requirements in the areas of an optimized force mix of—

(i) long-range versus medium/short-range intelligence, surveillance, and reconnaissance (ISR)/strike platforms;

(ii) manned versus unmanned platforms;

(iii) observability characteristics;

(iv) land-based versus sea-based capabilities;

(v) advanced fourth-generation platforms of proven design;

(vi) next generation air superiority capabilities; and

(vii) game-changing, advanced technology innovations.

(2) FORM.—The report required by paragraph (1) may be submitted in classified form, but shall include an unclassified executive summary.

(3) OTHER SUBMISSIONS.—The Secretary of Defense may refer to other reports or efforts of the Department of Defense for purposes of meeting the requirements of this subsection.

(4) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR DESTRUCTION OF CERTAIN CLUSTER MUNITIONS AND REPORT ON DEPARTMENT OF DEFENSE POLICY AND CLUSTER MUNITIONS.

(a) LIMITATION.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Department of Defense may be obligated or expended for the destruction of cluster munitions before the date on which the Secretary of Defense submits the report required by subsection (c).

(b) EXCEPTION FOR SAFETY.—The limitation under subsection (a) shall not apply to any cluster munitions that the Secretary determines are unsafe or could pose a safety risk if not demilitarized or destroyed.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense shall submit to Congress a report that includes each of the following elements:

(A) A description of the policy of the Department of Defense regarding the use of cluster munitions, including methods for commanders to seek waivers to use such munitions.

(B) A 10-year projection of the requirements and inventory levels for all cluster munitions that takes into account future production of cluster munitions, any plans for demilitarization of such munitions, any plans for the recapitalization of such munitions, the age of the munitions, storage and safety considerations, and other factors that will impact the size of the inventory.

(C) A 10-year projection for the cost to achieve the inventory levels projected in subparagraph (B), including the cost for potential demilitarization or disposal of such munitions.

(D) A 10-year projection for the cost to develop and produce new cluster munitions compliant with the 2008 Department of Defense Policy on Cluster Munitions and Unintended Harm to Civilians that the Secretary determines are necessary to meet the demands of current operational plans.

(E) An assessment, by the Chairman of the Joint Chiefs of Staff, of the effects of the projected cluster inventory on operational plans.

(F) Any other matters that the Secretary determines should be included in the report.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) CLUSTER MUNITIONS DEFINED.—In this section, the term ''cluster munitions'' includes systems delivered by aircraft, cruise missiles, artillery, mortars, missiles, tanks, rocket launchers, or naval guns that deploy payloads of explosive submunitions that detonate via target acquisition, impact, or altitude, or that self-destruct (or a combination of both).

SEC. 153. MEDIUM ALTITUDE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT.

(a) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated for fiscal year 2017 for the Department of Defense by this Act and available for the procurement of manned medium altitude intelligence, surveillance, and reconnaissance aircraft by the United States Special Operations Command may be obligated or expended for that purpose until the Assistant Secretary of Defense for Special Operations and Low In-

tensity Conflict, in consultation with the Commander of the United States Special Operations Command, submits to the congressional defense committees a report on the requirements of the Command for manned intelligence, surveillance, and reconnaissance aircraft.

(b) ELEMENTS.—The report described in subsection (a) shall include the following:

(1) An accounting of all Government-owned, Government-operated and contractor-owned, and contractor-operated manned intelligence, surveillance, and reconnaissance aircraft funded by the United States Special Operations Command in fiscal year 2016.

(2) An analysis of the remaining service life of the aircraft accounted for under paragraph (1).

(3) An explanation of the plans of the Command with regard to the acquisition, sustainment, or divesture of Government-owned, Government-operated and contractor-owned, and contractor-operated manned intelligence, surveillance, and reconnaissance aircraft over term of the future-years defense program submitted to Congress in 2016.

(4) A timeline for establishing a program of record for next generation manned intelligence, sur-

veillance, and reconnaissance aircraft for the Command.

(5) Such other matters with respect to manned intelligence, surveillance, and reconnaissance aircraft for the Command as the Assistant Secretary considers appropriate.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MODIFICATION OF MECHANISMS TO PROVIDE FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AMOUNT AUTHORIZED UNDER CURRENT MECHANISM.—Paragraph (1) of subsection (a) of section 219

of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amended in the matter before subparagraph (A) by striking ''three percent'' and inserting ''four percent''.

(b) ADDITIONAL MECHANISM TO PROVIDE FUNDS.—Such subsection is further amended by adding at the end the following new paragraph:

''(3) FEE.—After consultation with the science and technology executive of the military department concerned, the director of a defense laboratory may charge customer activities a fixed percentage fee, in addition to normal costs of performance, in order to obtain funds to carry out activities authorized by this subsection. The fixed fee may not exceed three percent of costs.''.

(c) MODIFICATION OF COST LIMIT COMPLIANCE FOR INFRASTRUCTURE PROJECTS.—Subsection (b)(4) of such section is amended by adding at the end the following new subparagraph:

''(C) Section 2802 of such title, with respect to construction projects that exceed the cost specified in subsection (a)(2) of section 2805 of such title for certain unspecified minor military construction projects for laboratories.''.

(d) REPEAL OF SUNSET.—Such section is amended by striking subsection (d).

SEC. 212. MAKING PERMANENT AUTHORITY FOR DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

Section 1073 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2359 note) is amended—

(1) in subsection (d), by striking ''for each of fiscal years 2011 through 2023 may be used for any such fiscal year'' and inserting ''for a fiscal year may be used for such fiscal year''; and

(2) by striking subsection (f).

SEC. 213. AUTHORIZATION FOR NATIONAL DEFENSE UNIVERSITY AND DEFENSE ACQUISITION UNIVERSITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.

(a) NATIONAL DEFENSE UNIVERSITY.—Section 2165 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Sec-

retary may enter into such contract or cooperative agreement or award such grant through the National Defense University.

"(2) The National Defense University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).".

(b) DEFENSE ACQUISITION UNIVERSITY.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the Defense Acquisition University.

"(2) The Defense Acquisition University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).".

SEC. 214. MANUFACTURING UNIVERSITIES GRANT PROGRAM.

Section 2196 of title 10, United States Code, is amended to read as follows:

"§ 2196. Manufacturing engineering education: grant program

''(a) ESTABLISHMENT OF MANUFACTURING UNIVERSITIES GRANT PROGRAM.—(1) The Secretary of Defense shall establish a program under which the Secretary makes grants to support—

''(A) the enhancement of existing programs in manufacturing engineering education to further a mission of the department; or

''(B) the establishment of new programs in manufacturing engineering education that meet such requirements.

''(2) Grants under this section may be made to institutions of higher education or to consortia of such institutions.

''(3) The Secretary shall establish the program in consultation with the Secretary of Education, the Director of the National Science Foundation, the Director of the Office of Science and Technology Policy, and the secretaries of such other relevant Federal agencies as the Secretary considers appropriate.

"(4) The Secretary shall ensure that the program is coordinated with Department programs associated with advanced manufacturing.

"(5) The program shall be known as the 'Manufacturing Universities Grant Program'.

"(b) NEW PROGRAMS IN MANUFACTURING ENGINEERING EDUCATION.—A program in manufacturing engineering education to be established at an institution of higher education may be considered to be a new program for the purpose of subsection (a)(1)(B) regardless of whether the program is to be conducted—

"(1) within an existing department in a school of engineering of the institution;

"(2) within a manufacturing engineering department to be established separately from the existing departments within such school of engineering; or

"(3) within a manufacturing engineering school or center to be established separately from an existing school of engineering of such institution.

"(c) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall, to the maximum extent practicable, avoid geographical concentration of grant awards.

"(d) COVERED PROGRAMS.—(1) A program of engineering education supported with a grant awarded pursuant to this section shall meet the requirements of this section.

"(2) Such a grant may be made for a program of education to be conducted at the undergraduate level, at the graduate level, or at both the undergraduate and graduate levels.

"(e) COMPONENTS OF PROGRAM.—The program of education for which such a grant is made shall be a consolidated and integrated multidisciplinary program of education having each of the following components:

"(1) Multidisciplinary instruction that encompasses the total manufacturing engineering enterprise and that may include—

"(A) manufacturing engineering education and training through classroom activities, laboratory activities, thesis projects, individual or team projects, and visits to industrial facilities, consortia, or centers of excellence in the United States and foreign countries;

"(B) faculty development programs;

"(C) recruitment of educators highly qualified in manufacturing engineering;

"(D) presentation of seminars, workshops, and training for the development of specific research or education skills;

"(E) activities involving interaction between the institution of higher education conducting the program and industry, including programs for visiting scholars or industry executives;

"(F) development of new manufacturing curriculum, course offerings, and education programs;

"(G) establishment of centers of excellence in manufacturing workforce training;

"(H) establishment of joint programs with defense laboratories and depots; and

"(I) expansion of advanced manufacturing training and education for members of the armed forces, veterans, Federal employees, and others.

"(2) Opportunities for students to obtain work experience in manufacturing through such activities as internships, summer job placements, or cooperative work-study programs.

"(3) Faculty and student research that is directly related to, and supportive of, the education of

undergraduate or graduate students in advanced manufacturing science and technology because of—

"(A) the increased understanding of advanced manufacturing science and technology that is derived from such research; and

"(B) the enhanced quality and effectiveness of the instruction that result from that increased understanding.

"(f) GRANT PROPOSALS.—The Secretary of Defense shall solicit from institutions of higher education in the United States (and from consortia of such institutions) proposals for grants to be made pursuant to this section for the support of programs of manufacturing engineering education that are consistent with the purposes of this section.

"(g) MERIT COMPETITION.—Applications for grants shall be evaluated on the basis of merit pursuant to competitive procedures prescribed by the Secretary.

"(h) SELECTION CRITERIA.—The Secretary may select a proposal for the award of a grant pursuant to this section if the proposal, at a minimum, does each of the following:

"(1) Contains innovative approaches for improving engineering education in manufacturing technology.

"(2) Demonstrates a strong commitment by the proponents to apply the resources necessary to achieve the objectives for which the grant is to be made.

"(3) Provides for the conduct of research that supports the instruction to be provided in the proposed program and is likely to improve manufacturing engineering and technology.

"(4) Demonstrates a significant level of involvement of United States industry in the proposed instructional and research activities.

"(5) Is likely to attract superior students.

"(6) Proposes to involve fully qualified faculty personnel who are experienced in research and education in areas associated with manufacturing engineering and technology.

"(7) Proposes a program that, within three years after the grant is made, is likely to attract from sources other than the Federal Government the financial and other support necessary to sustain such program.

"(8) Proposes to achieve a significant level of participation by women, members of minority groups, and individuals with disabilities through ac-

tive recruitment of students from among such persons.

"(9) Trains college graduates, from engineering or other science and technical fields, and other members of the technical workforce, in advanced manufacturing and in relevant emerging technologies and production processes.

"(i) FEDERAL SUPPORT.—The amount of financial assistance furnished to an institution of higher education under this section may not exceed 50 percent of the estimated cost of carrying out the activities proposed to be supported in part with such financial assistance for the period for which the assistance is to be provided.

"(j) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).".

SEC. 215. INCREASED MICRO-PURCHASE THRESHOLD FOR BASIC RESEARCH PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories

''Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $10,000 for purposes of basic research programs and for the activities of the Department of Defense science and technology reinvention laboratories.''.

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

''2338. Micro-purchase threshold for basic research programs and activities of the Department of Defense science and technology reinvention laboratories.''.

(b) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking ''For purposes'' and inserting ''Except as provided in section 2338 of title 10, for purposes''.

SEC. 216. DIRECTED ENERGY WEAPON SYSTEM PROGRAMS.

(a) INCLUSION OF DIRECTED ENERGY WEAPON SYSTEM PROGRAMS IN THE RAPID ACQUISITION AUTHORITY PROGRAM.—

(1) IN GENERAL.—Section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by adding at the end the following new subparagraph:

''(D)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency in directed energy weapon systems, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of needed offensive or defensive directed energy weapon systems capabilities, supplies, and associated support services.

''(ii) For the purposes of directed energy weapon systems acquisition, the Secretary of Defense shall consider use of the following procedures:

''(I) The rapid acquisition authority provided under this section.

''(II) Use of other transactions authority provided under section 2371 of title 10, United States Code.

''(III) The acquisition of commercial items using simplified acquisition procedures.

"(IV) The authority for procurement for experimental purposes provided under section 2373 of title 10, United States Code.

"(iii) In this subparagraph, the term 'directed energy weapon systems' means military action involving the use of directed energy to incapacitate, damage, or destroy enemy equipment, facilities, or personnel.".

(2) CONFORMING AMENDMENTS.—Section 2373 of title 10, United States Code, is amended—

(A) in subsection (a), by striking "and aeronautical supplies" and inserting ", aeronautical supplies, and directed energy weapon systems"; and

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

"(c) DIRECTED ENERGY WEAPON SYSTEMS DEFINED.—In this section, the term 'directed energy weapon systems' means military action involving the use of directed energy to incapacitate, damage, or destroy enemy equipment, facilities, or personnel.".

(b) JOINT DIRECTED ENERGY PROGRAM OFFICE.—

(1) REDESIGNATION.—The High Energy Laser Joint Technology Office of the Department of Defense is hereby redesignated as the "Joint Directed

Energy Program Office'' (in this subsection referred to as the ''Office'').

(2) STRATEGIC PLAN FOR DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—In addition to the functions and duties of the Office in effect on the day before the date of the enactment of this Act, the Office shall develop a strategic plan for development and fielding of directed energy weapons capabilities for the Department, in which the Office may define requirements for directed energy capabilities that address the highest priority warfighting capability gaps of the Department.

(3) ACCELERATION OF DEVELOPMENT AND FIELDING OF DIRECTED ENERGY WEAPONS CAPABILITIES.—

(A) IN GENERAL.—To the degree practicable, the Office shall use the policies of the Department that are revised pursuant to this section and new acquisition and management practices established pursuant to this section to accelerate the development and fielding of directed energy capabilities.

(B) ENGAGEMENT.—The Secretary shall ensure that use of policies and practices de-

scribed in subparagraph (A) include engagement with defense and private industries, research universities, and unaffiliated, nonprofit research institutions.

SEC. 217. LIMITATION ON B–21 ENGINEERING AND MANUFACTURING DEVELOPMENT PROGRAM FUNDS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be made available for the B–21 Engineering and Manufacturing Development (EMD) program until the Air Force releases the value of the B–21 EMD contract award made on October 27, 2015, to the congressional defense committees.

SEC. 218. PILOT PROGRAM ON DISCLOSURE OF CERTAIN SENSITIVE INFORMATION TO CONTRACTORS PERFORMING UNDER CONTRACTS WITH DEPARTMENT OF DEFENSE FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.

(a) IN GENERAL.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of permitting officers and employees of the Department of Defense to disclose sensitive information to federally funded research and development centers of the Department for the sole purpose of the performance of

administrative, technical, or professional services under and within the scope of the contracts with such federally funded research and development centers.

(b) FFRDCs.—The pilot program shall be carried out with one or more federally funded research and development centers of the Department selected by the Secretary for participation in the pilot program.

(c) FFRDC PERSONNEL.—Sensitive information may be disclosed to personnel of a contractor of a federally funded research and development center under the pilot program only if such personnel agree to be subject to, and comply with, such ethics standards and requirements as the Secretary shall specify for purposes of the pilot program, including the Ethics in Government Act of 1978, section 1905 of title 18, United States Code, and chapter 21 of title 41, United States Code.

(d) CONDITIONS ON DISCLOSURE.—Sensitive information may be disclosed under the pilot program only if the federally funded research and development center concerned and any relevant contractors agree to and acknowledge that—

(1) sensitive information furnished to the federally funded research and development center and any relevant contractor under the pilot program will be accessed and used only for the purposes stated in

the contract between the federally funded research and development center and such contractor;

(2) the federally funded research and development center and any relevant contractor will take all precautions necessary to prevent disclosure of the sensitive information furnished to anyone not authorized access to the information in order to perform the applicable contract;

(3) sensitive information furnished under the pilot program shall not be used by the federally funded research and development center and any relevant contractor to compete against a third party for a Government or non-Government contract, or to support current or future research or technology development activities performed by the federally funded research and development center or contractor; and

(4) any personnel of a contractor of a federally funded research and development center participating in the pilot program may not have access to any trade secrets, or to any other nonpublic information which is of value to the research and technology development activities of the private-sector organization from which such employee is assigned, unless specifically authorized by this section or other law.

(e) DURATION.—The pilot program shall terminate on the date that is three years after the date of the commencement of the pilot program.

(f) ASSESSMENT.—Not later than two years after the commencement of the pilot program, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program, including an assessment of the effectiveness of activities under the pilot program in improving acquisition processes and the effectiveness of protections of private-sector intellectual property in the course of such activities.

(g) SENSITIVE INFORMATION DEFINED.—In this section, the term ''sensitive information'' means confidential commercial, financial, or proprietary information, technical data, contract performance, contract performance evaluation, management, and administration data, or other privileged information owned by other contractors of the Department of Defense that is exempt from public disclosure under section 552(b)(4) of title 5, United States Code, or which would otherwise be prohibited from disclosure under section 1832 or 1905 of title 18, United States Code.

SEC. 219. PILOT PROGRAM ON ENHANCED INTERACTION BETWEEN THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY AND THE SERVICE ACADEMIES.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of additional and enhanced interaction between the Defense Advanced Research Projects Agency and the service academies.

(b) AWARDS OF FUNDS.—In carrying out the pilot program, the Secretary of Defense may provide funds to current contractors and grantees of the Department of Defense under the Defense Advanced Research Projects Agency in order to encourage such contractors and grantees to do as follows:

(1) Develop research partnerships with the service academies for the purpose of utilizing the technology transition networks service academies maintain among their academic departments, resident research centers, and existing partnerships with service laboratories and other Federal degree granting institutions.

(2) Utilize technology transition insight from faculty-in-training who are enrolled at academic institutions conducting advanced research for the Department.

(3) Include the service academies' faculty members, cadets, and midshipmen as participants in technology user evaluations.

(4) Provide sabbaticals and internships for faculty members, cadets, and midshipmen at the service academies at research agencies, laboratories, and facilities of the Department and at university and industry research facilities.

(c) TERMINATION.—The authority to carry out the pilot program shall terminate on September 30, 2020.

(d) DEFINITIONS.—In this section:

(1) The term ''faculty-in-training'' means personnel attending graduate school programs at the expense of the Armed Forces with follow-on assignments as faculty at the service academies.

(2) The term ''service academies'' means the following:

(A) The United States Military Academy

(B) The United States Naval Academy.

(C) Th United States Air Force Academy.

(D) The United States Coast Guard Academy

(E) The United States Merchant Marine Academy.

SEC. 220. MODIFICATION OF AUTHORITY FOR USE OF OPERATION AND MAINTENANCE FUNDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS CONSISTING OF LABORATORY REVITALIZATION.

(a) INCREASE IN AMOUNT AUTHORIZED.—Section 2805(d) of title 10, United States Code, is amended by striking ''$4,000,000'' each place it appears and inserting ''$6,000,000''.

(b) EXTENSION OF SUNSET.—Paragraph (5) of such section is amended by striking ''2018'' and inserting ''2025''.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 302. MODIFIED REPORTING REQUIREMENT RELATED TO INSTALLATIONS ENERGY MANAGEMENT.

Subsection (a) of section 2925 of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''AND RESILIENCY'' after ''ANNUAL REPORT RELATED TO INSTALLATIONS ENERGY MANAGEMENT'';

(2) by striking paragraphs (2), (3), (4), (5), (6), (7), (8), and (10); and

(3) by redesignating subsections (9) and (11) as paragraphs (2) and (3), respectively.

SEC. 303. REPORT ON EFFORTS TO REDUCE HIGH ENERGY COSTS AT MILITARY INSTALLATIONS.

(a) REPORT.—

(1) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in conjunction with the assistant secretaries responsible for installations and environment for the military services and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to

achieve cost savings at military installations with high energy costs.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high energy costs.

(B) An assessment of current sources of energy in areas with high energy costs and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with Department of Defense priorities.

(D) An explanation on how military services are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of extent of which activities administered under the Federal Energy Management Program could be used to assist with the implementation strategy.

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) COORDINATION WITH STATE AND LOCAL AND OTHER ENTITIES.—In preparing the report required under paragraph (1), the Under Secretary may work in conjunction and coordinate with the States containing areas of high energy costs, local communities, and other Federal departments and agencies.

(b) DEFINITIONS.—In this section, the term ''high energy costs'' means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

SEC. 304. UTILITY DATA MANAGEMENT FOR MILITARY FACILITIES.

(a) PILOT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a pilot program to investigate the utilization of utility data management services to perform utility bill aggregation, analysis, third-party payment, storage, and distribution.

(b) USE OF FUNDS.—The Secretary of Defense may use funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for operation and maintenance, Navy, and available for enterprise information to carry out the pilot program required under subsection (a).

SEC. 305. LINEAR LED LAMPS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend section 2–4.1.1.2 of the Department of Defense's Unified Facilities Criteria 3–530–1 to provide that—

(1) linear LED lamps with luminaire conversion kits may be UL Type B, receiving power on only one end of the lamp, 110–277VAC compatible; and

(2) for Army, Air Force, and Navy projects, linear LED lamps are allowed for light source retrofits.

Subtitle C—Logistics and Sustainment

SEC. 311. DEPLOYMENT PRIORITIZATION AND READINESS OF ARMY UNITS.

(a) DEPLOYMENT PRIORITIZATION AND READINESS.—

(1) IN GENERAL.—Chapter 1003 of title 10, United States Code, is amended by inserting after section 10102 the following new section:

"§ 10102a. Deployment prioritization and readiness of Army units

''(a) DEPLOYMENT PRIORITIZATION.—The Secretary of the Army shall maintain a system for identifying the priority of deployment for units of all components of the Army.

''(b) DEPLOYABILITY READINESS RATING.—The Secretary shall maintain a readiness rating system for units of all components of the Army that provides an accurate assessment of the deployability of a unit and those shortfalls of a unit that require the provision of additional resources. The system shall ensure that—

''(1) the personnel readiness rating of a unit reflects—

''(A) both the percentage of the overall personnel requirement of the unit that is

manned and deployable and the fill and deployability rate for critical occupational specialties necessary for the unit to carry out its back mission requirements; and

"(B) the number of personnel in the unit who are qualified in their primary military occupational specialty; and

"(2) the equipment readiness assessment of a unit—

"(A) documents all equipment required for deployment;

"(B) reflects only that equipment that is directly possessed by the unit;

"(C) specifies the effect of substitute items; and

"(D) assesses the effect of missing components and sets on the readiness of major equipment items.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1003 of such title is amended by inserting after the item relating to section 10102 the following new item:

"10102a. Deployment prioritization and readiness of Army units.".

(b) REPEAL OF SUPERSEDED PROVISIONS OF LAW.—Sections 1121 and 1135 of the Army National Guard Combat Readiness Reform Act of 1992 (title XI

of Public Law 102–484; 10 U.S.C. 10105 note) are repealed.

SEC. 312. REVISION OF GUIDANCE RELATED TO CORROSION CONTROL AND PREVENTION EXECUTIVES.

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Director of Corrosion Policy and Oversight, shall revise corrosion-related guidance to clearly define the role of the corrosion control and prevention executives of the military departments in assisting the Office of Corrosion Policy and Oversight in holding the appropriate project management office in each military department accountable for submitting the report required under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2228 note) with an expanded emphasis on infrastructure, as required in the long-term strategy of the Department of Defense under section 2228(d) of title 10, United States Code.

SEC. 313. REPAIR, RECAPITALIZATION, AND CERTIFICATION OF DRY DOCKS AT NAVAL SHIPYARDS.

Amounts authorized to be appropriated for fiscal year 2017 by section 301 for operation and maintenance and available as foreign currency fluctuation savings as specified in the funding table in section 4301 may be made available for the repair, recapitalization, and certification of dry docks at Naval shipyards.

Subtitle D—Reports

SEC. 321. MODIFICATIONS TO QUARTERLY READINESS REPORT TO CONGRESS.

(a) DEADLINE FOR REPORT.—Subsection (a) of section 482 of title 10, United States Code, is amended by striking ''Not later than 45 days after the end of each calendar-year quarter'' and inserting ''Not later than 30 days after the end of each calendar-year quarter''.

(b) ELIMINATION OF REPORTING REQUIREMENTS RELATED TO PREPOSITIONED STOCKS AND NATIONAL GUARD CIVIL SUPPORT MISSION READINESS.—Such section is further amended—

(1) in subsection (a), by striking ''subsections (b), (d), (e), (f), (g), (h), and (i)'' and inserting ''subsections (b), (d), (e), (f), and (g)'';

(2) by striking subsections (d) and (e); and

(3) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (d), (e), (f), (g), and (i) respectively.

(c) INCLUSION OF INFORMATION ON CANNIBALIZATION RATES.—Such section, as amended by subsection (b), is further amended by inserting after subsection (g), as redesignated by paragraph (3) of such subsection (b), the following new subsection:

''(h) CANNIBALIZATION RATES.—Each report under this section shall include a separate unclassified report containing the information collected pursuant to section 117(c)(7) of this title.''.

SEC. 322. REPORT ON HH–60G SUSTAINMENT AND COMBAT RESCUE HELICOPTER (CRH) PROGRAM.

(a) REPORT ON SUSTAINMENT PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth a plan to modernize, sustain training, and provide depot maintenance for all components of the HH–60 helicopter fleet until total force combat rescue units have been fully equipped with HH–60W Combat Rescue Helicopters.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) A description of the Air Force's modernization plan for legacy HH–60G combat rescue helicopters.

(2) A description of the Air Force's plan to maintain the training pipeline for the HH–60G aircrew and maintenance force required to maintain full readiness through the end of fiscal year 2029.

(3) A description of the Air Force's depot maintenance plan to ensure the legacy HH–60G fleet of helicopters is maintained to meet readiness rates through the end of fiscal year 2029.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle E—Other Matters

SEC. 331. REPURPOSING AND REUSE OF SURPLUS MILITARY FIREARMS.

(a) ARMY TRANSFERS.—

(1) REQUIRED TRANSFER.—Not later than 90 days after the date of the enactment of this Act, and subject to paragraphs (3) and (4), the Secretary of the Army shall transfer to Rock Island Arsenal all excess firearms, related spare parts and components, small arms ammunition, and ammunition components currently stored at Defense Distribution

Depot, Anniston, Alabama, that are no longer actively issued for military service.

(2) REPURPOSING AND REUSE.—The items specified for transfer under paragraph (1) shall be melted and repurposed for military use as determined by the Secretary of the Army, including—

(A) the re-forging of new firearms or their components; and

(B) force protection barriers and security bollards.

(3) TRANSFER FOR HISTORICAL PURPOSES.—Notwithstanding paragraphs (1) and (2), the Secretary may transfer up to 2,000 surplus caliber .45 M1911/M1911A1 pistols and 2,000 M–14 Rifles to a military museum for display and preservation.

(4) ITEMS EXEMPT FROM TRANSFER.—M–1 Garand and caliber .22 rimfire rifles are not subject to the transfer requirement under paragraph (1).

(b) NAVY TRANSFERS.—Section 40728 of title 36, United States Code, is amended by adding at the end the following new subsection:

"(i) AUTHORIZED NAVY TRANSFERS.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Secretary of the Navy may transfer to the corporation, in accordance with the

procedures prescribed in this subchapter, M–1 Garand and caliber .22 rimfire rifles held within the inventories of the United States Navy and the United States Marine Corps and stored at Defense Distribution Depot, Anniston, Alabama, or Naval Surface Warfare Center, Crane, Indiana, as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.

"(2) USE AS MARKSMANSHIP TROPHIES.—The items specified for transfer under paragraph (1) shall be used as awards for competitors in marksmanship competitions held by the United States Marine Corps or the United States Navy and may not be resold.".

SEC. 332. LIMITATION ON DEVELOPMENT AND FIELDING OF NEW CAMOUFLAGE AND UTILITY UNIFORMS.

No funds may be obligated or expended for the development or fielding of new camouflage or utility uniforms or families of uniforms until one year after the Secretary of Defense notifies the congressional defense committees of the proposed development or fielding.

SEC. 333. HAZARD ASSESSMENTS RELATED TO NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—Section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) is amended—

(1) in subsection (e)—

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

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

''(2) ELEMENTS OF HAZARD ASSESSMENT.—Each hazard assessment shall, at a minimum, include—

''(A) an analysis of—

''(i) the electromagnetic interference that the proposed project would cause for any military installation, military-owned or military-operated air traffic control radar site, military training route or range, navigation aid, and approach systems;

''(ii) any other adverse impacts of the proposed project on military operations, safety, and readiness, including adverse ef-

fects to instrument or visual flight operations; and

"(iii) what alterations could be made to the proposed project, including its location and physical proximity to the affected military installation, military-owned or military-operated air traffic control radar site, military training route or range, or navigation aid, to sufficiently mitigate any adverse impacts described under clauses (i) and (ii); and

"(B) a determination as to whether the proposed project will have any adverse aeronautical effects, as described in clauses (i) and (ii) of subparagraph (A), or other significant military operational impacts.";

(C) in paragraph (4), as redesignated by subparagraph (A), by striking "paragraph (2)" and inserting "paragraph (3)"; and

(D) in paragraph (5), as redesignated by such subparagraph, by striking "paragraph (2)" and inserting "paragraph (3)"; and

(2) in subsection (j), by adding at the end the following new paragraph:

"(4) The term 'unacceptable risk to the national security of the United States' includes any significant adverse aeronautical effects, such as electromagnetic interference with the affected military installation, military-owned or military-operated air traffic control radar site, navigation aid, and approach systems, as well as any other significant adverse impacts on military operations, safety, and readiness, such as adverse effects to instrument or visual flight operations.".

(b) REVIEW OF APPROVED PROJECTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of mitigation plans developed pursuant to subsection (e) of section 358 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4201; 49 U.S.C. 44718 note) to ensure that the mitigation plans comply with the requirements of paragraph (2) of such subsection, as added by subsection (a) of this section.

SEC. 334. PLAN FOR MODERNIZED AIR FORCE DEDICATED ADVERSARY AIR TRAINING ENTERPRISE.

(a) PLAN REQUIRED.—The Chief of Staff of the Air Force shall develop a plan—

(1) to provide a modernized dedicated adversary air training enterprise for the Air Force in order to—

(A) maximize warfighting effectiveness and synergies of the current and planned fourth and fifth generation combat air forces through optimized training and readiness; and

(B) harness intelligence analysis, emerging live-virtual-constructive training technologies, range infrastructure improvements, and results of experimentation and prototyping efforts in operational concept development;

(2) to explore all available opportunities to challenge the combat air forces of the Air Force with threat representative adversary-to-friendly aircraft ratios, known and emerging adversary tactics, and high fidelity replication of threat airborne and ground capabilities; and

(3) to execute all means available to achieve training and readiness goals and objectives of the Air Force with demonstrated institutional commitment to the adversary air training enterprise through the application of Air Force policy and resources, partnering with the other Armed Forces, al-

lies, and friends, and employing the use of industry contracted services.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall include enterprise goals, objectives, concepts of operations, phased implementation timelines, analysis of expected readiness improvements, prioritized resource requirements, and such other matters as the Chief of Staff considers appropriate.

(c) SUBMITTAL OF PLAN AND BRIEFING.—Not later than March 3, 2017, the Chief of Staff shall provide to the Committees on Armed Services of the Senate and the House of Representatives a written plan and a briefing on the plan under subsection (a).

SEC. 335. INDEPENDENT STUDY TO REVIEW AND ASSESS THE EFFECTIVENESS OF THE AIR FORCE READY AIRCREW PROGRAM.

(a) STUDY.—The Secretary of the Air Force shall commission an independent review and assessment of the assumptions underlying the Air Force's annual continuation training requirements and the efficacy of the overall Ready Aircrew Program in the management of Air Force's aircrew training requirements.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Sec-

retary of the Air Force shall submit to the congressional defense committees a report on the review conducted.

(2) ELEMENTS.—The report required under paragraph (1) shall include an analysis, and where appropriate, an assessment of—

(A) the total sorties required by each combat aircraft and mission type to reach minimum and optimum levels of proficiency;

(B) the optimal mix of live and virtual training sorties by aircraft and mission type;

(C) the requirements for and availability of supporting assets and infrastructure to achieve proficiency levels;

(D) the accumulated flying hours or other measurements needed to achieve experienced aircrew designations, and whether different measures should be used;

(E) the optimum mix of experienced versus inexperienced aircrews by aircraft and mission type;

(F) the actions planned and taken, and the estimated magnitude of resources required, to incorporate the assessment recommendations; and

(G) any other matters the Secretary determines are appropriate to ensure a comprehensive review and assessment.

(c) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall review the report submitted under subsection (b) and submit to the congressional defense committees an assessment of the matters contained in the report, including an assessment of—

(A) the extent to which the Air Force's report addressed the mandated reporting elements;

(B) the adequacy and completeness of the assumptions reviewed to establish the annual training requirements;

(C) the Air Force's actions planned to incorporate the report results into annual training documents; and

(D) any other matters the Comptroller General determines are relevant.

(2) BRIEFING.—The Comptroller General shall brief the congressional defense committees on the preliminary results of the review conducted under paragraph (1) not later than 60 days after the date

on which the Secretary of the Air Force submits the report required under subsection (b).

SEC. 336. MITIGATION OF RISKS POSED BY CERTAIN WINDOW COVERINGS WITH ACCESSIBLE CORDS IN MILITARY HOUSING UNITS IN WHICH CHILDREN RESIDE.

(a) REMOVAL OF CERTAIN WINDOW COVERINGS.—The Secretary of Defense shall remove and replace window coverings with accessible cords exceeding 8 inches in length and window coverings with continuous loop/bead cord from military housing units in which children under the age of 9 reside.

(b) REQUIREMENT FOR HOUSING CONTRACTORS TO PHASE OUT WINDOW COVERINGS WITH ACCESSIBLE CORDS FROM MILITARY HOUSING UNITS.—The Secretary of Defense shall require housing contractors to phase out window coverings with accessible cords exceeding 8 inches in length and window coverings with continuous loop/bead cords that do not contain a cord tension device that prohibits operation when not anchored to the wall from military housing units within one year of the date of the enactment of this Act.

SEC. 337. TACTICAL EXPLOSIVE DETECTION DOGS.

(a) INCLUSION IN DEFINITION OF MILITARY ANIMALS.—Section 2583(h) of title 10, United States Code,

is amended by adding at the end the following new paragraph:

"(3) A tactical explosive detection dog (TEDD) that has been transferred to the 341st Training Squadron from a private contractor.".

(b) REQUIRED CONTRACT CLAUSE.—

(1) CIVILIAN CONTRACTS.—

(A) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

"§ 4713. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life

"(a) IN GENERAL.—Each contract with a provider of tactical explosive detection dogs (TEDDs) shall include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life as described in subsection (b), including for purposes of reclassification as a military animal and placement for adoption in accordance with section 2583 of title 10.

"(b) SERVICE LIFE.—For purposes of this section, an animal's service life is over and the animal is available for transfer to the 341st Training Squadron only if—

"(1) the animal's final United States Government-wide contractual obligation is with the Department of Defense, military service, or defense agency; and

"(2) the animal has no additional capability to be utilized by another United States Government agency due to age, injury, or performance.".

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

"4713. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life.".

(2) DEFENSE CONTACTS.—

(A) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410r. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life

"Each Department of Defense contract with a provider of tactical explosive detection dogs (TEDDs) shall include a provision requiring the contractor to transfer the dog to the 341st Training Squadron after the animal's service life, including for purposes of reclassification as a

military animal and placement for adoption in accordance with section 2583 of this title.''.

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

''2410r. Contracts for provision of tactical explosive detection dogs: requirement to transfer animals to 341st Training Squadron after service life.''.

SEC. 338. STARBASE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget of the President for fiscal year 2017 requested no funding for the Department of Defense STARBASE program.

(2) The purpose of the STARBASE program is to improve the knowledge and skills of students in kindergarten through 12th grade in science, technology, engineering, and mathematics (STEM) subjects, to connect them to the military, and to motivate them to explore science, technology, engineering, and mathematics and possible military careers as they continue their education.

(3) The STARBASE program currently operates at 76 locations in 40 States and the District of Columbia and Puerto Rico, primarily on military installations.

(4) To date, nearly 750,000 students have participated in the STARBASE program.

(5) The STARBASE program is a highly effective program run by dedicated members of the Armed Forces and strengthens the relationships between the military, communities, and local school districts.

(6) The budget of the President for fiscal year 2017 seeks to eliminate funding for the STARBASE program for that fiscal year due to a reorganization of science, technology, engineering, and mathematics programs throughout the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the STARBASE program should continue to be funded by the Department of Defense.

SEC. 339. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS FOR DRIVERS OF VEHICLES OF ONLINE TRANSPORTATION NETWORK COMPANIES.

(a) ACCESS TO BE PERMITTED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish policies, terms and conditions under which drivers of vehicles affiliated with online transportation network companies shall be permitted access to installations of the Department of Defense. In es-

tablishing such policies, terms and conditions, the Secretary shall take into account force protection requirements and ensure the protection and safety of members of the Armed Forces, civilian employees of the Department, and their families.

(b) ELEMENTS.—

(1) IN GENERAL.—The policies, terms, and conditions established pursuant to this section shall—

(A) permit access to installations by drivers of vehicles affiliated with transportation network companies that have authorized access to installations of the Department as of the date of the enactment of this Act;

(B) permit access to installations by drivers of vehicles affiliated with transportation network companies that seek authorized access to installations of the Department after the date of the enactment of this Act, but only if such drivers of vehicles agree to abide by such terms and conditions;

(C) prohibits drivers of vehicles, and personnel, affiliated with transportation network companies, from accessing sensitive areas of installations of the Department;

(D) permit drivers of vehicles affiliated with transportation network companies that have authorized access to installations of the Department access to barracks areas, housing areas, temporary lodging facilities areas, and military unit areas; and

(E) require each transportation network company whose affiliated drivers of vehicles have authorized access to installations of the Department—

(i) to track, in real-time, the location of the entry and exit of such drivers onto and off such installations; and

(ii) to provide, on demand, the information described in clause (i) to personnel and agencies of the Department.

(2) CONFIDENTIALITY OF INFORMATION PROVIDED.—The terms and conditions shall provide for the treatment of any information provided by a transportation network company in accordance with the requirements of paragraph (1)(E) as confidential and proprietary information of the transportation network company exempt from public disclosure pursuant to section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Informa-

tion Act''). The Department shall not disclose such information to any person or entity without the express written consent of the transportation network company unless required by a court order.

(c) TRANSPORTATION NETWORK COMPANY DEFINED.—In this section, the term ''transportation network company'' means a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect riders to drivers affiliated with the entity in order for a driver to provide transportation services to a rider.

SEC. 340. WOMEN'S MILITARY SERVICE MEMORIALS AND MUSEUMS.

(a) AUTHORIZATION.—The Secretary of Defense may provide not more than $5,000,000 in financial support for the acquisition, installation, and maintenance of exhibits, facilities, historical displays, and programs at military service memorials and museums that highlight the role of women in the military. The Secretary may enter into a contract with a non-profit organization for the purpose of performing such acquisition, installation, and maintenance.

(b) OFFSET.—Of the funds authorized to be appropriated by section 301 for operation and maintenance, Army, and available for the National Museum of the United States Army, not more than $5,000,000 shall be

provided, at the discretion of the Secretary of Defense, to carry out activities under subsection (a).

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Personnel

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2017, as follows:

(1) The Army, 460,000.

(2) The Navy, 322,900.

(3) The Marine Corps, 182,000.

(4) The Air Force, 317,000.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2017, as follows:

(1) The Army National Guard of the United States, 335,000.

(2) The Army Reserve, 195,000.

(3) The Navy Reserve, 58,000.

(4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 105,700.

(6) The Air Force Reserve, 69,000.

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

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2017, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,155.

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 9,955.

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

(5) The Air National Guard of the United States, 14,764.

(6) The Air Force Reserve, 2,955.

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

(a) IN GENERAL.—The authorized number of military technicians (dual status) as of September 30, 2017, for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 25,507.

(2) For the Army Reserve, 7,570.

(3) For the Air National Guard of the United States, 22,103.

(4) For the Air Force Reserve, 10,061.

(b) VARIANCE.—Notwithstanding subsection (d) of section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be varied in the same manner as is provided for the variance of end strengths in subsections (f)(1) and (g)(1)(B) of such section as if such end strength prescribed by subsection (a) were an end strength for personnel otherwise described by such subsection (f)(1) or (g)(1)(B), as applicable.

SEC. 414. FISCAL YEAR 2017 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2017, may not exceed the following:

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

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2017, may not exceed 420.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2017, may not exceed 90.

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

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

During fiscal year 2017, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

SEC. 416. TECHNICAL CORRECTIONS TO ANNUAL AUTHORIZATION FOR PERSONNEL STRENGTHS.

Section 115 of title 10, United States Code, is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''502(f)(2)'' and inserting ''502(f)(1)(B)''; and

(B) in subparagraph (C), by striking ''502(f)(2)'' and inserting ''502(f)(1)(B)''; and

(2) in subsection (i)(7), by striking ''502(f)(1)'' and inserting ''502(f)(1)(A)''.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes

any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2017.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. REFORM OF DISTRIBUTION AND AUTHORIZED STRENGTH OF GENERAL AND FLAG OFFICERS.

(a) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.—

(1) REFORM.—Chapter 32 of title 10, United States Code, is amended by inserting after section 525 the following new section:

"§ 525a. Distribution of commissioned officers on active duty in general officer grades and flag officer grades after December 31, 2017

"(a) IN GENERAL.—For purposes of the applicable limitation in section 526a(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made after December 31, 2017, as follows:

"(1) In the Army, if that appointment would result in more than—

"(A) 4 officers in the grade of general;

"(B) 23 officers in a grade above the grade of major general; or

"(C) 62 officers in the grade of major general.

"(2) In the Air Force, if that appointment would result in more than—

"(A) 4 officers in the grade of general;

"(B) 20 officers in a grade above the grade of major general; or

"(C) 52 officers in the grade of major general.

"(3) In the Navy, if that appointment would result in more than—

"(A) 4 officers in the grade of admiral;

"(B) 17 officers in a grade above the grade of rear admiral; or

"(C) 42 officers in the grade of rear admiral.

"(4) In the Marine Corps, if that appointment would result in more than—

"(A) 2 officers in the grade of general;

"(B) 9 officers in a grade above the grade of major general; or

"(C) 16 officers in the grade of major general.

"(b) EXCLUSIONS IN CONNECTION WITH JOINT DUTY ASSIGNMENTS.—The limitations of subsection (a) do not include the following:

"(1) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than three officers from each armed forces may be on active duty who are excluded under this paragraph.

"(2) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526a(b) of this title for each armed force.

"(c) APPOINTMENTS IN CONNECTION WITH OFFSETTING REDUCTIONS.—

"(1) IN GENERAL.—Subject to paragraph (3), the President—

"(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the

applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

"(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

"(2) OFFSETTING REDUCTION.—For each appointment made under the authority of paragraph (1) in the Army, Air Force, or Marine Corps in the grade of lieutenant general or general, or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the armed force in which the reduction required by this paragraph is to be made.

"(3) LIMITATIONS.—

"(A) GRADE OF GENERAL OR ADMIRAL.—The number of officers that may be serving on active duty in the grades of general and admiral

by reason of appointment made under the authority of paragraph (1) may not exceed 1.

"(B) GRADE OF LIEUTENANT GENERAL OR VICE ADMIRAL.—The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed 4.

"(4) TERMINATION.—Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that armed force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another armed force by reason of that increase shall no longer be in effect.

"(d) EXCLUSION OFFICERS UPON RELIEF FROM CHIEFS OF STAFF DUTY.—An officer continuing to hold the grade of general or admiral under section 601(b)(5) of this title after relief from the position of Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or

Commandant of the Marine Corps shall not be counted for purposes of this section.

"(e) EXCLUSION FOR RETIREMENT, SEPARATION, RELEASE, OR RELIEF.—The following officers shall not be counted for purposes of this section:

"(1) An officer of that armed force in the grade of brigadier general or above or, in the case of the Navy, in the grade of rear admiral (lower half) or above, who is on leave pending the retirement, separation, or release of that officer from active duty, but only during the 60-day period beginning on the date of the commencement of such leave of such officer.

"(2) At the discretion of the Secretary of Defense, an officer of that armed force who has been relieved from a position designated under section 601(a) of this title or by law to carry one of the grades specified in such section, but only during the 60-day period beginning on the date on which the assignment of the officer to the first position is terminated or until the officer is assigned to a second such position, whichever occurs first.

"(f) EXCLUSION FOR RESERVE OFFICERS ON CERTAIN ACTIVE DUTY.—

"(1) IN GENERAL.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and are not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense.

"(2) NOTICE TO CONGRESS.—Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization.".

(2) CONFORMING AMENDMENT.—Section 525 of such title is amended by adding at the end the following new subsection:

"(h) The provisions of this section shall not apply to appointments in general officer grades and flag officer grades made after December 31, 2017. For provisions ap-

plicable to the distribution of appointments in such grades after that date, see section 525a of this title.''.

(b) AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AFTER DECEMBER 31, 2017.—

(1) REFORM.—Chapter 32 of title 10, United States Code, is further amended by inserting after section 526 the following new section:

"§ 526a. Authorized strength after December 31, 2017: general and flag officers on active duty

''(a) LIMITATIONS.—The number of general officers on active duty in the Army, Air Force, and Marine Corps, and the number of flag officers on active duty in the Navy, after December 31, 2017, may not exceed the number specified for the armed force concerned as follows:

''(1) For the Army, 173.

''(2) For the Navy, 121.

''(3) For the Air Force, 148.

''(4) For the Marine Corps, 47.

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary of Defense may designate up to 232 general officer and flag officer positions that are joint duty assignments for purposes of chapter 38 of this title for exclusion

from the limitations in subsection (a). The Secretary shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.

"(2) MINIMUM NUMBER.—Unless the Secretary of Defense determines that a lower number is in the best interest of the Department of Defense, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

"(A) For the Army, 63.

"(B) For the Navy, 45.

"(C) For the Air Force, 54.

"(D) For the Marine Corps, 15.

"(3) DISTRIBUTION ACROSS PARTICULAR GRADES.—The number excluded under paragraph (1) and serving in positions designated under that paragraph—

"(A) in the grade of general or admiral may not exceed the aggregate number of officers serving as Chairman of the Joint Chiefs of Staff, Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air

Force, Commandant of the Marine Corps, commander of any unified or specified combatant commands, Commander, United States Forces Korea, two additional officers in the grade of general or admiral arising from the limitation after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 on the number unified combatant commands pursuant to section 161(b) of this title, and one additional officer in the grade of general or admiral designated by the President and appointed by and with the advice and consent of the Senate;

"(B) in a grade above the grade of major general or rear admiral may not exceed 42; and

"(C) in the grade of major general or rear admiral may not exceed 74.

"(4) NOTICE TO CONGRESS.—Not later than 30 days after determining to raise or lower a number specified in paragraph (2), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such determination.

"(5) POSITIONS HELD BY RESERVE OFFICERS.—

"(A) IN GENERAL.—The Chairman of the Joint Chiefs of Staff may designate up to 11 general and flag officer positions in the unified and specified combatant commands, and up to three general and flag officer positions on the Joint Staff, as positions to be held only by reserve component officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.

"(B) EXCEPTION FROM LIMITATION.—Except as provided in subparagraph (E), a reserve component officer serving in a position designated under subparagraph (A) while on active duty under a call or order to active duty that does not specify a period of 180 days or less shall not be counted for the purposes of the limitations under subsection (a) and under section 525a of this title if the officer was selected for service in that position in accordance with the procedures specified in subparagraph (C).

"(C) PROCEDURES GENERALLY.—Whenever a vacancy occurs, or is anticipated to

occur, in a position designated under subparagraph (A)—

"(i) the Secretary of Defense shall require the Secretary of the Army to submit the name of at least one Army reserve component officer, the Secretary of the Navy to submit the name of at least one Navy Reserve officer and the name of at least one Marine Corps Reserve officer, and the Secretary of the Air Force to submit the name of at least one Air Force reserve component officer for consideration by the Secretary for assignment to that position; and

"(ii) the Chairman of the Joint Chiefs of Staff may submit to the Secretary of Defense the name of one or more officers (in addition to the officers whose names are submitted pursuant to clause (i)) for consideration by the Secretary for assignment to that position.

"(D) PERFORMANCE EVALUATION OF RECOMMENDED OFFICERS.—Whenever the Secretaries of the military departments are required to submit the names of officers under subpara-

graph (C)(i), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman's evaluation of the performance of each officer whose name is submitted under that subparagraph (and of any officer whose name the Chairman submits to the Secretary under subparagraph (C)(ii) for consideration for the same vacancy).

"(E) INAPPLICABILITY OF EXCEPTION.—Subparagraph (B) does not apply in the case of an officer serving in a position designated under subparagraph (A) if the Secretary of Defense, when considering officers for assignment to fill the vacancy in that position which was filled by that officer, did not have a recommendation for that assignment from each Secretary of a military department who (pursuant to subparagraph (C)) was required to make such a recommendation.

"(c) EXCLUSION OF CERTAIN RESERVE OFFICERS.—

"(1) ACTIVE DUTY FOR TRAINING OR LESS THAN 180 DAYS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for training or who is on

active duty under a call or order specifying a period of less than 180 days.

"(2) SPECIFIED NUMBER ON ACTIVE DUTY FOR NOT MORE THAN 365 DAYS.—The limitations of this section also do not apply to a number, as specified by the Secretary of the military department concerned, of reserve component general or flag officers authorized to serve on active duty for a period of not more than 365 days. The number so specified for an armed force may not exceed the number equal to 10 percent of the authorized number of general or flag officers, as the case may be, of that armed force under section 12004a of this title. In determining such number, any fraction shall be rounded down to the next whole number, except that such number shall be at least one.

"(3) LIMITED NUMBER ON ACTIVE DUTY FOR MORE THAN 365 DAYS.—The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days but not to exceed three years, except that the number of such officers from each reserve component who are covered by this paragraph and not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may

not exceed 5 per component, unless authorized by the Secretary of Defense.

"(d) EXCLUSION OF CERTAIN OFFICERS PENDING SEPARATION OR RETIREMENT OR BETWEEN SENIOR POSITIONS.—The limitations of this section do not apply to a general or flag officer who is covered by an exception under section 525a(e) of this title.

"(e) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—

"(1) IN GENERAL.—The limitations in subsection (a) and in section 525a(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

"(2) DURATION OF EXCLUSION.—A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

"(f) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assign-

ment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by an extension under this sentence at the same time.

"(g) ACTIVE-DUTY BASELINE.—

"(1) NOTICE AND WAIT REQUIREMENTS.—If the Secretary of a military department proposes an action that would increase above the baseline the number of general officers or flag officers of an armed force under the jurisdiction of that Secretary who would be on active duty and would count against the statutory limit applicable to that armed force under subsection (a), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which the Secretary provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

"(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' for an armed force means the lower of—

"(A) the statutory limit of general officers or flag officers of that armed force under subsection (a); or

"(B) the actual number of general officers or flag officers of that armed force who, as of January 1, 2018, counted toward the statutory limit of general officers or flag officers of that armed force under subsection (a).

"(3) LIMITATION.—If, at any time, the actual number of general officers or flag officers of an armed force who count toward the statutory limit of general officers or flag officers of that armed force under subsection (a) exceeds such statutory limit, then no increase described in paragraph (1) for that armed force may occur until the general officer or flag officer total for that armed force is reduced to or below such statutory limit.

"(h) JOINT DUTY ASSIGNMENT BASELINE.—

"(1) NOTICE AND WAIT REQUIREMENT.—If the Secretary of Defense, the Secretary of a military department, or the Chairman of the Joint Chiefs of Staff proposes an action that would increase above the baseline the number of general officers and flag officers of the armed forces in joint duty assignments who count against the statutory limit under

subsection (b)(1), the action shall not take effect until after the end of the 60-calendar day period beginning on the date on which such Secretary or the Chairman, as the case may be, provides notice of the proposed action, including the rationale for the action, to the Committees on Armed Services of the Senate and the House of Representatives.

"(2) BASELINE DEFINED.—In paragraph (1), the term 'baseline' means the lower of—

"(A) the statutory limit on general officer and flag officer positions that are joint duty assignments under subsection (b)(1); or

"(B) the actual number of general officers and flag officers who, as of January 1, 2016, were in joint duty assignments counted toward the statutory limit under subsection (b)(1).

"(3) LIMITATION.—If, at any time, the actual number of general officers and flag officers in joint duty assignments counted toward the statutory limit under subsection (b)(1) exceeds such statutory limit, then no increase described in paragraph (1) may occur until the number of general officers and flag officers in joint duty assignments is reduced to or below such statutory limit.

"(i) ANNUAL REPORT.—Not later than March 1 each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report specifying the following:

"(1) The numbers of general officers and flag officers who, as of January 1 of the calendar year in which the report is submitted, counted toward the service-specific limits of subsection (a).

"(2) The number of general officers and flag officers in joint duty assignments who, as of such January 1, counted toward the statutory limit under subsection (b)(1).".

(2) CONFORMING AMENDMENT.—Section 526 of such title is amended by adding at the end the following new subsection:

"(k) CESSATION OF APPLICABILITY.—The provisions of this section shall not apply to number of general officers and flag officers in the armed forces after December 31, 2017. For provisions applicable to the number of such officers after that date, see section 526a of this title".

(c) STRENGTH IN GRADE OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.—

(1) REFORM.—Chapter 1201 of title 10, United States Code, is amended by inserting after section 12004 the following new section:

"§ 12004a. Strength in grade after December 31, 2017: reserve general and flag officers in an active status

"(a) IN GENERAL.—The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve flag officers in an active status, after December 31, 2017, are as follows:

"(1) In the Army, 155.

"(2) In the Air Force, 117.

"(3) In the Navy, 36.

"(4) In the Marine Corps, 7.

"(b) AGGREGATE NUMBER OF CERTAIN NATIONAL GUARD OFFICERS.—

"(1) IN GENERAL.—The aggregate number of general officers described in paragraph (2) serving on active duty after December 31, 2017, may not exceed the number equal to 75 percent of the aggregate number of such officers who were serving on active duty as of December 31, 2015.

"(2) COVERED GENERAL OFFICERS.—The general officers described in this paragraph are the following:

"(A) General officers of the National Guard of the States and territories.

"(B) General officers serving in the National Guard Bureau

"(c) EXCLUSION OF CERTAIN ARMY AND AIR FORCE OFFICERS.—The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Officers serving as adjutants general or assistant adjutants general of a State.

"(2) Except as provided in subsection (b), officers serving in the National Guard Bureau.

"(3) Officers counted under section 526a of this title.

"(4) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).

"(d) EXCLUSION OF CERTAIN NAVY OFFICERS.—

"(1) IN GENERAL.—The following Navy reserve officers shall not be counted for purposes of this section:

"(A) Officers counted under section 526a of this title.

"(B) Officers serving in a joint duty assignment for purposes of chapter 38 of this

title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

"(2) SCOPE OF EXCLUSION.—Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in a grade above the grade of rear admiral (lower half).

"(e) EXCLUSION OF CERTAIN MARINE CORPS OFFICERS.—The following Marine Corps reserve officers shall not be counted for purposes of this section:

"(1) Officers counted under section 526a of this title.

"(2) Officers serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Marine Corps in subsection (a).

"(f) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the

date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time.

''(g) PRESERVATION OF GRADE.—

''(1) ARMY AND AIR FORCE OFFICERS.—A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

''(2) NAVY AND MARINE CORPS OFFICERS.—An officer of the Navy Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for the officer's grade.''.

(2) CONFORMING AMENDMENT.—Section 12004 of such title is amended by adding at the end the following new subsection:

''(g) The provisions of this section shall not apply to authorized strengths for reserve general and flag officers after December 31, 2017. For provisions applicable to the

authorized strengths of such officers after that date, see section 12004a of this title.''.

(d) CLERICAL AMENDMENTS.—

(1) CHAPTER 32.—The table of sections at the beginning of chapter 32 of title 10, United States Code, is amended—

(A) by inserting after the item relating to section 525 the following new item:

''525a. Distribution of commissioned officers on active duty in general officer grades and flag officer grades after December 31, 2017.''.

(B) by inserting after the item relating to section 526 the following new item:

''526a. Authorized strength after December 31, 2017: general and flag officers on active duty.''.

(2) CHAPTER 1201.—The table of sections at the beginning of chapter 1201 of such is amended by inserting after the item relating to section 12004 the following new item:

''12004a. Strength in grade after December 31, 2017: reserve general and flag officers in an active status.''.

SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GENERAL OR FLAG OFFICER GRADE FOR VARIOUS POSITIONS IN THE ARMED FORCES.

(a) ASSISTANTS TO CJCS FOR NG MATTERS AND RESERVE MATTERS.—

(1) IN GENERAL.—Section 155a of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 155a.

(b) LEGAL COUNSEL TO CJCS.—Section 156 of title 10, United States Code, is amended—

(1) by striking subsection (c); and

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

(c) DIRECTOR OF TEST RESOURCE MANAGEMENT CENTER.—Section 196(b)(1) of title 10, United States Code, is amended by striking the second and third sentences.

(d) DIRECTOR OF MISSILE DEFENSE AGENCY.—

(1) IN GENERAL.—Section 203 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by striking the item relating to section 203.

(e) JOINT 4-STAR POSITIONS.—Section 604(b) of title 10, United States Code, is amended by striking paragraph (3).

(f) SENIOR MEMBERS OF MILITARY STAFF COMMITTEE OF UN.—Section 711 of title 10, United States Code, is amended by striking the second sentence.

(g) CHIEF OF STAFF TO PRESIDENT.—

(1) IN GENERAL.—Section 720 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 720.

(h) ATTENDING PHYSICIAN TO CONGRESS.—

(1) IN GENERAL.—Section 722 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 722.

(i) PHYSICIAN TO WHITE HOUSE.—

(1) IN GENERAL.—Section 744 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title is amended by striking the item relating to section 744.

(j) CHIEF OF LEGISLATIVE LIAISON OF THE ARMY.—Section 3023(a) of title 10, United States Code, is amended by striking the second sentence.

(k) CHIEFS OF BRANCHES OF THE ARMY.—Section 3036(b) of title 10, United States Code, is amended in the flush matter following paragraph (2)—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ", and while so serving, has the grade of lieutenant general".

(l) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last two sentences.

(m) CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking "; GRADE";

(2) by striking "(1)"; and

(3) by striking paragraph (2).

(n) DEPUTY AND ASSISTANT CHIEFS OF BRANCHES OF THE ARMY.—

(1) IN GENERAL.—Section 3039 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 305 of such title

is amended by striking the item relating to section 3039.

(o) CHIEF OF ARMY NURSE CORPS.—Section 3069(b) of title 10, United States Code, is amended by striking the second sentence.

(p) ASSISTANT CHIEFS OF ARMY MEDICAL SPECIALIST CORPS.—

(1) IN GENERAL.—Section 3070 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and assistant chiefs'';

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3070. Army Medical Specialist Corps: organization; Chief''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 of such title is amended by striking the item relating to section 3070 and inserting the following new item:

''3070. Army Medical Specialist Corps: organization; Chief.''.

(q) JUDGE ADVOCATE GENERAL'S CORPS OF THE ARMY.—Section 3072 of title 10, United States Code, is amended—

(1) by striking paragraph (3); and

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

(r) CHIEF OF VETERINARY CORPS OF THE ARMY.—

(1) IN GENERAL.—Section 3084 of title 10, United States Code, is amended by striking the second sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 3084. Chief of Veterinary Corps".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 307 is amended by striking the item relating to section 3084 and inserting the following new item:

"3084. Chief of Veterinary Corps.".

(s) ARMY AIDES.—

(1) IN GENERAL.—Section 3543 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 343 of such title is amended by striking the item relating to section 3543.

(t) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE NAVY FOR RD&A.—Section 5016(b)(4)(B) of title 10, United States Code, is amended by striking "a vice admiral of the Navy or a lieutenant

general of the Marine Corps'' and inserting ''an officer of the Navy or the Marine Corps''.

(u) CHIEF OF NAVAL RESEARCH.—Section 5022 of title 10, United States Code, is amended—

(1) by striking ''(1)''; and

(2) by striking paragraph (2).

(v) CHIEF OF LEGISLATIVE AFFAIRS OF THE NAVY.—Section 5027(a) of title 10, United States Code, is amended by striking the second sentence.

(w) DIRECTOR FOR EXPEDITIONARY WARFARE.—Section 5038 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(x) SJA TO COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence.

(y) LEGISLATIVE ASSISTANT TO COMMANDANT OF THE MARINE CORPS.—Section 5047 of title 10, United States Code, is amended by striking the second sentence.

(z) BUREAU CHIEFS OF THE NAVY.—

(1) IN GENERAL.—Section 5133 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5133.

(aa) CHIEF OF DENTAL CORPS OF THE NAVY.—Section 5138 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''not below the grade of rear admiral (lower half)''; and

(2) in subsection (c), by striking the first sentence.

(bb) BUREAU OF NAVAL PERSONNEL.—

(1) IN GENERAL.—Section 5141 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the first sentence; and

(B) in subsection (b), by striking the first sentence.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5141 and inserting the following new item:

''5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.''.

(cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section 5142 of title 10, United States Code, is amended by striking subsection (e).

(dd) CHIEF OF NAVY RESERVE.—Section 5143(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)'';

(3) by striking paragraph (2).

(ee) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)'';

(3) by striking paragraph (2).

(ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of title 10, United States Code, is amended by striking the last sentence.

(gg) DEPUTY AND ASSISTANT JUDGE ADVOCATES GENERAL OF THE NAVY.—Section 5149 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the first sentence, by striking '', by and with the advice and consent of the Senate,''; and

(B) by striking the second sentence;

(2) by striking subsections (b) and (c); and

(3) by redesignating subsection (d) as subsection (b).

(hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Section 5150 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking ''Subject to subsection (c), the Secretary'' and inserting ''The Secretary''; and

(2) by striking subsection (c).

(ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of title 10, United States Code, is amended by striking ''a lieutenant general'' and inserting ''an officer''.

(jj) CHIEF OF LEGISLATIVE LIAISON OF THE AIR FORCE.—Section 8023(a) of title 10, United States Code, is amended by striking the second sentence.

(kk) JUDGE ADVOCATE GENERAL AND DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the last sentence; and

(2) in subsection (d)(1), by striking the last sentence.

(ll) CHIEF OF THE AIR FORCE RESERVE.—Section 8038(c) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''; GRADE'';

(2) by striking ''(1)'';

(3) by striking paragraph (2).

(mm) CHIEF OF CHAPLAINS OF THE AIR FORCE.—Section 8039 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(2) by striking subsection (c).

(nn) CHIEF OF AIR FORCE NURSES.—

(1) IN GENERAL.—Section 8069 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in the subsection heading, by striking ''POSITIONS OF CHIEF AND ASSISTANT CHIEF'' and inserting ''POSITION OF CHIEF''; and

(ii) by striking ''and assistant chief'';

(B) in subsection (b), by striking the second sentence; and

(C) by striking subsection (c).

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 8069. Air Force nurses: Chief; appointment".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 807 of such title is amended by striking the item relating to section 8069 and inserting the following new item:

"8069. Air Force nurses: Chief; appointment.".

(oo) ASSISTANT SURGEON GENERAL FOR DENTAL SERVICES OF THE AIR FORCE.—Section 8081 of title 10, United States Code, is amended by striking the second sentence.

(pp) AIR FORCE AIDES.—

(1) IN GENERAL.—Section 8543 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 843 is amended by striking the item relating to section 8543.

(qq) DEAN OF FACULTY OF THE AIR FORCE ACADEMY.—Section 9335(b) of title 10, United States Code, is amended by striking the first and third sentences.

(rr) VICE CHIEF OF THE NATIONAL GUARD BUREAU.—Section 10505(a) of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by adding ''and'' at the end;

(B) in subparagraph (D), by striking ''; and'' at the end and inserting a period; and

(C) by striking subparagraph (E); and

(2) by striking subsection (c).

(ss) OTHER SENIOR NATIONAL GUARD BUREAU OFFICERS.—Section 10506(a)(1) of title 10, United States Code, is amended in each of subparagraphs (A) and (B)—

(1) by striking ''general''; and

(2) by striking '', and shall hold the grade of lieutenant general while so serving,''.

SEC. 503. TEMPORARY SUSPENSION OF OFFICER GRADE STRENGTH TABLES.

(a) DOPMA TABLES.—Section 523(a) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (2), by inserting ''paragraph (4) and'' after ''Except as provided in''; and

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

"(4) The limitations in paragraphs (1) and (2) shall not apply with respect to fiscal years 2017 through 2021.".

(b) ROPMA TABLES.—Section 12011(a) of title 10, United States Code, is amended—

(1) in paragraphs (1) and (2), by striking "Of the" and inserting "Except as provided in paragraph (3), of the"; and

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

"(3) The limitations in paragraphs (1) and (2) shall not apply with respect to fiscal years 2017 through 2021.".

SEC. 504. ENHANCED AUTHORITY FOR SERVICE CREDIT FOR EXPERIENCE OR ADVANCED EDUCATION UPON ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER.

(a) SERVICE CREDIT SUFFICIENT FOR APPOINTMENT AS REGULAR COLONEL OR NAVY CAPTAIN.—Subsection (b)(2) of section 533 of title 10, United States Code, is amended—

(1) by striking "in the case of a medical and dental officer";

(2) by striking "major" and inserting "colonel"; and

(3) by striking ''lieutenant commander'' and inserting ''captain''.

(b) RESTATEMENT AND MODIFICATION OF SERVICE CREDIT FOR CYBERSPACE EXPERIENCE OR ADVANCED EDUCATION.—

(1) RESTATEMENT AND MODIFICATION.—Subsection (b)(1) of such section is amended by adding at the end the following new subparagraph:

''(F)(i) If the Secretary concerned determines that the number of commissioned officers with cyberspace-related experience or advanced education serving on active duty in an armed force under the jurisdiction of the Secretary is critically below the number needed, a period of constructive service for the following:

''(I) Special experience or training in a particular cyberspace-related field if such experience or training is directly related to the operational needs of the armed force concerned.

''(II) Any period of advanced education in a cyberspace-related field beyond the baccalaureate degree level if such advanced education is directly related to the operational needs of the armed force concerned.

"(ii) Constructive service credited an officer under this subparagraph shall not exceed one year for each year of special experience, training, or advanced education.

"(iii) Constructive service credited an officer under this subparagraph is in addition to any service credited the officer under subsection (a), and shall be credited at the time of the original appointment of the officer.".

(2) REPEAL OF SUPERSEDED AUTHORITY.—Such section is further amended by striking subsection (g).

(c) TECHNICAL AMENDMENT.—Subsection (c) of such section is amended by inserting ", (e)," after "subsection (b)".

SEC. 505. AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT THE TOP OF THE PROMOTION LIST.

(a) AUTHORITY OF PROMOTION BOARDS TO RECOMMEND OFFICERS OF PARTICULAR MERIT BE PLACED AT TOP OF PROMOTION LIST.—Section 616 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g)(1) In selecting the officers to be recommended for promotion, a selection board may, when authorized by the Secretary of the military department concerned, recommend officers of particular merit, from among those officers selected for promotion, to be placed at the top of the promotion list promulgated by the Secretary under section 624(a)(1) of this title.

"(2) The number of such officers placed at the top of the promotion list may not exceed the number equal to 20 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category. If the number determined under this subsection is less than one, the board may recommend one such officer.

"(3) No officer may be recommended to be placed at the top of the promotion list unless the officer receives the recommendation of at least a majority of the members of a board for such placement.

"(4) For the officers recommended to be placed at the top of the promotion list, the board shall recommend the order in which these officers should be promoted.".

(b) OFFICERS OF PARTICULAR MERIT APPEARING AT TOP OF PROMOTION LIST.—Section 624(a)(1) of such title is amended by inserting ", except such officers of particular merit who were approved by the President and rec-

ommended by the board to be placed at the top of the promotion list under section 616(g) of this title as these officers shall be placed at the top of the promotion list in the order recommended by the board'' after ''officers on the active-duty list''.

SEC. 506. PROMOTION ELIGIBILITY PERIOD FOR OFFICERS WHOSE CONFIRMATION OF APPOINTMENT IS DELAYED DUE TO NONAVAILABILITY TO THE SENATE OF PROBATIVE INFORMATION UNDER CONTROL OF NON-DEPARTMENT OF DEFENSE AGENCIES.

Section 629(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

''(3) Paragraph (1) does not apply when the Senate is not able to obtain information necessary to give its advice and consent to the appointment concerned because that information is under the control of a department or agency of the Federal Government other than the Department of Defense.''.

SEC. 507. LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) IN GENERAL.—Subsection (a) of section 664 of title 10, United States Code, is amended by striking ''assignment—'' and all that follows and inserting ''assignment shall be not less than two years.''.

(b) REPEAL OF AUTHORITY FOR SHORTER LENGTH FOR OFFICERS INITIALLY ASSIGNED TO CRITICAL OCCUPATIONAL SPECIALTIES.—Such section is further amended by striking subsection (c).

(c) EXCLUSIONS FROM TOUR LENGTH.—Subsection (d) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''the standards prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)'';

(2) in paragraph (1)(D), by striking ''assignment—'' and all that follows and inserting ''assignment as prescribed by the Secretary of Defense in regulations.'';

(3) by striking paragraph (2);

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

(5) in paragraph (2), as redesignated by paragraph (4) of this subsection, by striking ''the applicable standard prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)''.

(d) REPEAL OF AVERAGE TOUR LENGTH REQUIREMENTS.—Such section is further amended by striking subsection (e).

(e) FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) in paragraph (1), by striking ''standards prescribed in subsection (a)'' and inserting ''the requirement in subsection (a)'';

(2) by striking paragraphs (2) and (4);

(3) by redesignating paragraphs (3), (5), and (6) as paragraphs (2), (3), and (4), respectively; and

(4) in paragraph (4), as redesignated by paragraph (3) of this subsection, by striking '', but not less than two years''.

(f) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) by striking ''(1)'';

(2) by striking ''accord'' and inserting ''award''; and

(3) by striking paragraph (2).

(g) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by redesignating subsections (d), (f), (g), and (h), as amended by this section, as subsections (c), (d), (e), and (f), respectively;

(2) in paragraph (2) of subsection (c), as so redesignated and amended, by striking ''subsection (f)(3)'' and inserting ''subsection (d)(2)''.

(3) paragraph (2) of subsection (d), as so redesignated and amended, by striking ''subsection (g)'' and inserting ''subsection (e)'';

(4) in subsection (e), as so redesignated and amended, by striking ''subsection (f)(3)'' and inserting ''subsection (d)(2)''; and

(5) in subsection (f), as so redesignated and amended, by striking ''paragraphs (1), (2), and (4) of subsection (f)'' and inserting ''subsection (d)(1)''.

SEC. 508. MODIFICATION OF DEFINITIONS RELATING TO JOINT OFFICER MANAGEMENT.

(a) JOINT MATTERS.—Subsection (a) of section 668 of title 10, United States Code, is amended—

(1) by striking paragraph (1), by striking ''matters related to'' and all that follows and inserting ''matters related to—

''(A) developing or achieving strategic objectives through the synchronization, coordination, and organization of integrated forces in operations conducted across domains such as land, sea, or air, in space, or in the information environment, including matters relating to—

"(i) national military strategy;

"(ii) strategic planning and contingency planning;

"(iii) command and control, intelligence, fires, movement and maneuver, protection, or sustainment of operations under unified command;

"(iv) national security planning with other departments and agencies of the United States; or

"(v) combined operations with military forces of allied nations; or

"(B) acquisition matters conducted by members of the armed forces and covered by chapter 87 of this title involved in developing, testing, contracting, producing, or fielding of multi-service programs or systems;

"(C) homeland security matters conducted in close coordination with Federal, State, or local agencies in support of natural disasters or emergencies; or

"(D) other matters designated in regulations by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff."; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "'integrated military forces'" and inserting "'integrated forces'"; and

(ii) by striking "the planning or execution (or both) of operations involving" and inserting "participants from"; and

(B) in subparagraph (B), by adding at the end the following new clause:

"(iv) State and local governments, when in support of natural disasters or emergencies, including planning activities relating thereto.".

(b) JOINT DUTY ASSIGNMENT.—Subsection (b)(1)(A) of such section is amended by inserting "preponderance of the officer's duties are involved in joint matters in which the" after "in which the".

(c) REPEAL OF DEFINITION OF CRITICAL OCCUPATIONAL SPECIALTY.—Such section is further amended by striking subsection (d).

SEC. 509. CONTINUATION OF CERTAIN OFFICERS ON ACTIVE DUTY WITHOUT REGARD TO REQUIREMENT FOR RETIREMENT FOR YEARS OF SERVICE.

(a) AUTHORITY FOR CONTINUATION ON ACTIVE DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 36 of title 10, United States Code, is amended by inserting after section 637 the following new section:

"§ 637a. Continuation on active duty: officers in certain military specialties and career tracks

''(a) IN GENERAL.—The Secretary of the military department concerned may authorize an officer in a grade above grade O–4 to remain on active duty after the date otherwise provided for the retirement of the officer in section 633, 634, 635, or 636 of this title, as applicable, if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated pursuant to subsection (b).

''(b) MILITARY SPECIALTIES.—Each Secretary of a military department shall designate the military specialties in which a military occupational specialty, rating, or specialty code, as applicable, assigned to members of the armed forces under the jurisdiction of such Secretary au-

1 thorizes the members to be eligible for continuation on ac-
2 tive duty as provided in subsection (a).

3 ''(c) DURATION OF CONTINUATION.—An officer con-
4 tinued on active duty pursuant to this section shall, if not
5 earlier retired, be retired on the first day of the month
6 after the month in which the officer completes 40 years
7 of active service.

8 ''(d) REGULATIONS.—The Secretaries of the military
9 departments shall carry out this section in accordance
10 with regulations prescribed by the Secretary of Defense.
11 The regulations shall specify the criteria to be used by
12 the Secretaries of the military departments in designating
13 military specialities for purposes of subsection (b).''.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of subchapter IV of chapter
16 36 of such title is amended by inserting after section
17 the following new item:

''637a. Continuation on active duty: officers in certain military specialties and career tracks.''.

18 (b) CONFORMING AMENDMENTS.—The following pro-
19 visions of title 10, United States Code, are amended by
20 inserting ''or 637a'' after ''637(b)'':

21 (1) Section 633(a).

22 (2) Section 634(a).

23 (3) Section 635.

24 (4) Section 636(a).

SEC. 510. EXTENSION OF FORCE MANAGEMENT AUTHORITIES ALLOWING ENHANCED FLEXIBILITY FOR OFFICER PERSONNEL MANAGEMENT.

(a) TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(b) CONTINUATION ON ACTIVE DUTY.—Section 638a(a)(2) of title 10, United States Code, is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(c) VOLUNTARY SEPARATION PAY.—Section 1175a(k)(1) of such title is amended by striking ''December 31, 2018'' and inserting ''December 31, 2025''.

(d) SERVICE-IN-GRADE WAIVERS.—Section 1370(a)(2)(F) of such title is amended by striking ''2018'' and inserting ''2025''.

Subtitle B—Reserve Component Management

SEC. 521. AUTHORITY FOR TEMPORARY WAIVER OF LIMITATION ON TERM OF SERVICE OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10505(a)(4) of title 10, United States Code, is amended by striking ''paragraph (3)(B) for a limited

period of time'' and inserting ''paragraph (3) for not more than 90 days''.

SEC. 522. AUTHORITY TO DESIGNATE CERTAIN RESERVE OFFICERS AS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) CERTAIN OFFICERS NOT TO BE CONSIDERED FOR SELECTION FOR PROMOTION.—The Secretary of the military department concerned may provide that an officer who is in an active status, but is in a duty status in which the only points the officer accrues under section 12732(a)(2) of this title are pursuant to subparagraph (C)(i) of that section (relating to membership in a reserve component), shall not be considered for selection for promotion at any time the officer otherwise would be so considered. Any such officer may remain on the reserve active-status list.''.

SEC. 523. RIGHTS AND PROTECTIONS AVAILABLE TO MILITARY TECHNICIANS.

Section 709(f) of title 32, United States Code, is amended—

(1) in paragraph (4), by striking ''; and'' and inserting the following: ''when the appeal concerns

activity occurring while the member is in a military status, or concerns fitness for duty in the reserve components;'';

(2) by redesignating paragraph (5) as paragraph (6); and

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

''(5) with respect to an appeal concerning any activity not covered by paragraph (4), the provisions of section 717 of the Civil Rights Act of 1991 (42 U.S.C. 2000e–16) shall apply; and''.

SEC. 524. EXTENSION OF SUICIDE PREVENTION AND RESILIENCE PROGRAMS FOR THE NATIONAL GUARD AND RESERVES.

Section 10219(g) of title 10, United States Code, is amended by striking ''October 1, 2017'' and inserting ''October 1, 2022''.

SEC. 525. INAPPLICABILITY OF CERTAIN LAWS TO NATIONAL GUARD TECHNICIANS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

Section 709(g) of title 32, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)''; and

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

"(2) In addition to the sections referred to in paragraph (1), section 6323(a)(1) of title 5 also does not apply to a person employed under this section who is performing active Guard and Reserve duty (as that term is defined in section 101(d)(6) of title 10).".

Subtitle C—General Service Authorities

SEC. 531. RESPONSIBILITY OF CHIEFS OF STAFF OF THE ARMED FORCES FOR STANDARDS AND QUALIFICATIONS FOR MILITARY SPECIALTIES WITHIN THE ARMED FORCES.

(a) IN GENERAL.—Except as provided in subsection (d), responsibility within an Armed Force for establishing, approving, and modifying the criteria, standards, and qualifications for military speciality codes within that Armed Force shall be vested solely in the Chief of Staff of that Armed Force.

(b) MILITARY SPECIALTY CODES.—For purposes of this section, a military specialty code is as follows:

(1) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Army, in the case of the Army.

(2) A Naval Enlisted Code (NEC), Unrestricted Duty code, Restricted Duty code, Restricted Line

duty code, Staff Corps code, Limited Duty code, Warrant Officer code, and any other military specialty or military occupational specialty of the Navy, in the case of the Navy.

(3) An Air Force Specialty Code (AFSC) and any other military specialty or military occupational specialty of the Air Force, in the case of the Air Force.

(4) A Military Occupational Speciality Code (MOS) and any other military specialty or military occupational specialty of the Marine Corps, in the case of the Marine Corps.

(c) CHIEF OF STAFF FOR MARINE CORPS.—For purposes of this section, the Commandant of the Marine Corps shall be deemed to be the Chief of Staff of the Marine Corps.

(d) GENDER INTEGRATION.—Nothing in this section shall be construed to terminate, alter, or revise the authority of the Secretary of Defense to establish, approve, modify, or otherwise regulate gender-based criteria, standards, and qualifications for military specialties within the Armed Forces.

SEC. 532. LEAVE MATTERS.

(a) PRIMARY AND SECONDARY CAREGIVER LEAVE.—Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j); and

(2) by inserting after subsection (h) the following new subsections (i) and (j):

''(i)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in paragraph (2) who is the primary caregiver in the case of the birth of a child or the adoption of a child is allowed up to 6 weeks of leave to be used in connection with such event.

''(2) A member described in this paragraph is a member as follows:

''(A) A member on active duty.

''(B) A member of a reserve component performing active Guard and Reserve duty.

''(C) A member of a reserve component subject to an active duty recall or mobilization order in excess of 12 months.

''(3) The Secretary shall prescribe in the regulations referred to in paragraph (1) a definition of the term 'primary caregiver' for purposes of this subsection.

''(4) The taking of leave by a member under this subsection in connection with the birth of a child shall be treated as commencing at the conclusion of any period of medical convalescent leave resulting from childbirth. Any such convalescent leave may be for more than six weeks

1 only if specifically recommended, in writing, by the mem-
2 ber's medical provider and approved by the member's com-
3 mander.

4 "(5) Any leave taken by a member under this sub-
5 section, including leave under paragraphs (1) and (4), may
6 be taken only in one increment in connection with the
7 event concerned.

8 "(6)(A) Any leave authorized by this subsection that
9 is not taken within one year of the event concerned shall
10 be forfeited.

11 "(B) Any leave authorized by this subsection for a
12 member of a reserve component on active duty that is not
13 taken at the time the member is separated from active
14 duty shall be forfeited at that time.

15 "(7) The period of active duty of a member of a re-
16 serve component may not be extended in order to permit
17 the member to take leave authorized by this subsection.

18 "(8) Under the regulations for purposes of this sub-
19 section, a member taking leave under paragraph (1) may,
20 as a condition for taking such leave, be required—

21 "(A) to accept an extension of the member's
22 current service obligation, if any, by one week for
23 every week of leave taken under paragraph (1); or

"(B) to incur a reduction in the member's leave account by one week for every week of leave taken under paragraph (1).

"(9)(A) Leave authorized by this subsection is in addition to any other leave provided under other provisions of this section.

"(B) Medical convalescent leave under paragraph (4) is in addition to any other leave provided under other provisions of this subsection.

"(10)(A) Subject to subparagraph (B), a member taking leave under paragraph (1) during a period of obligated service shall not be eligible for terminal leave, or to sell back leave, at the end such period of obligated service.

"(B) Under the regulations for purposes of this subsection, the Secretary concerned may waive, whether in whole or in part, the applicability of subparagraph (A) to a member who reenlists at the end of the member's period of obligated service described in that subparagraph if the Secretary determines that the waiver is in the interests of the armed force concerned.

"(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces described in subsection (i)(2) who is the secondary caregiver in the case of the birth of a child or the adoption of a child is allowed

1 up to 21 days of leave to be used in connection with such
2 event.

3 ''(2) The Secretary shall prescribe in the regulations
4 referred to in paragraph (1) a definition of the term 'sec-
5 ondary caregiver' for purposes of this subsection.

6 ''(3) Any leave taken by a member under this sub-
7 section may be taken only in one increment in connection
8 with the event concerned.

9 ''(4) Under the regulations for purposes of this sub-
10 section, paragraphs (6) through (10) of subsection (i)
11 (other than paragraph (9)(B) of such subsection) shall
12 apply to leave, and the taking of leave, authorized by this
13 subsection.''.

14 (b) PROHIBITION ON LEAVE NOT EXPRESSLY AU-
15 THORIZED BY LAW.—

16 (1) PROHIBITION.—Chapter 40 of title 10,
17 United States Code, is amended by inserting after
18 section 704 the following new section:

19 **''§ 704a. Administration of leave: prohibition on au-**
20 **thorizing, granting, or assigning leave**
21 **not expressly authorized by law**

22 ''No member or category of members of the armed
23 forces may be authorized, granted, or assigned leave, in-
24 cluding uncharged leave, not expressly authorized by a
25 provision of this chapter or another statute unless ex-

pressly authorized by an Act enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 704 the following new item:

''704a. Administration of leave: prohibition on authorizing, granting, or assigning leave not expressly authorized by law.''.

SEC. 533. TRANSFER OF PROVISION RELATING TO EXPENSES INCURRED IN CONNECTION WITH LEAVE CANCELED DUE TO CONTINGENCY OPERATIONS.

(a) ENACTMENT IN TITLE 10, UNITED STATES CODE, OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES.—Chapter 40 of title 10, United States Code, is amended by inserting after section 709 the following new section:

''§ 709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement

''(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reim-

bursable under law) incurred by the member as a result of the cancellation of previously approved leave when—

"(1) the leave is canceled in connection with the members's participation in a contingency operation; and

"(2) the cancellation occurs within 48 hours of the time the leave would have commenced.

"(b) REGULATIONS.—The Secretary of Defense and, in the case of the Coast Guard when it is not operating as a service in the Navy, the Secretary of Homeland Security shall prescribe regulations to establish the criteria for the applicability of subsection (a).

"(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 40 of such title is amended by inserting after the item relating to section 709 the following new item:

"709a. Expenses incurred in connection with leave canceled due to contingency operations: reimbursement.".

(c) REPEAL OF SUPERSEDED AUTHORITY.—Section 453 of title 37, United States Code, is amended by striking subsection (g).

SEC. 534. REDUCTION OF TENURE ON THE TEMPORARY DISABILITY RETIRED LIST.

(a) REDUCTION OF TENURE.—Section 1210 of title 10, United States Code, is amended—

(1) in subsection (b), by striking ''five years'' and inserting ''three years''; and

(2) in subsection (h), by striking ''five years'' and inserting ''three years''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on January 1, 2017, and shall apply to members of the Armed Forces whose names are placed on the temporary disability retired list on or after that date.

SEC. 535. PROHIBITION ON ENFORCEMENT OF MILITARY COMMISSION RULINGS PREVENTING MEMBERS OF THE ARMED FORCES FROM CARRYING OUT OTHERWISE LAWFUL DUTIES BASED ON MEMBER GENDER.

(a) PROHIBITION.—No order, ruling, finding, or other determination of a military commission may be construed or implemented to prohibit or restrict a member of the Armed Forces from carrying out duties otherwise lawfully assigned to such member to the extent that the basis for such prohibition or restriction is the gender of such member.

(b) APPLICABILITY TO PRIOR ORDERS, ETC..—In the case of an order, ruling, finding, or other determination described in subsection (a) that was issued before the date of the enactment of this Act in a military commission and is still effective as of the date of the enactment of this Act, such order, ruling, finding, or determination shall be deemed to be vacated and null and void only to the extent of any prohibition or restriction on the duties of members of the Armed Forces that is based on the gender of members.

(c) MILITARY COMMISSION DEFINED.—In this section, the term ''military commission'' means a military commission established under chapter 47A of title 10, United States Code, and any military commission otherwise established or convened by law.

SEC. 536. BOARD FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS.

(a) BCMR MATTERS.—

(1) COMPOSITION OF BOARDS IN CERTAIN CLAIMS.—Subsection (a) of section 1552 of title 10, United States Code, is amended—

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

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

''(3)(A) In the case of a claim of a claimant described in section 1553(d)(1) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or a physician described in such section.

''(B) In the case of a claim of a claimant described in section 1553(e) of this title with respect to a discharge or dismissal described in such section, the board established under this subsection shall include a clinical psychologist or psychiatrist, or physician described in such section.''.

(2) INFORMATION THROUGH THE INTERNET.—Such section is further amended—

(A) by redesignating subsection (h) as subsection (i); and

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

''(h) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

"(1) The number of claims considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the claimant, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or release of the claimant.

"(2) The factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of claimants, including, specifically, whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

"(3) The periods of military service of claimants in the claims covered by paragraph (1).

"(4) The number of military records corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or release of claimants.".

(b) INFORMATION ON DRBS THROUGH THE INTERNET.—Section 1553 of such title is amended by adding at the end the following new subsection:

"(f) Each board established under this section shall make available to the public each calender quarter, on an Internet website of the military department concerned or the Department of Homeland Security, as applicable, that is available to the public the following:

"(1) The number of motions or requests for review considered by such board during the calendar quarter preceding the calender quarter in which such information is made available, including cases in which a mental health condition of the former member, including post-traumatic stress disorder or traumatic brain injury, is alleged to have contributed, whether in whole or part, to the original characterization of the discharge or dismissal of the former member.

"(2) The factor or factors alleged to have contributed, whether in whole or part, to the original characterization of discharge or release of individuals covered by such motions or requests, including, specifically, whether such factor or factors included conditions such as post-traumatic stress disorder, traumatic brain injury, or other conditions.

"(3) The periods of military service of former members in the motions and requests for review covered by paragraph (1).

"(4) The number of discharges or dismissals corrected pursuant to the consideration described in paragraph (1) to upgrade the characterization of discharge or dismissal of former members.".

SEC. 536A. TREATMENT BY DISCHARGE REVIEW BOARDS OF CLAIMS ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH COMBAT OR SEXUAL TRAUMA AS A BASIS FOR REVIEW OF DISCHARGE.

Section 1553(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) In addition to the requirements of paragraph (1) and (2), in the case of a former member described in subparagraph (B), the Board shall—

"(i) review medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is presented by the former member; and

"(ii) review the case with liberal consideration to the former member that post-traumatic stress disorder or traumatic brain injury potentially contributed to the circumstances resulting in the discharge of a lesser characterization.

"(B) A former member described in this subparagraph is a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale, or as justification for priority consideration, whose post-traumatic stress disorder or traumatic brain injury is related to combat or military sexual trauma, as determined by the Secretary concerned.".

SEC. 537. RECONCILIATION OF CONTRADICTORY PROVISIONS RELATING TO QUALIFICATIONS FOR ENLISTMENT IN THE RESERVE COMPONENTS OF THE ARMED FORCES.

Section 12102(b) of title 10, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

"(1) that person has met the requirements established in section 504(b)(1) of this title; or

"(2) that person is authorized to enlist by the Secretary concerned under section 504(b)(2) of this title.".

Subtitle D—Military Justice and Legal Assistance Matters

PART I—RETALIATION

SEC. 541. REPORT TO COMPLAINANTS OF RESOLUTION OF INVESTIGATIONS INTO RETALIATION.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the results of an investigation by an office, element, or personnel of the Department of Defense or the Armed Forces of a complaint by a member of the Armed Forces of retaliation shall be reported to the member, including whether the complaint was substantiated, unsubstantiated, or dismissed.

(2) MEMBERS OF COAST GUARD.—The Secretary of Homeland Security shall provide in a similar manner for reports on the results of investigations by offices, elements, or personnel of the Department of Homeland Security or the Coast Guard of such complaints made by members of the Coast Guard when it is not operating as a service in the Navy.

(b) RETALIATION DEFINED.—In this section, the term ''retaliation'' has the meaning given the term by the Secretary of Defense in the strategy required by section

539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

SEC. 542. TRAINING FOR DEPARTMENT OF DEFENSE PERSONNEL ON SEXUAL ASSAULT TRAUMA IN INDIVIDUALS CLAIMING RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the personnel of the Department of Defense specified in subsection (b) who investigate claims of retaliation in connection with reports of sexual assault in the Armed Forces receive training on the nature and consequences of sexual assault trauma. The training shall include such elements as the Secretary shall specify for purposes of this section.

(b) PERSONNEL.—The personnel of the Department of Defense specified in this subsection are the following:

(1) Personnel of military criminal investigation services.

(2) Personnel of Inspectors General offices.

(3) Personnel of any command of the Armed Forces who are assignable by the commander of such command to investigate claims of retaliation made by or against members of such command.

(c) RETALIATION DEFINED.—In this section, the term ''retaliation'' has the meaning given the term by the Secretary of Defense in the strategy required by section 539 of the National Defense Authorization Act of Fiscal Year 2016 (Public Law 114–92; 129 Stat. 818) or a subsequent meaning specified by the Secretary.

SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE EFFORTS OF THE ARMED FORCES OF INFORMATION ON COMPLAINTS OF RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by adding at the end the following new paragraph:

''(12) Information on each claim of retaliation in connection with a report of sexual assault in the Armed Forces made by or against a member of such Armed Force as follows:

''(A) A narrative description of each complaint.

''(B) The nature of such complaint, including whether the complainant claims professional or social retaliation.

"(C) The gender of the complainant.

"(D) The gender of the individual claimed to have committed the retaliation.

"(E) The nature of the relationship between the complainant and the individual claimed to have committed the retaliation.

"(F) The nature of the relationship, if any, between the individual alleged to have committed the sexual assault concerned and the individual claimed to have committed the retaliation.

"(G) The official or office that received the complaint.

"(H) The organization that investigated or is investigating the complaint.

"(I) The current status of the investigation.

"(J) If the investigation is complete, a description of the results of the investigation, including whether the results of the investigation were provided to the complainant.

"(K) If the investigation determined that retaliation occurred, whether the retaliation was an offense under chapter 47 of title 10, United

States Code (the Uniform Code of Military Justice).''.

SEC. 544. METRICS FOR EVALUATING THE EFFORTS OF THE ARMED FORCES TO PREVENT AND RESPOND TO RETALIATION IN CONNECTION WITH REPORTS OF SEXUAL ASSAULT IN THE ARMED FORCES.

(a) METRICS REQUIRED.—The Sexual Assault Prevention and Response Office of the Department of Defense shall establish and issue to the military departments metrics to be used to evaluate the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

(b) BEST PRACTICES.—For purposes of enhancing and achieving uniformity in the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces, the Sexual Assault Prevention and Response Office shall identify and issue to the military departments best practices to be used in the prevention of and response to retaliation in connection with such reports.

PART II—OTHER MILITARY JUSTICE MATTERS

SEC. 546. DISCRETIONARY AUTHORITY FOR MILITARY JUDGES TO DESIGNATE AN INDIVIDUAL TO ASSUME THE RIGHTS OF THE VICTIM OF AN OFFENSE UNDER THE UNIFORM CODE OF MILITARY JUSTICE WHEN THE VICTIM IS A MINOR, INCOMPETENT, INCAPACITATED, OR DECEASED.

Section 806b(c) of title 10, United States Code (article 6b(c) of the Uniform Code of Military Justice), is amended by striking ''shall designate'' and inserting ''may designate''.

SEC. 547. APPELLATE STANDING OF VICTIMS IN ENFORCING RIGHTS OF VICTIMS UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—Section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(f) VICTIM AS REAL PARTY IN INTEREST DURING APPELLATE REVIEW.—(1) If counsel for the accused or the Government files appellate pleadings under section 866 or 867 of this title (article 66 or 67), the victim of an offense under this chapter may file pleadings as a real party in interest when the victim's rights under the rules

specified in paragraph (2) are implicated. The victim's right to file pleadings as a real party in interest includes the right to do so through counsel, including through a Special Victims' Counsel under section 1044e of this title.

"(2) Paragraph (1) applies with respect to the protections afforded by the following:

"(A) Military Rule of Evidence 412, relating to the admission of evidence regarding a victim's sexual background.

"(B) Military Rule of Evidence 513, relating to the psychotherapist-patient privilege.

"(C) Military Rule of Evidence 514, relating to the victim advocate-victim privilege.

"(3) In this subsection, the term 'victim of an offense under this chapter' means an individual who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of an offense under this chapter (the Uniform Code of Military Justice) and for which there was a guilty finding that is the subject of appeal under section 866 or 867 of this title (article 66 or 67).".

(b) NOTICE OF APPELLATE AND POST-TRIAL MATTERS.—Subparagraph (C) of subsection (a)(2)of such section (article) is amended to read as follows:

"(C) A court-martial and any appellate matters, including post-trial review, relating to the offense.".

SEC. 548. EFFECTIVE PROSECUTION AND DEFENSE IN COURTS-MARTIAL.

(a) PROGRAM FOR EFFECTIVE PROSECUTION AND DEFENSE.—Each Secretary concerned shall carry out a program to ensure that—

(1) trial counsel and defense counsel detailed to prosecute or defend a court-martial have sufficient experience and knowledge to effectively prosecute or defend the case; or

(2) there is adequate supervision and oversight of the trial counsel and the defense counsel so detailed to ensure effective prosecution and defense in the court-martial.

(b) SKILL IDENTIFIERS.—

(1) IN GENERAL.—Each Secretary concerned shall establish and use a system of skill identifiers for purposes of identifying judge advocates with skill and experience in military justice proceedings in order to ensure that judge advocates with skills identified through such skill identifiers are assigned to supervise and oversee less experienced judge advocates in the prosecution and defense in courts-mar-

tial when required under a program carried out pursuant to subsection (a).

(2) USE OF CIVILIAN EMPLOYEES.—In addition to judge advocates assignable pursuant to paragraph (1), a Secretary concerned may assign the function of supervising and overseeing prosecution or defense in courts-martial as described in that paragraph to civilian employees of the military department concerned or the Department of Homeland Security, as applicable, who have extensive litigation expertise.

(3) STATUS AS SUPERVISOR.—A judge advocate or civilian employee assigned to supervise and oversee the prosecution or defense in a court-martial pursuant to this subsection is not required to be detailed to the case, but must be reasonably available for consultation during court-martial proceedings.

(c) DEFINITIONS.—In this section

(1) The term ''judge advocate'' has the meaning given that term in section 801(13) of title 10, United States Code (article 1(13) of the Uniform Code of Military Justice).

(2) The term ''Secretary concerned'' means the following:

(A) The Secretary of the Army, with respect to judge advocates and courts-martial of the Army.

(B) The Secretary of the Navy, with respect to judge advocates and courts-martial of the Navy and the Marine Corps.

(C) The Secretary of the Air Force, with respect to judge advocates and courts-martial of the Air Force.

(D) The Secretary of Homeland Security with respect to judge advocates of the Coast Guard and courts-martial of the Coast Guard when it is not operating as a service in the Navy.

SEC. 549. PILOT PROGRAMS ON MILITARY JUSTICE CAREER TRACK FOR JUDGE ADVOCATES.

(a) PILOT PROGRAMS REQUIRED.—Each Secretary of each military department shall carry out a pilot program to assess the feasibility and advisability of a military justice career track for judge advocates in the Armed Forces under the jurisdiction of the Secretary.

(b) DURATION.—Each pilot program under this section shall be for a period of five years.

(c) ELEMENTS.—Each pilot program under this section shall include the following:

(1) A military justice career track for judge advocates that leads to judge advocates with military justice expertise in the grade of colonel, or in the grade of captain in the case of judge advocates of the Navy, to prosecute and defend complex cases in military courts-martial.

(2) The use of the suspension of limitations on the number of certain commissioned officers on active duty under section 523(a) of title 10, United States Code, by reason of paragraph (4) of that section (as added by section 503 of this Act), to increase the number of authorized commissioned officers in pay grades O–4 through O–6 in order to accommodate the increased numbers of judge advocates in such grades required in connection with the pilot program.

(3) The use of skill identifiers to identify judge advocates for participation in the pilot program from among judge advocates having appropriate skill and experience in military justice matters.

(4) Guidance for promotion boards considering the selection for promotion of officers participating in the pilot program in order to ensure that judge advocates who are participating in the pilot program have the same opportunity for promotion as all other

judge advocate officers being considered for promotion by such boards.

(5) Such other matters as the Secretary of the military department concerned considers appropriate.

(d) REPORT.—Not later than four years after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot programs under this section. The report shall include the following:

(1) A description and assessment of each pilot program.

(2) Such recommendations as the Secretary considers appropriate in light of the pilot programs, including whether any pilot program should be extended or made permanent.

SEC. 550. MODIFICATION OF DEFINITION OF SEXUAL HARASSMENT FOR PURPOSES OF INVESTIGATIONS OF COMPLAINTS OF HARASSMENT BY COMMANDING OFFICERS.

(a) IN GENERAL.—Section 1561(i) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(constituting a form of sex discrimination)''; and

(B) in subparagraph (B), by striking ''the work environment'' and inserting ''the environment''; and

(2) in paragraph (3), by striking ''in the workplace''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to complaints described in section 1561 of title 10, United States Code, that are first received by a commanding officer or officer in charge on or after that date.

SEC. 551. EXTENSION AND CLARIFICATION OF ANNUAL REPORTS REGARDING SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) EXTENSION.—Subsection (a) of section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by striking ''2017'' and inserting ''2025''.

(b) SCOPE OF REPORTING REQUIREMENT.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) SEXUAL ASSAULTS COVERED BY REPORTING REQUIREMENT.—The sexual assaults contained in a report under subsection (a) pursuant to paragraphs (1) and (2) of subsection (b) shall include all reported sexual assaults, regardless of the age of the offender or victim or the relationship status between the offender and victim, including, at a minimum, all sexual assault reports received by the Sexual Assault Prevention and Response Program, or equivalent, and the Family Advocacy Program, or equivalent, of each Armed Force.''.

(c) REPORTING DEADLINES.—

(1) MILITARY DEPARTMENT REPORTS TO SECRETARY OF DEFENSE.—Subsection (a) of such section, as amended by subsection (a) of this section, is further amended by striking ''and each March 1, thereafter through March 1,'' and inserting ''each March 1 thereafter through March 1, 2016, and each February 1 thereafter though February 1,''.

(2) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking ''April 30'' and inserting ''March 31''.

SEC. 552. EXPANSION OF AUTHORITY TO EXECUTE CERTAIN MILITARY INSTRUMENTS.

(a) EXPANSION OF AUTHORITY TO EXECUTE MILITARY TESTAMENTARY INSTRUMENTS.—

(1) IN GENERAL.—Paragraph (2) of section 1044d(c) of title 10, United States Code, is amended to read as follows:

''(2) the execution of the instrument is notarized by—

''(A) a military legal assistance counsel;

''(B) a person who is authorized to act as a notary under section 1044a of this title who—

''(i) is not an attorney; and

''(ii) is supervised by a military legal assistance counsel; or

''(C) a State-licensed notary employed by a military department or the Coast Guard who is supervised by a military legal assistance counsel;''.

(2) CLARIFICATION.—Paragraph (3) of such section is amended by striking ''presiding attorney'' and inserting ''person notarizing the instrument in accordance with paragraph (2)''.

(b) EXPANSION OF AUTHORITY TO NOTARIZE DOCUMENTS TO CIVILIANS SERVING IN MILITARY LEGAL AS-

SISTANCE OFFICES.—Section 1044a(b) of such title is amended by adding at the end the following new paragraph:

"(6) All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).".

SEC. 553. UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

(a) MODIFICATION OF TERM OF TWO JUDGES OF THE COURT TO RESTORE ROTATION OF JUDGES.—

(1) MODIFICATION OF TERM OF OFFICE.—Notwithstanding section 942(b)(2) of title 10, United States Code (article 142(b)(2) of the Uniform Code of Military Justice)—

(A) the term of Judge Scott W. Stucky as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2022; and

(B) the term of Judge Margaret A. Ryan as a judge of the United States Court of Appeals for the Armed Forces shall expire on July 31, 2020.

(2) SAVING PROVISION.—No person mentioned in paragraph (1), and no survivor of any such per-

son, shall be deprived of any annuity provided by section 945 of title 10, United States Code (article 145 of the Uniform Code of Military Justice), or under the applicable provisions of title 5, United States Code, by reason of that paragraph.

(b) MODIFICATION OF DAILY RATE OF COMPENSATION FOR SENIOR JUDGES PERFORMING JUDICIAL DUTIES WITH THE COURT.—Section 942(e)(2) of such title (article 142(e)(2) of the Uniform Code of Military Justice) is amended by striking ''equal to'' and all that follows and inserting ''equal to the difference between—

''(A) the daily equivalent of the annual rate of pay provided for a judge of the court; and

''(B) the daily equivalent of the annuity of the judge under section 945 of this title (article 145), the applicable provisions of title 5, or any other retirement system for employees of the Federal Government under which the senior judge receives an annuity.''.

(c) CLARIFICATION OF AUTHORITY OF JUDGES OF THE COURT TO ADMINISTER OATHS AND ACKNOWLEDGMENTS.—Subsection (c) of section 936 of such title (article 136 of the Uniform Code of Military Justice) is amended to read as follows:

"(c) Each judge and senior judge of the United States Court of Appeals for the Armed Forces shall have the powers relating to oaths, affirmations, and acknowledgments provided to justices and judges of the United States by section 459 of title 28.".

(d) REPEAL OF REQUIREMENT RELATING TO POLITICAL PARTY STATUS OF JUDGES OF THE COURT.—Section 942(b)(3) of such title (article 142(b)(3) of the Uniform Code of Military Justice) is amended by striking "Not more than three of the judges of the court may be appointed from the same political party, and no" and by inserting "No".

(e) REPEAL OF DUAL COMPENSATION PROVISION RELATING TO JUDGES OF THE COURT.—Section 945 of such title (article 145 of the Uniform Code of Military Justice) is amended—

(1) in subsection (d), by striking "subsection (g)(1)(B)" and inserting "subsection (f)(1)(B)";

(2) by striking subsection (f); and

(3) by redesignating subsections (g), (h), and (i) as subsections (f), (g), and (h), respectively.

SEC. 554. MEDICAL EXAMINATION BEFORE ADMINISTRATIVE SEPARATION FOR MEMBERS WITH POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY IN CONNECTION WITH SEXUAL ASSAULT.

Section 1177(a)(1) of title 10, United States Code, is amended—

(1) by inserting ", or sexually assaulted," after "deployed overseas in support of a contingency operation"; and

(2) by inserting "or based on such sexual assault," after "while deployed,".

Subtitle E—Member Education, Training, and Transition

SEC. 561. LIMITATION ON TUITION ASSISTANCE FOR OFF-DUTY TRAINING OR EDUCATION.

Section 2007(a) of title 10, United States Code, is amended by inserting ", but only if the Secretary determines that such education or training is likely to contribute to the member's professional development" after "during the member's off-duty periods".

SEC. 562. MODIFICATION OF PROGRAM TO ASSIST MEMBERS OF THE ARMED FORCES IN OBTAINING PROFESSIONAL CREDENTIALS.

(a) SCOPE OF PROGRAM.—Subsection (a)(1) of section 2015 of title 10, United States Code, is amended by

striking ''incident to the performance of their military duties''.

(b) QUALITY ASSURANCE OF CERTIFICATION PROGRAMS AND STANDARDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''is accredited by an accreditation body that'' and all that follows and inserting ''meets one of the requirements specified in paragraph (2).''; and

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

''(2) The requirements for a credentialing program specified in this paragraph are that the credentialing program—

''(A) is accredited by a nationally-recognized third-party personnel certification program accreditor;

''(B)(i) is sought or accepted by employers within the industry or sector involved as a recognized, preferred, or required credential for recruitment, screening, hiring, retention, or advancement purposes; and

''(ii) where appropriate, is endorsed by a nationally-recognized trade association or organization

representing a significant part of the industry or sector;

"(C) grants licenses that are recognized by the Federal Government or a State government; or

"(D) meets credential standards of a Federal agency.".

SEC. 563. ACCESS TO DEPARTMENT OF DEFENSE INSTALLATIONS OF INSTITUTIONS OF HIGHER EDUCATION PROVIDING CERTAIN ADVISING AND STUDENT SUPPORT SERVICES.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2012 the following new section:

"§ 2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services

"(a) ACCESS.—

"(1) ACCESS TO BE PERMITTED.—The Secretary of Defense shall grant access to Department of Defense installations to any institution of higher education that—

"(A) has entered into a Voluntary Education Partnership Memorandum of Understanding with the Department for the purpose

of providing at the installation concerned timely face-to-face student advising and related support services to members of the armed forces and other persons who are eligible for assistance under Department of Defense educational assistance programs and authorities; and

"(B) has been approved to provide such advising and support services by the educational service office of the installation concerned.

"(2) SCOPE OF ACCESS.—Access shall be granted under paragraph (1) in a nondiscriminatory manner to any institution covered by that paragraph regardless of the particular learning modality offered by that institution.

"(b) REGULATIONS.—The Secretary shall prescribe in regulations the time and place of access required pursuant to subsection (a). The regulations shall provide the following:

"(1) The opportunity for institutions of higher education to receive regular and recurring access at times and places that ensure maximum opportunity for students to obtain advising and support services described in subsection (a).

"(2) Access in a degree in proportion to the number of students enrolled by each institution of higher education.

"(c) DEFINITIONS.—In this section:

"(1) The term 'Department of Defense educational assistance programs and authorities' has the meaning given the term 'Department of Defense educational assistance programs and authorities covered by this section' in section 2006a(c)(1) of this title.

"(2) The term 'institution of higher education' has the meaning given that term in section 2006a(c)(2) of this title.

"(3) The term 'Voluntary Education Partnership Memorandum of Understanding' has the meaning given that term in Department of Defense Instruction 1322.25, entitled 'Voluntary Education Programs', or any successor Department of Defense Instruction.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2012 the following new item:

"2012a. Access to Department of Defense installations: institutions of higher education providing certain advising and student support services.".

SEC. 564. PRIORITY PROCESSING OF APPLICATIONS FOR TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS FOR MEMBERS UNDERGOING DISCHARGE OR RELEASE FROM THE ARMED FORCES.

(a) PRIORITY PROCESSING.—The Secretary of Defense shall consult with the Secretary of Homeland Security to afford a priority in the processing of applications for a Transportation Worker Identification Credential (TWIC) to applications submitted by members of the Armed Forces who are undergoing separation, discharge, or release from the Armed Forces under honorable conditions, with such priority to provide for the review and adjudication of such an application by not later than 14 days after submittal, unless an appeal or waiver applies or further application documentation is necessary. The priority shall be so afforded commencing not later than 180 days after the date of the enactment of this Act to members who undergo separation, discharge, or release from the Armed Forces after the date on which the priority so commences being afforded.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Homeland Security shall enter into a memorandum of understanding in connection with achieving the requirement in subsection (a).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Homeland Security shall jointly submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. The report shall set forth the following:

(1) The memorandum of understanding required pursuant to subsection (b).

(2) A description of the number of individuals who applied for, and the number of individuals who have been issued, a Transportation Worker Identification Credential pursuant to the memorandum of understanding as of the date of the report.

(3) If any applications for a Transportation Worker Identification Credential covered by paragraph (2) were not reviewed and adjudicated within the deadline specified in subsection (a), a description of the reasons for the failure and of the actions being taken to assure that future applications for a Credential are reviewed and adjudicated within the deadline.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2017 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 573. IMPACT AID AMENDMENTS.

(a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—

(1) AMENDMENT.—Subclause (I) of section 7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)(i)(I)), as amended by sections 7001 and 7004(2)(B) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended to read as follows:

"(I) is a local educational agency—

"(aa) whose boundaries are the same as a Federal military installation; or

"(bb)(AA) whose boundaries are the same as an island property designated by the Secretary of the Interior to be property that is held in trust by the Federal Government; and

"(BB) that has no taxing authority;".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802), beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act.

(b) SPECIAL RULE REGARDING THE PER-PUPIL EXPENDITURE REQUIREMENT.—

(1) REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to

a section or other provision of title VII of the Elementary and Secondary Education Act of 1965 shall be considered to be a reference to the section or other provision of such title VII as amended by the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802).

(2) IN GENERAL.—Notwithstanding section 5(d) of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1806) or section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), with respect to any application submitted under section 7005 of such Act (20 U.S.C. 7705) for eligibility consideration under subclause (II) or (V) of section 7003(b)(2)(B)(i) of such Act for fiscal year 2017, 2018, or 2019, the Secretary of Education shall determine that a local educational agency meets the per-pupil expenditure requirement for purposes of such subclause (II) or (V), as applicable, only if—

(A) in the case of a local educational agency that received a basic support payment for fiscal year 2001 under section 8003(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such section was in effect for such fiscal year), the

agency, for the year for which the application is submitted, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement; or

(B) in the case of a local educational agency that did not receive a basic support payment for fiscal year 2015 under such section 8003(b)(2)(B), as so in effect, the agency, for the year for which the application is submitted—

(i) has a total student enrollment of 350 or more students and a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

(ii) has a total student enrollment of less than 350 students and a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable local

educational agency or 3 comparable local educational agencies (whichever average per-pupil expenditure is greater), in the State in which the agency is located.

(c) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.—

(1) AMENDMENTS.—Section 7003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)), as amended by subsection (a) and sections 7001 and 7004 of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074, 2077), is further amended—

(A) in subclause (IV) of subparagraph (B)(i)—

(i) in the matter preceding item (aa), by inserting ''received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and'' before ''has'';

(ii) in item (aa), by striking ''50'' and inserting ''35''; and

(iii) by striking item (bb) and inserting the following:

''(bb)(AA) not less than 3,500 of such children are chil-

dren described in subparagraphs (A) and (B) of subsection (a)(1); or

"(BB) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1);"; and

(B) in subparagraph (D)—

(i) in clause (i)—

(I) in subclause (I), by striking "clause (ii)" and inserting "clauses (ii), (iii), and (iv)"; and

(II) in subclause (II)—

(aa) by inserting "received a payment for fiscal year 2015 under section 8003(b)(2)(E) (as such section was in effect for such fiscal year) and" after "agency that";

(bb) by striking "50 percent" and inserting "35 percent";

(cc) by striking "subsection (a)(1) and not less than 5,000"

and inserting the following: ''subsection (a)(1) and—

''(aa) not less than 3,500''; and

(dd) by striking ''subsection (a)(1).'' and inserting the following: ''subsection (a)(1); or

''(bb) not less than 7,000 of such children are children described in subparagraph (D) of subsection (a)(1).'';

(ii) in clause (ii), by striking ''shall be 1.35.'' and inserting the following: ''shall be—

''(I) for fiscal year 2016, 1.35;

''(II) for each of fiscal years 2017 and 2018, 1.38;

''(III) for fiscal year 2019, 1.40;

''(IV) for fiscal year 2020, 1.42; and

''(V) for fiscal year 2021 and each fiscal year thereafter, 1.45.''; and

(iii) by adding at the end the following:

"(iii) FACTOR FOR CHILDREN WHO LIVE OFF BASE.—For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

"(I) for fiscal year 2016, .20;

"(II) for each of fiscal years 2017 and 2018, .22;

"(III) for each of fiscal years 2019 and 2020, .25; and

"(IV) for fiscal year 2021 and each fiscal year thereafter—

"(aa) .30 with respect to each of the first 7,000 children; and

"(bb) .25 with respect to the number of children that exceeds 7,000.

"(iv) SPECIAL RULE.—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of

subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in subsection (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

"(I) the factor used, for the fiscal year for which the determination is being made, to determine the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.40; and

"(II) the factor used, for such fiscal year, to determine the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be .20.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965 beginning with fiscal year 2017 and as if enacted as part

of title VII of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074).

(3) SPECIAL RULES.—

(A) APPLICABILITY FOR FISCAL YEAR 2016.—Notwithstanding any other provision of law, in making basic support payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) for fiscal year 2016, the Secretary of Education shall carry out subparagraphs (B)(i) and (E) of such section as if the amendments made to subparagraphs (B)(i)(IV) and (D) of section 7003(b)(2) of such Act (as amended and redesignated by this subsection and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) had also been made to the corresponding provisions of section 8003(b)(2) of the Elementary and Secondary Education Act of 1965, as in effect on the day before the date of enactment of the Every Student Succeeds Act.

(B) LOSS OF ELIGIBILITY.—For fiscal year 2016 or any succeeding fiscal year, if a local educational agency is eligible for a basic support payment under subclause (IV) of section

7003(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (as amended by this section and the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 1802)) or through a corresponding provision under subparagraph (A), such local educational agency shall be ineligible to apply for a payment for such fiscal year under any other subclause of such section (or, for fiscal year 2016, any other item of section 8003(b)(2)(B)(i)(II) of the Elementary and Secondary Education Act of 1965).

(C) PAYMENT AMOUNTS.—If, before the date of enactment of this Act, a local educational agency receives 1 or more payments under section 8003(b)(2)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the sum of which is greater than the amount the Secretary of Education determines the local educational agency is entitled to receive under such section in accordance with subparagraph (A)—

(i) the Secretary shall allow the local educational agency to retain the larger amount; and

(ii) such local educational agency shall not be eligible to receive any additional payment under such section for fiscal year 2016.

SEC. 574. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO THE TRANSITION AND SUPPORT OF MILITARY DEPENDENT STUDENTS TO LOCAL EDUCATIONAL AGENCIES.

(a) EXTENSION.—Section 547(c)(3) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (20 U.S.C. 7703b note) is amended by striking ''September 30, 2016'' and inserting ''September 30, 2017''.

(b) INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION.—The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) that includes a request for the extension of section 547(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 shall include the following:

(1) A full accounting of the expenditure of funds pursuant to such section 547(c) during the last fiscal year ending before the date of the submittal of the budget.

(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.

SEC. 575. COMPTROLLER GENERAL OF THE UNITED STATES ANALYSIS OF UNSATISFACTORY CONDITIONS AND OVERCROWDING AT PUBLIC SCHOOLS ON MILITARY INSTALLATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the condition and capacity of public schools on military installations. The analysis shall include schools that were omitted from the July 2011 Department of Defense analysis of such schools.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report setting forth the analysis required by subsection (a). The report shall include the following:

(1) The Numerical Condition Index and Condition Rating of each public school on a military in-

stallation, with a ranking of such schools based on the severity of unsafe conditions and facility deficiencies.

(2) The Percentage Over or Under Capacity and the Capacity Rating for each school.

(3) An identification and assessment of the schools likely to become overcrowded, or face condition deficiencies, during the five-year period beginning on the date of the report, based on anticipated changes in the force structure or deteriorating conditions.

(4) A ranking of schools nationwide based on severity of unsatisfactory conditions and on overcrowding.

(5) Such other information as the Comptroller General considers appropriate to establish priorities for the renovation, repair, or revitalization of schools in order to address unsatisfactory conditions and overcrowding.

SEC. 576. ENHANCED FLEXIBILITY IN PROVISION OF RELOCATION ASSISTANCE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of subsection (c) of section 1056 of title 10, United States Code, is amended by striking the second, third, and fourth

sentences and inserting the following new sentence: ''Such relocation assistance programs shall ensure that members of the armed forces and their families are provided relocation assistance regardless of geographic location.''.

(b) COMPUTERIZED INFORMATION SYSTEM.—Such subsection is further amended—

(1) in paragraph (2)—

(A) by striking ''available through each military'' and inserting ''a''; and

(B) by striking ''all other military relocation assistance programs'' and inserting ''the relocation assistance programs''; and

(2) in paragraph (3)—

(A) by striking ''Duties of each military relocation assistance program shall include assisting'' and inserting ''Assistance shall be provided to''; and

(B) by striking ''the program'' and inserting ''a relocation assistance program''.

(c) DISCHARGE THROUGH PROGRAM MANAGER.—Subsection (d) of such section is amended to read as follows:

''(d) PROGRAM MANAGER.—The Secretary of Defense shall establish the position of Program Manager of Military Relocation Assistance in the office of the Assist-

ant Secretary of Defense for Manpower and Reserve Affairs. The Program Manager shall oversee the development and implementation of relocation assistance under this section.''.

SEC. 577. REPORTING ON ALLEGATIONS OF CHILD ABUSE IN MILITARY FAMILIES AND HOMES.

(a) REPORTS TO FAMILY ADVOCACY PROGRAM OFFICES.—

(1) IN GENERAL.—The following information shall be reported immediately to the Family Advocacy Program office at the military installation to which the member of the Armed Forces concerned is assigned:

(A) Credible information (which may include a reasonable belief), obtained by any individual within the chain of command of the member, that a child in the family or home of the member has suffered an incident of child abuse.

(B) Information, learned by a member of the Armed Forces engaged in a profession or activity described in subsection (b) of section 226 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13031) for members of the Armed Forces and their dependents, that gives reason

to suspect that a child in the family or home of the member has suffered an incident of child abuse.

(2) REGULATIONS.—The Secretary of Defense and the Secretary of Homeland Security (with respect to the Navy when it is not operating as a service in the Navy) shall jointly prescribe regulations to carry out this subsection.

(3) CHILD ABUSE DEFINED.—In this subsection, the term ''child abuse'' has the meaning given that term in subsection (c) of section 226 of the Victims of Child Abuse Act of 1990.

(b) REPORTS TO STATE CHILD WELFARE SERVICES.—Section 226 of the Victims of Child Abuse Act of 1990 (title II of Public Law 101–647; 104 Stat. 4806; 42 U.S.C. 13031) is amended—

(1) in subsection (a), by inserting '' and to the agency or agencies provided for in subsection (e), if applicable'' before the period;

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) REPORTERS AND RECIPIENT OF REPORT INVOLVING CHILDREN AND HOMES OF MEMBERS OF THE ARMED FORCES.—

"(1) RECIPIENTS OF REPORTS.—In the case of an incident described in subsection (a) involving a child in the family or home of member of the Armed Forces (regardless of whether the incident occurred on or off a military installation), the report required by subsection (a) shall be made to the appropriate child welfare services agency or agencies of the State in which the child resides. The Attorney General, the Secretary of Defense, and the Secretary of Homeland Security (with respect to the Navy when it is not operating as a service in the Navy) shall jointly, in consultation with the chief executive officers of the States, designate the child welfare service agencies of the States that are appropriate recipients of reports pursuant to this subsection. Any report on an incident pursuant to this subsection is in addition to any other report on the incident pursuant to this section.

"(2) MAKERS OF REPORTS.—For purposes of the making of reports under this section pursuant to this subsection, the persons engaged in professions and activities described in subsection (b) shall in-

clude members of the Armed Forces who are engaged in such professions and activities for members of the Armed Forces and their dependents.''.

SEC. 578. BACKGROUND CHECKS FOR EMPLOYEES OF AGENCIES AND SCHOOLS PROVIDING ELEMENTARY AND SECONDARY EDUCATION FOR DEPARTMENT OF DEFENSE DEPENDENTS.

(a) BACKGROUND CHECKS.—Commencing not later than two years after the date of the enactment of this Act, each covered local educational agency and each Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code, shall have in effect policies and procedures that—

(1) require that a criminal background check be conducted for each school employee of the agency or school, respectively, that includes—

(A) a search of the State criminal registry or repository of the State in which the school employee resides;

(B) a search of State-based child abuse and neglect registries and databases of the State in which the school employee resides;

(C) a Federal Bureau of Investigation fingerprint check using the Integrated Automated Fingerprint Identification System; and

(D) a search of the National Sex Offender Registry established under section 119 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16919);

(2) prohibit the employment of a school employee as a school employee at the agency or school, respectively, if such employee—

(A) refuses to consent to a criminal background check under paragraph (1);

(B) makes a false statement in connection with such criminal background check;

(C) has been convicted of a felony consisting of—

(i) murder;

(ii) child abuse or neglect;

(iii) a crime against children, including child pornography;

(iv) spousal abuse;

(v) a crime involving rape or sexual assault;

(vi) kidnapping;

(vii) arson; or

(viii) physical assault, battery, or a drug-related offense, committed on or after the date that is five years before the date of such employee's criminal background check under paragraph (1); or

(D) has been convicted of any other crime that is a violent or sexual crime against a minor;

(3) require that each criminal background check conducted under paragraph (1) be periodically repeated or updated in accordance with policies established by the covered local educational agency or the Department of Defense (in the case of a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code);

(4) upon request, provide each school employee who has had a criminal background check under paragraph (1) with a copy of the results of the criminal background check;

(5) provide for a timely process, by which a school employee of the school or agency may appeal, but which does not permit the employee to be employed as a school employee during such appeal, the results of a criminal background check conducted

under paragraph (1) which prohibit the employee from being employed as a school employee under paragraph (2) to—

(A) challenge the accuracy or completeness of the information produced by such criminal background check; and

(B) establish or reestablish eligibility to be hired or reinstated as a school employee by demonstrating that the information is materially inaccurate or incomplete, and has been corrected; and

(6) allow the covered local educational agency or school, as the case may be, to share the results of a school employee's criminal background check recently conducted under paragraph (1) with another local educational agency that is considering such school employee for employment as a school employee.

(b) FEES FOR BACKGROUND CHECKS.—The Attorney General, attorney general of a State, or other State law enforcement official may charge reasonable fees for conducting a criminal background check under subsection (a)(1), but such fees shall not exceed the actual costs for the processing and administration of the criminal background check.

(c) DEFINITIONS.—In this section:

(1) COVERED LOCAL EDUCATIONAL AGENCY.—The term ''covered local educational agency'' means a local educational agency that receives funds—

(A) under subsection (b) or (d) of section 8003, or section 8007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), as such sections are in effect before the effective date for title VII of the Every Student Succeeds Act (Public Law 114–95); or

(B) under subsection (b) or (d) of section 7003, or section 7007, of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703, 7707), beginning on the effective date of such title VII.

(2) SCHOOL EMPLOYEE.—The term ''school employee'' means—

(A) a person who—

(i) is an employee of, or is seeking employment with—

(I) a covered local educational agency; or

(II) a Department of Defense domestic dependent elementary and secondary school established pursuant to

section 2164 of title 10, United States Code, such elementary and secondary school; and

(ii) as a result of such employment, has (or will have) a job duty that results in unsupervised access to elementary school or secondary school students; or

(B)(i) any person, or an employee of any person, who has a contract or agreement to provide services to a covered local educational agency or a Department of Defense domestic dependent elementary and secondary school established pursuant to section 2164 of title 10, United States Code; and

(ii) such person or employee, as a result of such contract or agreement, has a job duty that results in unsupervised access to elementary school or secondary school students.

SEC. 579. SUPPORT FOR PROGRAMS PROVIDING CAMP EXPERIENCE FOR CHILDREN OF MILITARY FAMILIES.

(a) IN GENERAL.—The Secretary of Defense may provide financial or non-monetary support to qualified nonprofit organizations in order to assist such organizations in carrying out programs to support the attendance

at a camp or camp-like setting of children of military families.

(b) REPORTS TO DOD.—Each organization that receives support from the Secretary pursuant to subsection (a) shall submit to the Secretary a report on the use of such support containing such information as the Secretary considers appropriate.

SEC. 580. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON EXCEPTIONAL FAMILY MEMBER PROGRAMS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effectiveness of each Exceptional Family Member Program (EFMP) of the Armed Forces.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the differences between the Exceptional Family Member Programs of the Armed Forces.

(2) A description and assessment of the manner in which Exceptional Family Member Programs are implemented on joint bases and installations.

(3) An assessment whether all children of members of each Armed Forces are screened for potential coverage under the Exceptional Family Member Program.

(4) An assessment of the degree to which conditions of children of members of the Armed Forces who qualify for coverage under an Exceptional Family Member Program are taken into account in making assignments of military personnel.

(5) An assessment of the degree to which medical and educational services are available to address the conditions identified by the screening described in (3) in children of members of the Armed Forces who qualify for coverage under an Exceptional Family Member Program.

(6) An assessment whether the Department of Defense has implemented specific directives for providing family support and enhanced case management services, such as special needs navigators, to families with special needs children.

(7) An assessment whether the Department has conducted periodic reviews of best practices in the United States for the provision of medical and educational services to children with special needs.

(8) An assessment whether the Department has established an advisory panel on community support for military families with special needs.

(9) An assessment of the uniform policy for the Department regarding families with special needs required by section 1781c(e) of title 10, United States Code.

(10) An assessment of the implementation of the uniform policy described in paragraph (9).

(11) An assessment of the implementation by each Armed Force of the recommendations in the Government Accountability Report entitled ''Military Dependent Students, Better Oversight Needed to Improve Services for Children with Special Needs'' (GAO–12–680).

SEC. 581. REPEAL OF ADVISORY COUNCIL ON DEPENDENTS' EDUCATION.

Section 1411 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 929) is repealed.

Subtitle G—Decorations and Awards

SEC. 586. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO CHARLES S. KETTLES FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to Charles S. Kettles for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Charles S. Kettles during combat operations on May 15, 1967, while serving as Flight Commander, 176th Aviation Company, 14th Aviation Battalion, Task Force Oregon, Republic of Vietnam, for which he was previously awarded the Distinguished Service Cross.

SEC. 587. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO GARY M. ROSE FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States

Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to Gary M. Rose for the acts of valor described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Gary M. Rose in Laos from September 11 through 14, 1970, during the Vietnam War while a member of the United States Army, Military Assistance Command Vietnam-Studies and Observation Group (MACVSOG).

SEC. 588. AUTHORIZATION FOR AWARD OF THE DISTINGUISHED SERVICE CROSS TO CHAPLAIN (FIRST LIEUTENANT) JOSEPH VERBIS LAFLEUR FOR ACTS OF VALOR DURING WORLD WAR II.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army may award the Distinguished Service Cross under section 3742 of that title to Chaplain (First Lieutenant) Joseph Verbis LaFleur for the acts of valor referred to in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Chaplain (First Lieutenant) Joseph Verbis LaFleur while interned as a Prisoner of War by Japan from December 30, 1941, to September 7, 1944.

SEC. 589. POSTHUMOUS ADVANCEMENT OF COLONEL GEORGE E. "BUD" DAY, UNITED STATES AIR FORCE, ON THE RETIRED LIST.

(a) ADVANCEMENT.—Colonel George E. ''Bud'' Day, United States Air Force (retired), is entitled to hold the rank of brigadier general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of George E. ''Bud'' Day on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which George E. ''Bud'' Day would have been entitled based upon his military service or affect any benefits to which any other person may become entitled based on his military service.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 591. APPLICABILITY OF MILITARY SELECTIVE SERVICE ACT TO FEMALE CITIZENS AND PERSONS.

Section 3 of the Military Selective Service Act (50 U.S.C. 3802) is amended—

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

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

''(b)(1) The duty to register imposed on male citizens and persons residing in the United States by subsection (a) shall apply to female citizens of the United States and female persons residing in the United States who attain the age of 18 years on or after January 1, 2018.

''(2) The responsibilities and rights of female registrants under this Act shall be the responsibilities and rights of male registrants under this Act, and shall be subject to such terms, conditions, and limitations as are applicable under the provisions of this Act to similarly situated male registrants.

''(3) Any reference in this Act to a registrant or other person subject to the duties, responsibilities, and rights of a registrant under this Act shall be deemed to refer to female citizens of the United States and female persons

residing in the United States registering pursuant to this subsection.''.

SEC. 592. SENIOR MILITARY ACQUISITION ADVISORS IN THE DEFENSE ACQUISITION CORPS.

(a) POSITIONS.—

(1) IN GENERAL.—Subchapter II of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1725. Senior Military Acquisition Advisors

''(a) POSITION.—

''(1) IN GENERAL.—The Secretary of Defense may establish in the Defense Acquisition Corps positions to be known as 'Senior Military Acquisition Advisor'.

''(2) APPOINTMENT.—A Senior Military Acquisition Advisor shall be appointed by the President, by and with the advice and consent of the Senate.

''(3) SCOPE OF POSITION.—An officer who is appointed as a Senior Military Acquisition Advisor—

''(A) shall serve as an advisor to, and provide senior level acquisition expertise to, the Service Acquisition Executive of that officer's military department in accordance with this section; and

"(B) shall be assigned as an adjunct professor at the Defense Acquisition University.

"(b) CONTINUATION ON ACTIVE DUTY.—An officer who is appointed as a Senior Military Acquisition Advisor may continue on active duty while serving in such position without regard to any mandatory retirement date that would otherwise be applicable to that officer by reason of years of service or age. An officer who is continued on active duty pursuant to this section is not eligible for consideration for selection for promotion.

"(c) RETIRED GRADE.—Upon retirement, an officer who is a Senior Military Acquisition Advisor may, in the discretion of the President, be retired in the grade of brigadier general or rear admiral (lower half) if—

"(1) the officer has served as a Senior Military Acquisition Advisor for a period of not less than three years; and

"(2) the officer's service as a Senior Military Acquisition Advisor has been distinguished.

"(d) SELECTION AND TENURE.—

"(1) IN GENERAL.—Selection of an officer for recommendation for appointment as a Senior Military Acquisition Advisor shall be made competitively, and shall be based upon demonstrated experience and expertise in acquisition.

"(2) OFFICERS ELIGIBLE.—Officers shall be selected for recommendation for appointment as Senior Military Acquisition Advisors from among officers of the Defense Acquisition Corps who are serving in the grade of colonel or, in the case of the Navy, captain, and who have at least 12 years of acquisition experience. An officer selected for recommendation for appointment as a Senior Military Acquisition Advisor shall have at least 30 years of active commissioned service at the time of appointment.

"(3) TERM.—The appointment of an officer as a Senior Military Acquisition Advisor shall be for a term of not longer than five years.

"(e) LIMITATION.—

"(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

"(A) not more than five may be officers of the Army;

"(B) not more than five may be officers of the Navy and Marine Corps; and

"(C) not more than five may be officers of the Air Force.

"(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of Senior Military Acquisition Advisors for each military department shall be as required and identified by the Service Acquisition Executive of such military department and approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer's primary duty providing strategic, technical, and programmatic advice to the Service Acquisition Executive of the officer's military department on matters pertaining to the Defense Acquisition System, including matters pertaining to procurement, research and development, advanced technology, test and evaluation, production, program management, systems engineering, and lifecycle logistics.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by adding at the end the following new item:

"1725. Senior Military Acquisition Advisors.".

(b) EXCLUSION FROM OFFICER GRADE-STRENGTH LIMITATIONS.—Section 523(b) of such title is amended by adding at the end the following new paragraph:

"(9) Officers who are Senior Military Acquisition Advisors under section 1725 of this title, but not to exceed 15.".

SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY AND THE MARINE CORPS IN INTEGRATING WOMEN INTO MILITARY OCCUPATIONAL SPECIALITIES AND UNITS RECENTLY OPENED TO WOMEN.

(a) REPORTS REQUIRED.—Not later than April 1, 2017, and each year thereafter through 2021, the Chief of Staff of the Army and the Commandant of the Marine Corps shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the current status of the implementation by the Army and the Marine Corps, respectively, of the policy of Secretary of Defense dated March 9, 2016, to open to women military occupational specialties and units previously closed to women.

(b) ELEMENTS.—Each report shall include, current as of the date of such report and for the Armed Force covered by such report, the following:

(1) The status of gender-neutral standards throughout the Entry Level Training continuum.

(2) The propensity of applicants to apply for and access into newly-opened ground combat programs, by gender and program.

(3) Success rates in Initial Screening Tests and Military Occupational Speciality (MOS) Classification Standards for newly-opened ground combat military occupational specialties, by gender.

(4) Attrition rates and causes of attrition throughout the Entry Level Training continuum, by gender and military occupational specialty.

(5) Reclassification rates and causes of reclassification throughout the Entry Level Training continuum, by gender and military occupational specialty.

(6) Injury rates and causes of injury throughout the Entry Level Training continuum, by gender and military occupational specialty.

(7) Injury rates and nondeployability rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(8) A comparative analysis of injury rates, causes of injury, and nondeployability rates under paragraphs (6) and (7) with injury rates, causes of injury, and nondeployability rates in similar military

occupational specialties of allied countries, including Australia, Canada, Israel, and the United Kingdom, and a comparative analysis of the mitigation factors used by the United States with respect to such injury and nondeployability and the mitigation factors used by such countries with respect to such injury and nondeployability.

(9) Lateral move approval rates into newly-opened military occupational specialties, by gender and military occupational specialty.

(10) Reenlistment and retention rates in newly-opened ground combat military occupational specialties, by gender and military occupational specialty.

(11) Promotion rates in newly-opened ground combat military occupational specialties, by grade and gender.

(12) Actions taken to address matters relating to equipment sizing and supply, and facilities, in connection with the implementation by such Armed Force of the policy referred to in paragraph (1).

(c) APPLICABILITY TO SOCOM.—In addition to the reports required by subsection (a), the Commander of the United States Special Operations Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives, on the dates provided for

in subsection (a), a report on the current status of the implementation by the United States Special Operations Command of the policy of Secretary of Defense referred to in subsection (a). Each report shall include the matters specified in subsection (b) with respect to the United States Special Operations Command.

SEC. 594. REPORT ON CAREER PROGRESSION TRACKS OF THE ARMED FORCES FOR WOMEN IN COMBAT ARMS UNITS.

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description, for each Armed Force, of the following:

(1) The career progression track for entry level women as officers in combat arms units of such Armed Force.

(2) The career progression track for laterally transferred women as officers in combat arms units of such Armed Force.

(3) The career progression track for entry level women as enlisted members in combat arms units of such Armed Force.

(4) The career progression track for laterally transferred women as enlisted members in combat arms units of such Armed Force.

SEC. 595. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT THE UNITED STATES AIR FORCE ACADEMY APPOINTED BY THE PRESIDENT.

(a) REPEAL.—Section 9337 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by striking the item related to section 9337.

SEC. 596. EXTENSION OF LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

SEC. 597. REPORT ON DISCHARGE BY WARRANT OFFICERS OF PILOT AND OTHER FLIGHT OFFICER POSITIONS IN THE NAVY, MARINE, CORPS, AND AIR FORCE CURRENTLY DISCHARGED BY COMMISSIONED OFFICERS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of the discharge by warrant offi-

cers of pilot and other flight officer positions in the Armed Forces under the jurisdiction of such Secretary that are currently discharged by commissioned officers.

(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each Armed Force covered by such report, the following:

(1) An assessment of the feasibility and advisability of the discharge by warrant officers of pilot and other flight officer positions that are currently discharged by commissioned officers.

(2) An identification of each such position, if any, for which the discharge by warrant officers is assessed to be feasible and advisable.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2017 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2017, the rates of monthly basic pay for members of the uniformed services are increased by 1.6 percent.

SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF ACTUAL RATES OF BASIC PAY PAYABLE TO MEMBERS OF THE ARMED FORCES BY PAY GRADE FOR ANNUAL OR OTHER PAY PERIODS.

Any pay table published or otherwise issued by the Department of Defense to indicate the rates of basic pay of the Armed Forces in effect for members of the Armed Forces for a calendar year or other period shall state the rate of basic pay to be received by members in each pay grade for such year or period as specified or otherwise provided by applicable law, including any rate to be so received pursuant during such year or period by the operation of a ceiling under section 203(a)(2) of title 37, United States Code, or a similar provision in an annual defense authorization Act.

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 604. REFORM OF BASIC ALLOWANCE FOR HOUSING.

(a) REFORM.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 403 the following new section:

''§ 403a. Basic allowance for housing: members first entitled after January 1, 2018; members entitled before January 1, 2018, with interruption in eligibility after that date

''(a) GENERAL ENTITLEMENT.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is entitled to basic pay is entitled to a basic allowance for housing at the monthly rate prescribed under this section or another provision of law with regard to the applicable component of the basic allowance for housing. The maximum amount of the basic allowance for housing for a member will vary according to the pay grade in which the member is assigned or distributed for basic pay purposes and the geographic location of the

member. The basic allowance for housing may be paid in advance.

"(b) BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.—

"(1) IN GENERAL.—The monthly rate of basic allowance for housing payable under this section to a member of the uniformed services covered by this section who is assigned to duty in the United States shall be the rate prescribed by the Secretary of Defense for purposes of this section.

"(2) ELEMENTS.—Subject to the provisions of this subsection, the rates of basic allowance for housing payable under this subsection shall meet the following requirements:

"(A) A maximum amount of the allowance shall be established for each military housing area, based on the costs of adequate housing in such area, for each pay grade.

"(B) The amount of the allowance payable to a member may not exceed the lesser of—

"(i) the actual monthly cost of housing of the member; or

"(ii) the maximum amount determined under subparagraph (A) for members in the member's pay grade.

"(C) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

"(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (B); divided by

"(ii) the total number of members occupying such housing.

"(D) So long as a member on retains uninterrupted eligibility to receive the allowance and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance may not be reduced as a result of changes in housing costs in the area or the promotion of the member.

"(3) CERTAIN RENTAL MATTERS.—

"(A) LUMP SUM PAYMENT FOR DEPOSITS AND ADVANCE RENT.—In the case of a member authorized payment of an allowance under this subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

"(i) incurred by the member in occupying private housing; and

"(ii) authorized or approved under regulations prescribed by the Secretary concerned.

"(B) RECOUPMENT.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A).

"(c) BASIC ALLOWANCE FOR HOUSING OUTSIDE THE UNITED STATES.—

"(1) IN GENERAL.—The monthly rate of basic allowance for housing payable under this section to a member of the uniformed services covered by this section who is assigned to duty outside in the United States shall be the rate prescribed by the Secretary of Defense for purposes of this section.

"(2) ELEMENTS.—Subject to the provisions of this subsection, the rates of basic allowance for housing payable under this subsection shall meet the following requirements:

"(A) The rates shall be based on the housing costs in the overseas area in which the member is assigned and shall be determined in

the manner specified in subparagraphs (A) and (B) of subsection (b)(2).

"(B) In the event two or more members occupy the same housing, the amount of the allowance payable to such a member may not exceed—

"(i) the amount of the allowance otherwise payable to such member pursuant to subparagraph (A); divided by

"(ii) the total number of members occupying such housing.

"(C) So long as a member retains uninterrupted eligibility to receive the allowance in an overseas area and the actual monthly cost of housing for the member is not reduced, the monthly amount of the allowance in the area may not be reduced as a result of changes in housing costs in the area or the promotion of the member. The monthly amount of the allowance may be adjusted to reflect changes in currency rates.

"(3) RENTAL MATTERS.—

"(A) LUMP SUM PAYMENTS FOR DEPOSIT AND ADVANCE RENT.—In the case of a member authorized payment of an allowance under this

subsection, the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

"(i) incurred by the member in occupying private housing outside of the United States; and

"(ii) authorized or approved under regulations prescribed by the Secretary concerned.

"(B) CURRENCY FLUCTUATION LOSSES AS ALLOWANCE EXPENSES.—Expenses for which a member may be reimbursed under this paragraph may include losses relating to housing that are sustained by the member as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which the housing is located.

"(C) RECOUPMENT.—The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A), including any gain resulting from currency fluctuations between the time of payment and the time of recoupment.

"(d) RESERVE AND RETIRED MEMBERS.—

"(1) IN GENERAL.—A member of a reserve component described in paragraph (2) is entitled to a basic allowance for housing determined in accordance with this section during the time the member is on active duty as described in that paragraph.

"(2) COVERED MEMBERS.—A member of a reserve component described in this paragraph is a member as follows:

"(A) A member of a reserve component of the uniformed services covered by this section without dependents who is called or ordered to active duty to attend accession training, in support of a contingency operation, or for a period of more than 30 days.

"(B) A retired member of the uniformed services covered by this section without dependents who is ordered to active duty under section 688(a) of title 10 in support of a contingency operation or for a period of more than 30 days.

"(e) BASIC ALLOWANCE FOR HOUSING WHEN DEPENDENTS DO NOT ACCOMPANY MEMBER.—

"(1) IN GENERAL.—A member of the uniformed services covered by this section with dependents who is on permanent duty at a location de-

scribed in paragraph (2) may be paid a family separation basic allowance for housing under this subsection at a monthly rate equal to the rate of the basic allowance for housing established under subsection (b) or the overseas basic allowance for housing established under subsection (c), whichever applies to that location, for members in the same grade at that location without dependents.

"(2) DUTY LOCATIONS.—A permanent duty location described in this paragraph is a location—

"(A) to which the movement of the member's dependents is not authorized at the expense of the United States under section 476 of this title, and the member's dependents do not reside at or near the location; and

"(B) at which quarters of the United States are not available for assignment to the member.

"(3) MEMBER ASSIGNED TO DIFFERENT LOCATION THAN DEPENDENTS RESIDENCE.—If a member with dependents is assigned to duty in an area that is different from the area in which the member's dependents reside, the member is entitled to a basic allowance for housing as provided in subsection (b) or

(c), whichever applies to the member, subject to the following:

"(A) If the member's assignment to duty in that area, or the circumstances of that assignment, require the member's dependents to reside in a different area, as determined by the Secretary concerned, the amount of the basic allowance for housing for the member shall be based on the area in which the dependents reside or the member's last duty station, whichever the Secretary concerned determines to be most equitable.

"(B) If the member's assignment to duty in that area is under the conditions of a low-cost or no-cost permanent change of station or permanent change of assignment, the amount of the basic allowance for housing for the member shall be based on the member's last duty station if the Secretary concerned determines that it would be inequitable to base the allowance on the cost of housing in the area to which the member is reassigned.

"(C) If the member is reassigned for a permanent change of station or permanent change of assignment from a duty station in the United

States to another duty station in the United States for a period of not more than one year for the purpose of participating in professional military education or training classes, the amount of the basic allowance for housing for the member may be based on whichever of the following areas the Secretary concerned determines will provide the more equitable basis for the allowance:

"(i) The area of the duty station to which the member is reassigned.

"(ii) The area in which the dependents reside, but only if the dependents reside in that area when the member departs for the duty station to which the member is reassigned and only for the period during which the dependents reside in that area.

"(iii) The area of the former duty station of the member, if different than the area in which the dependents reside.

"(4) CONSTRUCTION WITH OTHER ALLOWANCES.—A family separation basic allowance for housing paid to a member under this subsection is in addition to any other allowance or per diem that

the member receives under this title. A member may receive a basic allowance for housing under both paragraphs (1) and (3).

"(f) EFFECT OF ASSIGNMENT TO QUARTERS.—Except as otherwise provided by law, a member of the uniformed services covered by this section who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service appropriate to the grade, rank, or rating of the member and adequate for the member and dependents of the member, if with dependents, is not entitled to a basic allowance for housing.

"(g) INELIGIBILITY DURING INITIAL FIELD DUTY OR SEA DUTY.—

"(1) INITIAL FIELD DUTY.—A member of the uniformed services covered by this section without dependents who makes a permanent change of station for assignment to a unit conducting field operations is not entitled to a basic allowance for housing while on that initial field duty unless the commanding officer of the member certifies that the member was necessarily required to procure quarters at the member's expense.

"(2) SEA DUTY.—A member of the uniformed services covered by this section without dependents

who is in a pay grade below pay grade E–6 is not entitled to a basic allowance for housing while the member is on sea duty.

"(3) DEFINITIONS.—The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, shall prescribe regulations defining the terms 'field duty' and 'sea duty' for purposes of this subsection.

"(h) TEMPORARY HOUSING ALLOWANCE WHILE IN TRAVEL OR LEAVE STATUS.—A member of the uniformed services covered by this section is entitled to a temporary basic allowance for housing (at a rate determined by the Secretary of Defense) while the member is in a travel or leave status between permanent duty stations, including time granted as delay en route or proceed time, when the member is not assigned to quarters of the United States.

"(i) TEMPORARY CONTINUATION OF ALLOWANCE FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE DUTY.—

"(1) OCCUPATION WITHOUT CHARGE FOLLOWING DEATH.—The Secretary of Defense, or the Secretary of Homeland Security in the case of the Coast Guard when not operating as a service in the Navy, may allow the dependents of a member of the

armed forces covered by this section who dies on active duty and whose dependents are occupying family housing provided by the Department of Defense, or by the Department of Homeland Security in the case of the Coast Guard, other than on a rental basis, on the date of the member's death to continue to occupy such housing without charge for a period of 365 days.

"(2) ALLOWANCE.—The Secretary concerned may pay a basic allowance for housing (at the rate otherwise payable to the deceased member on the date of death) to the dependents of a member of the uniformed services covered by this section who dies while on active duty and whose dependents—

"(A) are not occupying a housing facility under the jurisdiction of a uniformed service on the date of death;

"(B) are occupying such housing on a rental basis on such date; or

"(C) vacate such housing sooner than 365 days after the date of death.

"(3) TERMINATION OF ALLOWANCE.—The payment of the allowance under paragraph (2) shall terminate 365 days after the date of death of the member concerned.

"(j) MEMBERS PAYING CHILD SUPPORT.—A member of the uniformed services covered by this section with dependents may not be paid a basic allowance for housing at the with dependents rate solely by reason of the payment of child support by the member if—

"(1) the member is assigned to a housing facility under the jurisdiction of a uniformed service; or

"(2) the member is assigned to sea duty, and elects not to occupy assigned quarters for unaccompanied personnel, unless the member is in a pay grade above pay grade E–3.

"(k) TREATMENT OF LOW-COST AND NO-COST MOVES AS NOT BEING REASSIGNMENTS.—In the case of a member of the uniformed services covered by this section who is assigned to duty at a location or under circumstances that make it necessary for the member to be reassigned under the conditions of low-cost or no-cost permanent change of station or permanent change of assignment, the member may be treated for the purposes of this section as if the member were not reassigned if the Secretary concerned determines that it would be inequitable to base the member's entitlement to, and amount of, a basic allowance for housing on the cost of housing in the area to which the member is reassigned.

"(l) ADMINISTRATION.—This section shall be administering in accordance with such regulations as the Secretary of Defense shall prescribe for purposes of this section.

"(m) MEMBER COVERED BY THIS SECTION DEFINED.—In this section, the term 'member covered by this section', with respect to a member of the uniformed services, a member or retired member of the armed forces, or a member of a reserve component of the armed forces, as applicable, means the following:

"(1) A member who first becomes entitled to basic pay on or after January 1, 2018.

"(2) In the case of a member of a reserve component or retired member described in subsection (d), a member who is not entitled to basic allowance for housing as of December 31, 2017, and who becomes entitled to basic allowance for housing after that date pursuant to active duty described in that subsection.

"(3) A member who—

"(A) is entitled to basic allowance for housing under section 403 of this title as of December 31, 2017, within a particular housing or overseas area; and

"(B) after that date, loses uninterrupted eligibility to receive a basic allowance for housing within an area of the United States or an area outside the United States, as applicable.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 403 the following new item:

"403a. Basic allowance for housing: members first entitled after January 1, 2018; members entitled before January 1, 2018, with interruption in eligibility after that date.".

(b) CONFORMING AMENDMENT.—Section 403 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(p) This section does not apply to members of the uniformed services who are covered by section 403a of this title. In general, such coverage begins on and after January 1, 2018. For provisions applicable to the payment of basic allowance for housing for members of the uniformed services covered by that section after that date, see section 403a of this title.".

(c) SUBMITTAL OF PROPOSED REGULATIONS TO CONGRESS.—Not later than March 31, 2017, the Secretary of Defense shall submit to the congressional defense committees the regulations the Secretary purposes to prescribe under subsection (l) of section 403a of title 37, United States Code (as added by subsection (a)), to ad-

minister basic allowances for housing pursuant to that section.

SEC. 605. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-RELATED INJURY REHABILITATION PAY.

(a) REPEAL.—Section 328 of title 37, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 328.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 478a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers' Training Corps.

(7) Section 351(h), relating to hazardous duty pay.

(8) Section 352(g), relating to assignment pay or special duty pay.

(9) Section 353(i), relating to skill incentive pay or proficiency bonus.

(10) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2016'' and inserting ''December 31, 2017'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 316a(g), relating to incentive pay for members of precommissioning programs pursuing foreign language proficiency.

(6) Section 324(g), relating to accession bonus for new officers in critical skills.

(7) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(8) Section 327(h), relating to incentive bonus for transfer between Armed Forces.

(9) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. CONFORMING AMENDMENT TO CONSOLIDATION OF SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

Section 332(c)(1)(B) of title 37, United States Code, is amended by striking ''$12,000'' and inserting ''$20,000''.

Subtitle C—Travel and Transportation Allowances

SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAVEL EXPENSES OF RESERVES TO ATTEND INACTIVE DUTY TRAINING OUTSIDE OR NORMAL COMMUTING DISTANCES.

Section 478a(c) of title 37, United States Code, is amended—

(1) by striking ''The amount'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the amount''; and

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

''(2) HIGHER REIMBURSEMENT AMOUNT AUTHORIZED.—The Secretary concerned may authorize, on a case-by-case basis, a higher reimbursement amount for a member under subsection (a) when the member—

''(A) resides—

"(i) in the same State as the inactive duty training location; and

"(ii) outside of an urbanized area with a population of 50,000 or more, as determined by the Bureau of the Census; and

"(B) is required to commute to the inactive duty training location—

"(i) using an aircraft or boat on account of limited or nonexistent vehicular routes to the training location or other geographical challenges; or

"(ii) from a permanent residence located more than 75 miles from the training location.".

SEC. 622. PERIOD FOR RELOCATION OF SPOUSES AND DEPENDENTS OF CERTAIN MEMBERS OF THE ARMED FORCES UNDERGOING A PERMANENT CHANGE OF STATION.

(a) PERIOD OF RELOCATION.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1784a the following new section:

"§ 1784b. Relocation of spouses and dependents in connection with the permanent change of station of certain members

"(a) ELECTION OF TIMING OF RELOCATION OF SPOUSES IN CONNECTION WITH PCS.—

"(1) IN GENERAL.—Subject to paragraph (2) and subsection (c), a member of the armed forces undergoing a permanent change of station and the member's spouse may jointly elect that the spouse may relocate to the location to which the member will relocate in connection with the permanent change of station at such time during the covered relocation period as the member and spouse jointly select.

"(2) MEMBERS AND SPOUSES ELIGIBLE TO MAKE ELECTIONS.—A member and spouse may make an election pursuant to paragraph (1) as follows:

"(A) If the spouse either—

"(i) is gainfully employed at the beginning of the covered relocation period concerned; or

"(ii) is enrolled in a degree, certificate, or license granting program at the beginning of the covered relocation period.

"(B) If the member and spouse have one or more dependents at the beginning of the covered relocation period concerned, either—

"(i) at least one dependent is a child in elementary or secondary school at the beginning of the covered relocation period;

"(ii) the spouse or at least one such dependent are covered by the Exceptional Family Member Program at the beginning of the covered relocation period; or

"(iii) the member and spouse are caring at the beginning of the covered relocation period for an immediate family member with a chronic or long-term illness, as determined pursuant to the regulations applicable to the member's armed force pursuant to subsection (g).

"(C) If the member is undergoing a permanent change of station as an individual augmentee or other deployment arrangement specified in the regulations applicable to the member's armed force pursuant to subsection (h).

"(D) If the member, spouse, or both, meet such other qualification or qualifications as are

specified in the regulations applicable to the member's armed force pursuant to subsection (g).

"(E) In the case of a member and spouse who do not otherwise meet any qualification in subparagraphs (A) through (D), if the commander of the member at the beginning of the covered relocation period determines that eligibility to make the election is in the interests of the member and spouse for family stability during the covered relocation period and in the interests of the armed force concerned. Any such determination shall be made on a case-by-case basis.

"(b) ELECTION OF TIMING OF RELOCATION OF CERTAIN DEPENDENTS OF UNMARRIED MEMBERS IN CONNECTION WITH PCS.—

"(1) IN GENERAL.—Subject to subsection (c), a member of the armed forces undergoing a permanent change of station who has one or more dependents described in paragraph (2) and is no longer married to the individual who is or was the parent (including parent by adoption) of such dependents at the beginning of the covered period of relocation may elect that such dependents may relocate to the

location to which the member will relocate in connection with the permanent change of station at such time during the covered relocation period as elected as follows:

"(A) By the member alone if such individual is dead or has no custodial rights in such dependents at the beginning of such period.

"(B) By the member and such individual jointly in all other circumstances.

"(2) DEPENDENTS.—The dependents described in this paragraph are as follows:

"(A) Dependents over the age of 19 years for whom the member has power of attorney regarding residence.

"(B) Dependents under the age of 20 years who will reside with a caregiver according to the Family Care Plan of the member during the covered period of relocation until relocated pursuant to an election under this subsection.

"(c) LIMITATION ON NUMBER OF ELECTIONS.—The aggregate number of elections made by a member under subsections (a) and (b) may not exceed three elections.

"(d) HOUSING.—(1)(A) If the spouse of a member relocates before the member in accordance with an election pursuant to subsection (a), the member shall be assigned

to quarters or other housing facilities of the United States as a bachelor, if such quarters are available, until the date of the member's permanent change of station.

"(B) The quarters or housing facilities to which a member is assigned pursuant to subparagraph (A) shall, to the extent practicable, be quarters or housing facilities that do not impose or collect a lease fee on the member for occupancy.

"(C) If quarters or housing facilities that do not impose or collect a lease fee for occupancy are not available for a particular member, the quarters or housing facilities to which the member is assigned shall be quarters or housing facilities that impose or collect the lowest reasonable lease fee for occupancy that can be obtained for the member by the Secretary concerned for purposes of this subparagraph.

"(2) If a spouse and any dependents of a member covered by an election under this section reside in housing of the United States at the beginning of the covered period of relocation, the spouse and dependents may continue to reside in such housing throughout the covered period of relocation, regardless of the date of the member's permanent change of station.

"(3) If a spouse and any dependents of a member covered by an election under this section are eligible to

reside in housing of the United States following the member's permanent change of station, the spouse and dependents may commence residing in such housing at any time during the covered relocation period, regardless of the date of the member's permanent change of station.

"(e) TRANSPORTATION OF PROPERTY.—(1) Transportation allowances authorized for the transportation of the personal property of a member and spouse making an election under subsection (a) may be allocated either to the relocation of the member or the relocation of the family, as the member and spouse shall elect.

"(2) In this subsection, the terms 'transportation allowances' and 'personal property' have the meaning given such terms in section 451(b) of title 37.

"(f) APPROVAL.—(1) The Secretary of Defense shall establish a single approval process for applications for coverage under this section. The process shall apply uniformly among the armed forces.

"(2) Applications for approval for coverage under this section shall consist of such elements (including documentary evidence) as the Secretary shall prescribe for purposes of the approval process required by this subsection.

"(3) The approval process required by this subsection shall ensure that the processing of applications for coverage under this section is completed in a timely manner

that permits a spouse and any dependents to relocate whenever during the covered relocation period selected in the election concerned. In meeting that requirement, the approval process shall provide for the processing of applications at the lowest level in the chain of command of members as it appropriate to ensure proper administration of this section.

"(g) REGULATIONS.—Each Secretary concerned shall prescribe regulations for the administration of this section with respect to the armed force or forces under the jurisdiction of such Secretary.

"(h) COVERED RELOCATION PERIOD DEFINED.—In this section, the term 'covered relocation period', in connection with the permanent change of station of a member, means the period that—

"(1) begins 180 days before the date of the permanent change of station; and

"(2) ends 180 days after the date of the permanent change of station.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1784a the following new item:

"1784b. Relocation of spouses and dependents in connection with the permanent change of station of certain members.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply with respect to permanent changes of station of members of the Armed Forces that occur on or after the date that is 180 days after such effective date.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on potential actions of the Department of Defense to enhance the stability of military families undergoing a permanent change of station.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A comparison of the current percentage of spouses in military families who work with the percentage of spouses in military families who worked in the recent past, and an assessment of the impact of the change in such percentage on military families.

(B) An assessment of the effects of relocation of military families undergoing a perma-

nent change of station on the employment, education, and licensure of spouses of military families.

(C) An assessment of the effects of relocation of military families undergoing a permanent change of station on military children, including effect on their mental health.

(D) An identification of potential actions of the Department to enhance the stability of military families undergoing a permanent change of station and to generate cost savings in connection with such changes of station.

(E) Such other matters as the Comptroller General considers appropriate.

(3) ADDITIONAL ELEMENT ON FUNDING OF MILITARY FAMILY SUPPORT PROGRAMS.—In addition to the elements specified in paragraph (2), the report required by paragraph (1) shall also include a comparison of—

(A) the average annual amount spent by each Armed Force over the five-year period ending on December 31, 2015, on recruiting and retention bonuses and special pays for members of such Armed Force; with

(B) the average annual amount spent by such Armed Force over such period on programs for military families and support of military families.

Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERVICE ACADEMIES AND INACTIVE RESERVES TO PARTICIPATE IN THE MODERNIZED RETIREMENT SYSTEM.

(a) IN GENERAL.—Paragraph (4)(C) of section 1409(b) of title 10, United States Code, is amended—

(1) in clause (i), by striking ''and (iii)'' and inserting '', (iii), (iv) and (v)''; and

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

''(iv) CADETS AND MIDSHIPMEN, ETC.—A member of a uniformed service who serves as a cadet, midshipman, or member of the Senior Reserve Officers' Training Corps during the election period specified in clause (i) shall make the election described in subparagraph (B)—

"(I) on or after the date on which such cadet, midshipman, or member of the Senior Reserve Officers' Training Corps is appointed as a commissioned officer or otherwise begins to receive basic pay; and

"(II) not later than 30 days after such date or the end of such election period, whichever is later.

"(v) INACTIVE RESERVES.—A member of a reserve component who is not in an active status during the election period specified in clause (i) shall make the election described in subparagraph (B)—

"(I) on or after the date on which such member is transferred from an inactive status to an active status or active duty; and

"(II) not later than 30 days after such date or the end of such election period, whichever is later.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 631(a) of the National Defense Author-

ization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendments made by subsection (a) relate.

SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE UNIFORMED SERVICES ON PARTICIPATION IN THE THRIFT SAVINGS PLAN.

Effective as of the date of the enactment of this Act, paragraph (2) of section 632(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 847) is repealed, and the amendment proposed to be made by that paragraph shall not be made or go into effect.

SEC. 633. CONTINUATION PAY FOR MEMBERS WHO HAVE COMPLETED 8 TO 12 YEARS OF SERVICE.

(a) CONTINUATION PAY.—Section 356 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) has completed not less than 8 and not more than 12 years of service in a uniformed service; and''; and

(B) in paragraph (2), by striking ''an additional 4 years'' and inserting ''not less than 3 additional years''; and

(2) by striking subsection (d) and inserting the following new subsection (d):

"(d) TIMING OF PAYMENT.—Continuation pay may be paid to a full TSP member under subsection (a) at any time after the member completes 8 years of service in a uniformed service, but before the member completes 12 years of service, as the Secretary concerned shall elect for purposes of this section.".

(b) CONFORMING AMENDMENTS.—

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

"§ 356. Continuation pay: full TSP members with not less than 8 and more than 12 years of service".

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 356 and inserting the following new item:

"356. Continuation pay: full TSP members with not less than 8 and more than 12 years of service.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by section 634 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129

Stat. 850), to which the amendments made by this section relate.

SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION COORDINATING AMENDMENT.

(a) IN GENERAL.—Section 1413a(b)(3)(B) of title 10, United States Code, is amended by striking ''2½ percent'' and inserting ''the retired pay percentage (determined for the member under section 1409(b) of this title)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, immediately after the coming into effect of the amendments made by part I of subtitle D of title VI of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 842), to which the amendment made by subsection (a) relates.

SEC. 635. SENSE OF CONGRESS ON ROTH CONTRIBUTIONS AS DEFAULT CONTRIBUTIONS OF MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN UNDER RETIRED PAY REFORM.

It is the sense of Congress that—

(1) having the contribution of a member of the Armed Forces participating in the Thrift Savings Plan (TSP) under military retired pay reform (as

enacted pursuant to part I of subtitle C of title of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92)) default to Roth contributions until the member elects not to designate such contributions as Roth contributions would aid enlisted and junior commissioned members of the Armed Forces in saving for their retirement; and

(2) the Department of Defense should assess the feasibility and advisability of making the contributions of members participating in the Thrift Savings Plan under military retired pay reform default to Roth contributions until members elect otherwise.

PART II—OTHER MATTERS

SEC. 641. EXTENSION OF ALLOWANCE COVERING MONTHLY PREMIUM FOR SERVICEMEMBERS' GROUP LIFE INSURANCE WHILE IN CERTAIN OVERSEAS AREAS TO COVER MEMBERS IN ANY COMBAT ZONE OR OVERSEAS DIRECT SUPPORT AREA.

(a) EXPANSION OF COVERAGE.—Subsection (a) of section 437 of title 37, United States Code, is amended—

(1) by inserting "(1)" before "In the case of";

(2) by striking ''who serves in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom'' and inserting ''who serves in a designated duty assignment''; and

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

''(2) In this subsection, the term 'designated duty assignment' means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that—

''(A) has been designated a combat zone; or

''(B) is in direct support of an area that has been designated a combat zone.''.

(b) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE.—Subsection (b) of such section is amended by striking ''theater of operations'' and inserting ''designated duty assignment''.

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

"§ 437. Allowance to cover monthly premiums for Servicemembers' Group Life Insurance: members serving in a designated duty assignment".

(3) TABLE OF SECTIONS.—The item relating to section 437 in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"437. Allowance to cover monthly premium for Servicemembers' Group Life Insurance: members serving in a designated duty assignment.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to service by members of the Armed Forces in a designated duty assignment (as defined in subsection (a)(2) of section 437 of title 37, United States Code) for any month beginning on or after the date of the enactment of this Act.

SEC. 642. USE OF MEMBER'S CURRENT PAY GRADE AND YEARS OF SERVICE, RATHER THAN FINAL RETIREMENT PAY GRADE AND YEARS OF SERVICE, IN A DIVISION OF PROPERTY INVOLVING DISPOSABLE RETIRED PAY.

(a) IN GENERAL.—Section 1408(a)(4) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B), (C), (D) as clauses (i), (ii), (iii), (iv), respectively;

(2) by inserting "(A)" after "(4)";

(3) in subparagraph (A), as designated by paragraph (2), by inserting ''(as determined pursuant to subparagraph (B)'' after ''member is entitled''; and

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

''(B) In calculating the total monthly retired pay to which a member is entitled for purposes of subparagraph (A), the following shall be used:

''(i) The member's pay grade and years of service at the time of the court order.

''(ii) The amount of pay that is payable at the time of the member's retirement to a member in the member's pay grade and years of service as fixed pursuant to clause (i).''.

(b) APPLICATION OF AMENDMENTS.—The amendments made by subsection (a) shall apply with respect to any division of property as part of a final decree of divorce, dissolution, annulment, or legal separation involving a member of the Armed Forces to which section 1408 of title 10, United States Code, applies that becomes final after the date of the enactment of this Act.

SEC. 643. PERMANENT EXTENSION OF PAYMENT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCES UNDER THE SURVIVOR BENEFIT PLAN.

Section 1450(m) of title 10, United States Code, is amended—

(1) in paragraph (2)(I), by striking ''during fiscal year 2017'' and inserting ''after fiscal year 2016''; and

(2) by striking paragraph (6).

SEC. 644. AUTHORITY TO DEDUCT SURVIVOR BENEFIT PLAN PREMIUMS FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT SUFFICIENT.

(a) AUTHORITY.—Subsection (d) of section 1452 of title 10, United States Code, is amended—

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

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

''(2) DEDUCTION FROM COMBAT-RELATED SPECIAL COMPENSATION WHEN RETIRED PAY NOT ADEQUATE.—In the case of a person who has elected to participate in the Plan and who has been awarded both retired pay and combat-related special compensation under section 1413a of this title, if a deduction from the person's retired pay for any period

cannot be made in the full amount required, there shall be deducted from the person's combat-related special compensation in lieu of deduction from the person's retired pay the amount that would otherwise have been deducted from the person's retired pay for that period.''.

(b) CONFORMING AMENDMENTS TO SECTION 1452.—

(1) Subsection (d) of such section is further amended—

(A) in the subsection heading, by inserting ''OR NOT SUFFICIENT'' after ''NOT PAID'';

(B) in paragraph (1), by inserting before the period at the end the following: '', except to the extent that the required deduction is made pursuant to paragraph (2)''; and

(C) in paragraph (3), as redesignated by subsection (a)(1), by striking ''Paragraph (1) does not'' and inserting ''Paragraphs (1) and (2) do not''.

(2) Subsection (f)(1) of such section is amended by inserting ''or combat-related special compensation'' after ''from retired pay''.

(3) Subsection (g)(4) of such section is amended—

(A) in the paragraph heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) by inserting ''or combat-related special compensation'' after ''from the retired pay''.

(c) CONFORMING AMENDMENTS TO OTHER PROVISIONS OF SBP STATUTE.—

(1) Section 1449(b)(2) of such title is amended—

(A) in the paragraph heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) by inserting ''or combat-related special compensation'' after ''from retired pay''.

(2) Section 1450(e) of such title is amended—

(A) in the subsection heading, by inserting ''OR CRSC'' after ''RETIRED PAY''; and

(B) in paragraph (1), by inserting ''or combat-related special compensation'' after ''from the retired pay''.

SEC. 645. SENSE OF CONGRESS ON OPTIONS FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE PAYMENT OF THE DEATH GRATUITY TO A TRUST FOR A SPECIAL NEEDS INDIVIDUAL.

It is the sense of Congress that the Department of Defense should explore options to allow members of the Armed Forces to designate that, upon their death, the

death gratuity payable with respect to members of the Armed Forces upon death may be paid to a trust that is legally established under any Federal, State, or territorial law in order to provide greater financial and estate planning capability for members seeking to provide for those who require the protections of a trust, such as minor children or incapacitated adults, or those with special needs.

SEC. 646. INDEPENDENT ASSESSMENT OF THE SURVIVOR BENEFIT PLAN.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for an independent assessment of the Survivor Benefit Plan (SBP) under subchapter II of chapter 73 of title 10, United States Code, by a Federally-funded research and development center (FFRDC).

(b) ASSESSMENT ELEMENTS.—The assessment conducted pursuant to subsection (a) shall include, but not be limited to, the following:

(1) The purposes of the Survivor Benefit Plan, the manner in which the Plan interacts with other Federal programs to provide financial stability and resources for survivors of members of the Armed Forces and military retirees, and a comparison between the benefits available under the Plan, on the one hand, and benefits available to Government and

private sector employees, on the other hand, intended to provide financial stability and resources for spouses and other dependents when a primary family earner dies.

(2) The effectiveness of the Survivor Benefit Plan in providing survivors with intended benefits, including the provision of survivor benefits for survivors of members of the Armed Forces dying on active duty and members dying while in reserve active-status.

(3) The feasibility and advisability of providing survivor benefits through alternative insurance products available commercially for similar purposes, the extent to which the Government could subsidize such products at no cost in excess of the costs of the Survivor Benefit Plan, and the extent to which such products might meet the needs of survivors, especially those on fixed incomes, to maintain financial stability.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the results of the assessment conducted pursuant to subsection (a), together with such recommendations as the Secretary con-

siders appropriate for legislative or administration action in light of the results of the assessment.

Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations

SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO AND SAVINGS AT COMMISSARIES AND EXCHANGES.

(a) OPTIMIZATION STRATEGY.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following paragraph:

''(3)(A) The Secretary of Defense shall develop and implement a comprehensive strategy to optimize management practices across the defense commissary system and the exchange system that reduce reliance of those systems on appropriated funding without reducing benefits to the patrons of those systems or the revenue generated by non-appropriated fund entities or instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

''(B) The Secretary shall ensure that savings generated due to such optimization practices are shared by the defense commissary system and the exchange system through contracts or agreements that appropriately reflect

the participation of the systems in the development and implementation of such practices.''.

(b) AUTHORITY TO SUPPLEMENT APPROPRIATIONS THROUGH BUSINESS OPTIMIZATION.—Section 2483(c) of such title is amended by adding at the end the following new sentence: ''Such appropriated amounts may also be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title and the alternative pricing program implemented pursuant to section 2484(i) of this title.''.

(c) ALTERNATIVE PRICING PROGRAM.—Section 2484 of such title is amended by adding at the end the following new subsections:

''(i) ALTERNATIVE PRICING PROGRAM.—(1) The Secretary of Defense may establish and carry out, in accordance with the requirements of this subsection, an alternative pricing program pursuant to which prices may be established in response to market conditions and customer demand. Prices under the alternative pricing program shall reflect the uniform sales price surcharge applicable under subsection (d).

''(2) Before establishing an alternative pricing program under this subsection, the Secretary shall establish the following:

"(A) Specific, measurable benchmarks for success in the provision of high quality grocery merchandise, discount savings to patrons, and levels of customer satisfaction while achieving savings for the Department of Defense.

"(B) A baseline of overall savings to patrons achieved by commissary stores before the initiation of the alternative pricing program, based on a comparison of prices charged by those stores on a regional basis with prices charged by relevant local competitors for a representative market basket of goods. In determining the savings baseline, the Secretary shall take into account the effect of the surcharges added under the pricing program by reason of subsection (d).

"(3) The Secretary shall ensure that the defense commissary system implements the alternative pricing program by conducting price comparisons using the methodology established for paragraph (2)(B) and adjusting pricing as necessary to ensure that pricing in the alternative pricing program achieves overall savings to patrons that are reasonably consistent with the baseline savings established for the relevant region pursuant to such paragraph.

"(j) CONVERSION TO NONAPPROPRIATED FUND ENTITY OR INSTRUMENTALITY.—(1) If the Secretary of De-

fense determines that the alternative pricing program under subsection (i) has met the benchmarks for success established pursuant to subsection (i)(2)(A) and the savings requirements established pursuant to subsection (i)(3) over a period of at least six months, the Secretary may convert the defense commissary system to a nonappropriated fund entity or instrumentality, with operating expenses financed in whole or in part by receipts from the sale of products and the sale of services. Upon such conversion, appropriated funds shall be transferred to the defense commissary system only in accordance with paragraph (2) or section 2491 of this title. The requirements of section 2483 of this title shall not apply to the defense commissary system operating as a nonappropriated fund entity or instrumentality.

''(2) If the Secretary determines that the defense commissary system operating as a nonappropriated fund entity or instrumentality is not likely, in any fiscal year, to afford the level of patron savings required in subsection (i)(3), the Secretary may authorize a transfer of appropriated funds available for such purpose to the commissary system in an amount sufficient to offset the anticipated loss. Any funds so transferred shall be considered to be nonappropriated funds for such purpose.

"(3) The Secretary may identify positions of employees in the defense commissary system who are paid with appropriated funds whose status may be converted to the status of an employee of a nonappropriated fund entity or instrumentality. The status and conversion of such employees shall be addressed as provided in section 2491(c) of this title for employees in morale, welfare, and recreation programs. No individual who is an employee of the defense commissary system as of the date of the enactment of this subsection shall suffer any loss of or decrease in pay as a result of the conversion.".

(d) ESTABLISHMENT OF COMMON BUSINESS PRACTICES.—Section 2487 of such title is amended—

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

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

"(c) COMMON BUSINESS PRACTICES.—(1) Notwithstanding subsections (a) and (b), the Secretary of Defense may establish common business processes, practices, and systems—

"(A) to exploit synergies between the operations of the defense commissary system and the exchange system; and

"(B) to optimize the operations of the defense retail systems as a whole and the benefits provided by the commissaries and exchanges.

"(2) The Secretary may authorize the defense commissary system and the exchange system to enter into contracts or other agreements for the following:

"(A) Products and services that are shared by the defense commissary system and the exchange system.

"(B) The acquisition of supplies, resale goods, and services on behalf of both the defense commissary system and the exchange system.

"(3) For the purpose of a contract or agreement authorized under paragraph (2), the Secretary may—

"(A) use funds appropriated pursuant to section 2483 of this title to reimburse a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the nonappropriated fund entity or instrumentality that is attributable to the defense commissary system; and

"(B) authorize the defense commissary system to accept reimbursement from a nonappropriated fund entity or instrumentality for the portion of the cost of a contract or agreement entered by the de-

fense commissary system that is attributable to the nonappropriated fund entity or instrumentality.''.

(e) CLARIFICATION OF REFERENCES TO ''THE EXCHANGE SYSTEM''.—Section 2481(a) of such title is amended by adding at the end the following new sentence: ''Any reference in this chapter to 'the exchange system' shall be treated as referring to each separate administrative entity within the Department of Defense through which the Secretary has implemented the requirement under this subsection for a world-wide system of exchange stores.''.

(f) OPERATION OF DEFENSE COMMISSARY SYSTEM AS A NONAPPROPRIATED FUND ENTITY.—In the event that the defense commissary system is converted to a nonappropriated fund entity or instrumentality as authorized by section 2484(j)(1) of title 10, United States Code, as added by subsection (c) of this section, the Secretary of Defense may—

(1) provide for the transfer of commissary assets, including inventory and available funds, to the nonappropriated fund entity or instrumentality; and

(2) ensure that revenues accruing to the defense commissary system are appropriately credited to the nonappropriated fund entity or instrumentality.

(g) CONFORMING AMENDMENT.—Section 2643(b) of title 10, United States Code, is amended by adding at the end the following new sentence: ''Such appropriated funds may be supplemented with additional funds derived from improved management practices implemented pursuant to sections 2481(c)(3) and 2487(c) of this title.''.

Subtitle F—Other Matters

SEC. 671. COMPLIANCE WITH DOMESTIC SOURCE REQUIREMENTS FOR FOOTWEAR FURNISHED TO ENLISTED MEMBERS OF THE ARMED FORCES UPON THEIR INITIAL ENTRY INTO THE ARMED FORCES.

Section 418 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of athletic footwear needed by members of the Army, Navy, Air Force, or Marine Corps upon their initial entry into the armed forces, the Secretary of Defense shall furnish such footwear directly to the members instead of providing a cash allowance to the members for the purchase of such footwear.

''(2) In procuring athletic footwear to comply with paragraph (1), the Secretary of Defense shall comply with the requirements of section 2533a of title 10, without regard to the applicability of any simplified acquisition

threshold under chapter 137 of title 10 (or any other provision of law).

"(3) This subsection does not prohibit the provision of a cash allowance to a member described in paragraph (1) for the purchase of athletic footwear if such footwear—

"(A) is medically required to meet unique physiological needs of the member; and

"(B) cannot be met with athletic footwear that complies with the requirements of this subsection.".

SEC. 672. AUTHORITY FOR PAYMENT OF PAY AND ALLOWANCES AND RETIRED AND RETAINER PAY PURSUANT TO POWER OF ATTORNEY.

Section 602 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", in the opinion of a board of medical officers or physicians,"; and

(B) by striking "use or benefit" and all that follows through "any person designated" and inserting the following: "use or benefit to—

"(1) a legal committee, guardian, or other representative that has been appointed by a court of competent jurisdiction;

"(2) an individual to whom the member has granted authority to manage such funds pursuant to a valid and legally executed durable power of attorney; or

"(3) any person designated";

(2) in subsection (b)—

(A) by striking "The board shall consist" and inserting "An individual may not be designated under subsection (a)(3) to receive payments unless a board consisting"; and

(B) by inserting "determines that the member is mentally incapable of managing the member's affairs. Any such board shall be" after "treatment of mental disorders,";

(3) in subsection (c), by striking "designated" and inserting "authorized to receive payments";

(4) is subsection (d), by inserting ", unless a court of competent jurisdiction orders payment of such fee, commission, or other charge" before the period;

(5) by striking subsection (e);

(6) by redesignating subsection (f) as subsection (e); and

(7) in subsection (e), as redesignated by paragraph (6)—

(A) by inserting "under subsection (a)(3)" after "who is designated"; and

(B) by striking "$1,000" and inserting "$25,000".

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

SEC. 701. REFORM OF HEALTH CARE PLANS AVAILABLE UNDER THE TRICARE PROGRAM.

(a) REFORM OF HEALTH CARE PLANS.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074n the following new section:

"§ 1075. TRICARE program: health care plans

"(a) HEALTH CARE PLANS.—This section establishes the following health care plans under which covered beneficiaries may enroll under the TRICARE program:

"(1) TRICARE Prime (the managed care option).

"(2) TRICARE Choice (the self-managed option).

"(3) TRICARE Supplemental.

"(b) BENEFICIARY CATEGORIES.—In this section, the beneficiary categories for purposes of eligibility to en-

1 roll in a health care plan under subsection (a) and cost
2 sharing requirements applicable to those health care plans
3 are as follows:

4 "(1) ACTIVE-DUTY FAMILY MEMBERS.—The
5 category of 'active-duty family members' consists of
6 the following beneficiaries:

7 "(A) Beneficiaries covered by section 1079
8 of this title.

9 "(B) Beneficiaries covered by section
10 1086(c)(1) of this title by reason of being a re-
11 tired member under chapter 61 of this title or
12 a dependent of such a retired member.

13 "(C) Beneficiaries covered by section
14 1086(c)(2) of this title.

15 "(2) RETIRED MEMBERS.—The category of 're-
16 tired members' consists of beneficiaries covered by
17 section 1086(c) of this title who are not—

18 "(A) beneficiaries described in subpara-
19 graph (B) or (C) of paragraph (1); or

20 "(B) beneficiaries described in section
21 1086(d)(2) of this title.

22 "(c) TRICARE PRIME.—

23 "(1) IN GENERAL.—The Secretary of Defense
24 shall establish the TRICARE Prime health care plan
25 in areas described in paragraph (6).

1 "(2) BENEFITS.—TRICARE Prime is a man-
2 aged care option that provides medical services to
3 beneficiaries enrolled in such option at reduced cost-
4 sharing amounts for beneficiaries whose care is man-
5 aged by a designated primary care manager and pro-
6 vided by a network provider.
7 "(3) ELIGIBILITY.—
8 "(A) ACTIVE-DUTY FAMILY MEMBERS.—
9 Except as provided in subparagraph (C), a ben-
10 eficiary in the active-duty family members cat-
11 egory is eligible to enroll in TRICARE Prime
12 under this subsection.
13 "(B) RETIRED MEMBERS.—Except as pro-
14 vided in subparagraph (C), a beneficiary in the
15 retired members category is eligible to enroll in
16 TRICARE Prime under this subsection in loca-
17 tions in which a facility of the uniformed serv-
18 ices has, in the judgment of the Secretary, a
19 significant number of health care providers, in-
20 cluding specialty care providers, and sufficient
21 capability to support the efficient operation of
22 TRICARE Prime for projected enrollees in that
23 location.
24 "(C) EXCLUSION.—A beneficiary covered
25 by section 1076d, 1076e, 1078a, or 1086(d)(2)

of this title is not eligible to enroll in TRICARE Prime under this subsection.

"(4) REFERRAL REQUIRED.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a beneficiary enrolled in TRICARE Prime shall be required to obtain a referral for care through a designated primary care manager (or other care coordinator) prior to obtaining care under the TRICARE program.

"(B) EXCUSED REFERRAL.—The Secretary may excuse the requirement that a beneficiary obtain a referral under subparagraph (A) in such circumstances as the Secretary may establish for purposes of this section.

"(C) SPECIALTY CARE.—Beneficiaries enrolled in TRICARE Prime shall not be required to obtain a pre-authorization for a referral for specialty care services.

"(D) COST-SHARING.—Notwithstanding subsections (f) and (g), the cost-sharing requirement for a beneficiary enrolled in TRICARE Prime who does not obtain a referral for care as required under subparagraph (A) and is not excused from obtaining such a refer-

ral under subparagraph (B) shall be an amount equal to 50 percent of the allowed point-of-service charge for such care.

"(5) ACCESS TO HEALTH CARE.—

"(A) IN GENERAL.—The Secretary shall ensure that beneficiaries enrolled in TRICARE Prime have access to primary care and specialty care services from facilities of the uniformed services or network providers in the applicable area within specific timeliness standards that meet or exceed those of high-performing health care systems in the United States, as determined by the Secretary.

"(B) URGENT CARE SERVICES.—

"(i) IN GENERAL.—In implementing subparagraph (A), the Secretary shall make special provisions for appropriate access of beneficiaries to urgent care services.

"(ii) PRE-AUTHORIZATION.—Beneficiaries enrolled in TRICARE Prime shall not be subject to a pre-authorization requirement for urgent care services.

"(6) AREAS DESCRIBED.—Areas described in this paragraph are areas in which a facility of the

uniformed services is located (other than a facility limited to members of the armed forces) that have been designated by the Secretary for purposes of this subsection.

"(d) TRICARE CHOICE.—

"(1) IN GENERAL.—The Secretary of Defense shall establish, without limitation to certain areas, the TRICARE Choice health care plan.

"(2) BENEFITS.—TRICARE Choice is a self-managed option under which beneficiaries enrolled in such option may receive care from any health care provider selected by the beneficiary, subject to such restrictions as the Secretary may establish for purposes of this subsection.

"(3) ELIGIBILITY.—A beneficiary in the active-duty family members category or the retired members category is eligible to enroll in TRICARE Choice under this subsection.

"(e) TRICARE SUPPLEMENTAL.—

"(1) IN GENERAL.—The Secretary of Defense shall establish the TRICARE Supplemental health care plan.

"(2) BENEFITS.—Under TRICARE Supplemental, the Secretary shall pay on behalf of a beneficiary the deductible and copayment amounts under

a primary health care plan under which the beneficiary is covered, not to exceed the amount the Secretary would have paid as a primary payer to an out-of-network provider under this section.

"(3) ELIGIBILITY.—A beneficiary in the retired members category is eligible to enroll in TRICARE Supplemental under this subsection.

"(4) ENROLLMENT FEE.—A beneficiary who enrolls in TRICARE Supplemental shall pay an enrollment fee of ½ of the enrollment fee applicable to a beneficiary in the retired members category who enrolls in TRICARE Choice.

"(5) REGULATIONS.—The regulations prescribed by the Secretary under subsection (i) may include such other limitations and provisions for TRICARE Supplemental as the Secretary determines appropriate.

"(f) COST-SHARING AMOUNTS.—

"(1) IN GENERAL.—During calendar year 2018, beneficiaries enrolled in TRICARE Prime and TRICARE Choice under this section shall be subject to cost-sharing requirements, including an enrollment fee, a deductible amount, and copayments, in accordance with the amounts and percentages set forth in the following table:

	"ADFM Category	ADFM Category	Retired Category	Retired Category
	TRICARE Prime	**TRICARE Choice**	**TRICARE Prime**	**TRICARE Choice**
Enrollment Fees, Deductible, and Catastrophic Caps				
Annual Enrollment Fee	$0	$0	$350 Individual $700 Family	$150 Individual $300 Family
Annual Deductible	$0	E4 and below (E4≤). $100 Individual $200 Family. E5 and above (E5≥). $300 Individual $600 Family.	$0	$300 Individual $600 Family
Annual Catastrophic Cap	$1,500	$1,500	$4,000	$4,000
Copayments (by Service Type)				
Outpatient MTF Visit	$0	$0	$0	$0
Outpatient Private Sector Visit	$0	$15 primary network without deductible. $25 specialty network without deductible. 20% out of network after deductible.	$20 primary $30 specialty	$25 primary network without deductible $35 specialty network without deductible 25% out of network after deductible
ER Visit MTF	$0	$0	$0	$0
ER Visit Private Sector	$0	$50 network without deductible. 20% out of network after deductible.	$75 network	$100 network without deductible 25% out of network after deductible
Urgent Care MTF	$0	$0	$0	$0
Urgent Care Private Sector	$0	$0 network without deductible. 20% out of network after deductible.	$30 network	$40 network without deductible 25% out of network after deductible

	"ADFM Category	ADFM Category	Retired Category	Retired Category
	TRICARE Prime	**TRICARE Choice**	**TRICARE Prime**	**TRICARE Choice**
Ambulatory Surgery MTF	$0	$0	$0	$0
Ambulatory Surgery Private Sector	$0	$50 network without deductible.	$100	$125 network without deductible
		20% out of network after deductible.		25% out of network after deductible
Ambulance Service MTF	$0	$0	$0	$0
Ambulance Service Private Sector	$0	$15	$50	$75
Durable Medical Equipment MTF	$0	$0	$0	$0
Durable Medical Equipment Private Sector	$0	10%	20%	20%
Hospitalization MTF	$0	$0	$0	$0
Hospitalization Private Sector	$0	$80 per admission - network without deductible.	$200 per Admission	$250 per admission - network without deductible
		20% out of network after deductible.		25% out of network after deductible
Inpatient Skilled Nursing/ Rehabilitation - MTF/ Network	$0	$25 per day - network without deductible.	$25 per day	$25 per day - network without deductible
		$35 per day out of network without deductible.		$250 per day or 20% of billed charges (whichever is less) out of network without deductible

1 "(2) ADJUSTMENTS TO AMOUNTS.—

"(A) ANNUAL ENROLLMENT FEES.—

"(i) CONSUMER PRICE INDEX.—

"(I) IN GENERAL.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, for each calendar year after calendar year 2023, and with respect to all other beneficiaries, for each calendar year after calendar year 2018, each dollar amount for an annual enrollment fee in the table set forth in paragraph (1) shall be increased by the annual percentage increase of the Consumer Price Index for Health Care Services published by the Bureau of Labor Statistics for such calendar year rounded to the next lower multiple of $1.

"(II) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under subclause (I) for an annual enrollment fee shall be accumulated with such amounts for subsequent years and added to the amount of the increase

under such subclause when the aggregate accumulated amount under this subclause (and not yet so added) for such fee equals $1 or more.

"(ii) TRICARE CHOICE FOR RETIRED MEMBERS.—With respect to enrollment in TRICARE Choice for beneficiaries in the retired members category, the annual enrollment fee for calendar years 2019 through 2023 shall be—

"(I) for calendar year 2019—

"(aa) for enrollment as an individual, $210; and

"(bb) for enrollment as a family, $420;

"(II) for calendar year 2020—

"(aa) for enrollment as an individual, $270; and

"(bb) for enrollment as a family, $540;

"(III) for calendar year 2021—

"(aa) for enrollment as an individual, $330; and

"(bb) for enrollment as a family, $660;

"(IV) for calendar year 2022—

"(aa) for enrollment as an individual, $390; and

"(bb) for enrollment as a family, $780; and

"(V) for calendar year 2023—

"(aa) for enrollment as an individual, $450; and

"(bb) for enrollment as a family, $900.

"(B) OTHER AMOUNTS.—

"(i) IN GENERAL.—For each calendar year after calendar year 2018, each dollar amount (other than a dollar amount for an annual enrollment fee) expressed as a fixed dollar amount in the table set forth in paragraph (1) shall be increased by an amount equal to the percentage by which retired pay is increased under section 1401a(b)(2) of this title for such calendar year rounded to the next lower multiple of $1.

"(ii) ADDITION OF ROUNDED AMOUNT.—An amount equal to the amount rounded down under clause (i) for

a fixed dollar amount specified in the table set forth in paragraph (1) shall be accumulated with such rounded amounts for subsequent years and added to the amount indexed under such clause when the aggregate accumulated amount under this subclause (and not yet so added) for such fixed dollar amount equals $1 or more.

"(3) SPECIAL COVERAGE AND REIMBURSEMENT.—

"(A) IN GENERAL.—In the case of services and products furnished under a health care plan under this section, the Secretary may, under regulations prescribed by the Secretary, adopt special coverage and reimbursement methods, amounts, and procedures to encourage the use of high-value services and products and discourage the use of low-value services and products, as determined by the Secretary.

"(B) AFFECT ON COST-SHARING REQUIREMENTS.—The special coverage and reimbursement methods, amounts, and procedures adopted under subparagraph (A) may include a reduction, waiver, or increase, as the case may be,

of cost-sharing requirements set forth in paragraph (1) (as modified under paragraph (2)).

"(4) DEDUCTIBLE AMOUNT.—The deductible amount specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the initial cost incurred by an individual or family enrolled in a health care plan under this section during a calendar year for services furnished by an out-of-network provider before costs may be paid under the plan.

"(5) CATASTROPHIC CAP.—The catastrophic cap specified in the table set forth in paragraph (1) (as modified under paragraph (2)) is the annual limit on the amount of cost-sharing that an individual or family enrolled in a health care plan under this section may be required to pay under such plan. Enrollment fees and point-of-service charges do not count against the catastrophic cap.

"(6) CALENDAR YEAR ENROLLMENT PERIOD.—Enrollment fees, deductible amounts, and catastrophic caps specified in the table set forth in paragraph (1) (as modified under paragraph (2)) are on a calendar-year basis.

1 "(7) DEFINITIONS.—For purposes of the table
2 set forth in paragraph (1) (as modified under para-
3 graph (2)):
4 "(A) ADFM CATEGORY.—The term
5 'ADFM Category' means the active-duty family
6 members category.
7 "(B) MTF.—The term 'MTF', with re-
8 spect to care or services, means care or services
9 provided at a military treatment facility.
10 "(C) PRIVATE SECTOR.—The term 'private
11 sector', with respect to care or services, means
12 care or services provided in the private sector.
13 "(D) NETWORK.—The term 'network',
14 with respect to care or services, means care or
15 services provided by a network provider.
16 "(E) OUT OF NETWORK.—The term 'out
17 of network', with respect to care or services,
18 means care or services provided by an out-of-
19 network provider.
20 "(g) SPECIAL RULES REGARDING COST SHARING.—
21 "(1) BENEFICIARIES.—
22 "(A) TRICARE-FOR-LIFE BENE-
23 FICIARIES.—A Medicare-eligible beneficiary en-
24 rolled in a health care plan under this section
25 is not responsible for cost sharing for care cov-

ered by section 1086(d)(3) of this title, except that the catastrophic cap specified in the table set forth in subsection (f)(1) (as modified under subsection (f)(2)) applies to such care.

"(B) REMOTE AREA DEPENDENTS.—

"(i) COST SHARING.—A remote area dependent (as described in section 1079(o) of this title) enrolled in TRICARE Choice is subject to the cost-sharing requirements for beneficiaries under TRICARE Prime.

"(ii) REFERRAL.—The referral requirements for a beneficiary enrolled in TRICARE Prime shall not apply to a remote area dependent described in clause (i).

"(2) BENEFITS AND PROGRAMS.—

"(A) EXTENDED BENEFITS.—Cost sharing under this section does not apply to extended benefits under subsections (d) and (e) of section 1079 of this title.

"(B) PHARMACY BENEFITS PROGRAM.—

"(i) COPAYMENTS.—Copayments for the receipt of pharmaceutical agents under a health care plan under this section shall

be the copayments set forth in section 1074g(6) of this title.

"(ii) OTHER COST SHARING.—The enrollment fee, deductible, and catastrophic cap under this section shall apply to pharmaceutical agents furnished under a health care plan under this section.

"(iii) PHARMACEUTICAL AGENT DEFINED.—In this subparagraph, the term 'pharmaceutical agent' has the meaning given that term in section 1074g(2) of this title.

"(C) OTHER PROGRAMS.—If a beneficiary is enrolled in a program under this chapter for which an annual premium applies, including a premium under Medicare part B for care covered under section 1086(d)(3) of this title, the beneficiary is not required to pay an enrollment fee to enroll in a health care plan under this section.

"(h) OPEN ENROLLMENT PERIOD.—The Secretary of Defense shall establish—

"(1) an annual open enrollment period for beneficiaries to enroll or modify enrollment in a health care plan under this section; and

1 "(2) other appropriate circumstances under
2 which beneficiaries may enroll or modify enrollment
3 in such a plan outside of that period.
4 "(i) REGULATIONS.—The Secretary of Defense, in
5 consultation with the other administering Secretaries,
6 shall prescribe regulations to carry out this section.
7 "(j) DEFINITIONS.—In this section:
8 "(1) NETWORK PROVIDER.—The term 'network
9 provider' means an individual or institutional health
10 care provider that—
11 "(A) has met the requirements established
12 by the Secretary to become a preferred provider
13 under this section; and
14 "(B) improves the experience of care,
15 meets established quality of care and effective-
16 ness metrics, and reduces the per capita costs
17 of health care.
18 "(2) OUT-OF-NETWORK PROVIDER.—The term
19 'out-of-network provider' means an individual or in-
20 stitutional health care provider, other than a net-
21 work provider, that has met the requirements estab-
22 lished by the Secretary to be an authorized provider
23 under this section.".
24 (2) CONFORMING AMENDMENTS.—Such title is
25 amended—

(A) in section 1072, by amending paragraph (7) to read as follows:

"(7) The term 'TRICARE program' means the various programs carried out by the Secretary of Defense under this chapter and any other provision of law providing for the furnishing of medical and dental care and health benefits to members and former members of the uniformed services and their dependents, including care furnished under the following health care plans:

"(A) TRICARE Prime under section 1075 of this title (a managed care option).

"(B) TRICARE Choice under such section 1075 (a self-managed option).

"(C) TRICARE Supplemental under such section 1075.

"(D) TRICARE-for-Life under section 1086(d) of this title.";

(B) in section 1079—

(i) by amending subsection (b) to read as follows:

"(b) Plans covered by subsection (a) shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.";

(ii) by striking subsection (c); and

(iii) in subsection (g)—

(I) in paragraph (1), by striking "(1) When" and inserting "When"; and

(II) by striking paragraphs (2) through (5);

(C) in section 1086, by amending subsection (b) to read as follows:

"(b) For persons covered by this section, plans contracted for under section 1079(a) of this title shall include provisions for the payment by the patient of cost-sharing amounts as specified in section 1075 of this title.";

(D) in section 1097, by amending subsection (e) to read as follows:

"(e) CHARGES FOR HEALTH CARE.—The charges for health care provided under this section shall consist of cost-sharing amounts as specified in section 1075 of this title."; and

(E) by striking section 1097a.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by inserting after the item relating to section 1074n the following new item:

"1075. TRICARE program: health care plans."; and

(B) by striking the item relating to section 1097a.

(b) REFORM OF HEALTH CARE ENROLLMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 1099 of title 10, United States Code, is amended to read as follows:

''(c) HEALTH CARE PLANS AVAILABLE UNDER SYSTEM.—Covered beneficiaries that seek to receive health care services under this chapter shall enroll in one of the following health care plans and pay an enrollment fee, if any, applicable to such health care plan:

''(1) TRICARE Prime under section 1075 of this title.

''(2) TRICARE Choice under such section 1075.

''(3) TRICARE Supplemental under such section 1075.

''(4) TRICARE-for-Life under section 1086(d) of this title.''.

(2) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking ''eligible health care plans designated by the Secretary of Defense'' and inserting ''among health care plans specified in subsection (c)''.

(c) CHANGES TO CLASSIFICATION OF CERTAIN HEALTH CARE PLANS.—

(1) TRICARE RESERVE SELECT.—Section 1076d of title 10, United States Code, is amended—

(A) in the section heading, by striking "**TRICARE Standard**" and inserting "**TRICARE Reserve Select**"; and

(B) by striking "TRICARE Standard" each place it appears and inserting "TRICARE Reserve Select".

(2) TRICARE RETIRED RESERVE.—Section 1076e of such title is amended—

(A) in the section heading, by striking "**TRICARE Standard**" and inserting "**TRICARE Retired Reserve**";

(B) by striking "TRICARE Standard" each place it appears, other than subsections (b) and (c), and inserting "TRICARE Retired Reserve";

(C) in subsection (b)—

(i) in the subsection heading, by striking "TRICARE STANDARD"; and

(ii) by striking "TRICARE Standard" the second place it appears; and

(D) in subsection (c), by striking "TRICARE Standard" the fourth place it appears.

(3) CHAMPUS.—Section 1079a of such title is amended—

(A) in the section heading, by striking "**CHAMPUS**" and inserting "**TRICARE program**";

(B) by inserting "(including interagency transfers of funds or obligational authority and similar transactions)" after "amounts collected"; and

(C) by striking "the Civilian Health and Medical Program of the Uniformed Services" and inserting "the TRICARE program".

(4) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by striking the item relating to section 1076d and inserting the following new item:

"1076d. TRICARE program: TRICARE Reserve Select coverage for members of the Selected Reserve.";

(B) by striking the item relating to section 1076e and inserting the following new item:

"1076e. TRICARE program: TRICARE Retired Reserve coverage for certain members of the Retired Reserve who are qualified for a nonregular retirement but are not yet age 60."; and

(C) by striking the item relating to section 1079a and inserting the following new item:

"1079a. TRICARE Program: treatment of refunds and other amounts collected.".

(d) TRANSITION RULES.—

(1) IN GENERAL.—With respect to cost-sharing requirements for covered beneficiaries under section 1079, 1086, or 1097 of title 10, United States Code, during the period beginning on October 1, 2017, and ending on December 31, 2017—

(A) any enrollment fee shall be one-fourth of the amount in effect during fiscal year 2017;

(B) any deductible amount applicable during fiscal year 2017 shall apply for the 15-month period beginning on October 1, 2016, and ending on December 31, 2017.

(C) any catastrophic cap applicable during fiscal year 2017 shall apply for the 15-month period beginning on October 1, 2016, and ending on December 31, 2017.

(2) COVERED BENEFICIARIES DEFINED.—In this subsection, the term "covered beneficiaries" has the meaning given that term in section 1072 of such title.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on January 1, 2018.

(2) TRANSITION RULES.—Subsection (d) shall take effect on October 1, 2017.

SEC. 702. MODIFICATIONS OF COST-SHARING REQUIREMENTS FOR THE TRICARE PHARMACY BENEFITS PROGRAM AND TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.

(a) IN GENERAL.—Paragraph (6) of section 1074g(a) of title 10, United States Code, is amended to read as follows:

"(6)(A) In the case of any of the years 2017 through 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be determined in accordance with the following table:

"For:	The cost-sharing amount for 30-day supply of a retail generic is:	The cost-sharing amount for 30-day supply of a retail formulary is:	The cost-sharing amount for a 90-day supply of a mail order generic is:	The cost-sharing amount for a 90-day supply of a mail order formulary is:	The cost-sharing amount for a 90-day supply of a mail order non-formulary is:
2017	$10	$28	$0	$28	$54
2018	$10	$30	$0	$30	$58
2019	$10	$32	$0	$32	$62
2020	$11	$34	$11	$34	$66
2021	$11	$36	$11	$36	$70
2022	$11	$38	$11	$38	$75
2023	$12	$40	$12	$40	$80
2024	$13	$42	$13	$42	$85
2025	$14	$45	$14	$45	$90

"(B) For any year after 2025, the cost-sharing amounts under this subsection for eligible covered beneficiaries shall be equal to the cost-sharing amounts for the previous year adjusted by an amount, if any, determined by the Secretary to reflect changes in the costs of pharmaceutical agents and prescription dispensing, rounded to the nearest dollar.

"(C) Notwithstanding subparagraphs (A) and (B), the cost-sharing amounts under this subsection for a dependent of a member of the uniformed services who dies while on active duty, a member retired under chapter 61 of this title, or a dependent of a member retired under such chapter shall be equal to the cost-sharing amounts, if any, for 2016.".

(b) TREATMENT OF CERTAIN PHARMACEUTICAL AGENTS.—

(1) PHARMACY BENEFITS PROGRAM.—Such section is amended by adding at the end the following new paragraph:

"(10) Notwithstanding paragraphs (2), (5), and (6), in order to encourage the use by covered beneficiaries of pharmaceutical agents that provide the greatest value to covered beneficiaries and the Department of Defense (as determined by the Secretary, including considerations of better care, healthier people, and smarter spending), the

1 Secretary may, upon the recommendation of the Phar-
2 macy and Therapeutics Committee established under sub-
3 section (b) and review by the Uniform Formulary Bene-
4 ficiary Advisory Panel established under subsection (c)—
5 ''(A) exclude from the pharmacy benefits pro-
6 gram any pharmaceutical agent that the Secretary
7 determines provides very little or no value to covered
8 beneficiaries and the Department under the pro-
9 gram; and
10 ''(B) give preferential status to any non-generic
11 pharmaceutical agent on the uniform formulary by
12 treating it, for purposes of cost-sharing under para-
13 graph (6), as a generic product under the TRICARE
14 retail pharmacy program and mail order pharmacy
15 program.''.
16 (2) MEDICAL CONTRACTS.—Section 1079 of
17 such title is amended by adding at the end the fol-
18 lowing new subsection:
19 ''(q) In the case of any pharmaceutical agent (as de-
20 fined in section 1074g(g)(2) of this title) provided under
21 a contract entered into under this section by a physician,
22 in an outpatient department of a hospital, or otherwise
23 as part of any medical services provided under such a con-
24 tract, the Secretary of Defense may, under regulations
25 prescribed by the Secretary, adopt special reimbursement

methods, amounts, and procedures to encourage the use of high-value products and discourage the use of low-value products, as determined by the Secretary.''.

(3) REGULATIONS.—In order to implement expeditiously the reforms authorized by the amendments made by paragraphs (1) and (2), the Secretary of Defense may prescribe such changes to the regulations implementing the TRICARE program (as defined in section 1072 of title 10, United States Code) as the Secretary considers appropriate—

(A) by prescribing an interim final rule; and

(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

SEC. 703. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER THE TRICARE PROGRAM FOR PARTICIPATION IN THE FEDERAL EMPLOYEES DENTAL AND VISION INSURANCE PROGRAM.

(a) IN GENERAL.—

(1) DENTAL BENEFITS.—Section 8951 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (8)''; and

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

''(8) The term 'covered TRICARE-eligible individual' means an individual entitled to dental care under chapter 55 of title 10, pursuant to section 1076c of such title, who the Secretary of Defense determines should be an eligible individual for purposes of this chapter.''.

(2) VISION BENEFITS.—Section 8981 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking ''paragraph (1) or (2)'' and inserting ''paragraph (1), (2), or (8)''; and

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

''(8)(A) The term 'covered TRICARE-eligible individual'—

''(i) means an individual entitled to medical care under chapter 55 of title 10, pursuant to section 1076d, 1076e, 1079(a), 1086(c), or 1086(d) of such title, who the Secretary of Defense determines in accordance with an agree-

ment entered into under subparagraph (B) should be an eligible individual for purposes of this chapter; and

"(ii) does not include an individual covered under section 1110b of title 10.

"(B) The Secretary of Defense shall enter into an agreement with the Director of the Office of Personnel Management relating to classes of individuals described in subparagraph (A)(i) who should be eligible individuals for purposes of this chapter.".

(b) CONFORMING AMENDMENTS.—

(1) DENTAL BENEFITS.—Section 8958(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; or"; and

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

"(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and

is not a former spouse of a member of the uniformed services, be withheld from—

"(A) the pay (including retired pay) of such individual; or

"(B) the annuity paid to such individual; and

"(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.".

(2) VISION BENEFITS.—Section 8988(c) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; or"; and

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

"(3) in the case of a covered TRICARE-eligible individual who receives pay from the Federal Government or an annuity from the Federal Government due to the death of a member of the uniformed services (as defined in section 101 of title 10), and is not a former spouse of a member of the uniformed services, be withheld from—

"(A) the pay (including retired pay) of such individual; or

"(B) the annuity paid to such individual; and

"(4) in the case of a covered TRICARE-eligible individual who is not described in paragraph (3), be billed to such individual directly.".

(3) PLAN FOR DENTAL INSURANCE FOR CERTAIN RETIREES, SURVIVING SPOUSES, AND OTHER DEPENDENTS.—Subsection (a) of section 1076c of title 10, United States Code, is amended to read as follows:

"(a) REQUIREMENT FOR PLAN.—(1) The Secretary of Defense shall establish a dental insurance plan for retirees of the uniformed services, certain unremarried surviving spouses, and dependents in accordance with this section.

"(2) The Secretary may satisfy the requirement under paragraph (1) by entering into an agreement with the Director of the Office of Personnel Management to allow persons described in subsection (b) to enroll in an insurance plan under chapter 89A of title 5 that provides benefits similar to those benefits required to be provided under subsection (d).".

SEC. 704. COVERAGE OF MEDICALLY NECESSARY FOOD AND VITAMINS FOR DIGESTIVE AND INHERITED METABOLIC DISORDERS UNDER THE TRICARE PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Specialized food is often medically necessary for the safe and effective management of many digestive and inherited metabolic disorders that impact digestion, absorption, and metabolism of nutrients.

(2) Although medically necessary food is essential for patients, it is often expensive and not uniformly reimbursed by health insurance, leaving many families with an insurmountable financial burden.

(3) As a result, many patients who cannot afford medically necessary food may experience adverse health consequences from suboptimal disease management, including hospitalization, intellectual impairment, behavioral dysfunction, inadequate growth, nutrient deficiencies, and even death.

(b) AVAILABILITY UNDER THE TRICARE PROGRAM.—

(1) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3), by inserting before the period at the end the following: ‘‘,

including medically necessary vitamins''; and

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

''(18) Medically necessary food and the medical equipment and supplies necessary to administer such food (other than medical equipment and supplies described in section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n))).''; and

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

''(g)(1) For purposes of subsection (a)(3), the term 'medically necessary vitamins' means vitamins used for the management of a covered disease or condition pursuant to the prescription, order, or recommendation (as applicable) of a specified, duly authorized provider, such as a physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner, a clinical nurse specialist, or a physician assistant (as those terms are defined in section 1861(aa)(5) of such Act).

''(2) For purposes of subsection (a)(18), the term 'medically necessary food'—

1 "(A) means food, including a low protein modi-
2 fied food product or an amino acid preparation prod-
3 uct, that is—
4 "(i) furnished pursuant to the prescription,
5 order, or recommendation (as applicable) of a
6 specified, duly authorized provider, such as a
7 physician (as defined in section 1861(r)(1) of
8 the Social Security Act (42 U.S.C.
9 1395x(r)(1))), or a nurse practitioner, a clinical
10 nurse specialist, or a physician assistant (as
11 those terms are defined in section 1861(aa)(5)
12 of such Act), for the dietary management of a
13 covered disease or condition;
14 "(ii) a specially formulated and processed
15 product (as opposed to a naturally occurring
16 foodstuff used in its natural state) for the par-
17 tial or exclusive feeding of an individual by
18 means of oral intake or enteral feeding by tube;
19 "(iii) intended for the dietary management
20 of an individual who, because of therapeutic or
21 chronic medical needs, has limited or impaired
22 capacity to ingest, digest, absorb, or metabolize
23 ordinary foodstuffs or certain nutrients, or who
24 has other special medically determined nutrient
25 requirements, the dietary management of which

cannot be achieved by the modification of the normal diet alone;

"(iv) intended to be used under medical supervision, which may include in a home setting; and

"(v) intended only for an individual receiving active and ongoing medical supervision wherein the individual requires medical care on a recurring basis for, among other things, instructions on the use of the food; and

"(B) does not include—

"(i) food taken as part of an overall diet designed to reduce the risk of a disease or medical condition or as weight loss products, even if they are recommended by a physician or other health professional;

"(ii) food marketed as gluten-free for the management of celiac disease or non-celiac gluten sensitivity;

"(iii) food marketed for the management of diabetes; or

"(iv) such other products as the Secretary determines appropriate.

"(3) In this subsection:

1 "(A) The term 'covered disease or condition'
2 means the following diseases or conditions:
3 "(i) Inflammatory bowel disease, including
4 Crohn's disease, ulcerative colitis, and indeter-
5 minate colitis.
6 "(ii) Gastroesophageal reflux disease that
7 is nonresponsive to standard medical therapies.
8 "(iii) Immunoglobulin E and non-
9 Immunoglobulin E mediated allergies to food
10 proteins.
11 "(iv) Food protein-induced enterocolitis
12 syndrome.
13 "(v) Eosinophilic disorders, including
14 eosinophilic esophagitis, eosinophilic
15 gastroenteritis, eosinophilic colitis, and post-
16 transplant eosinophilic disorders.
17 "(vi) Impaired absorption of nutrients
18 caused by disorders affecting the absorptive
19 surface, functional length, and motility of the
20 gastrointestinal tract, including short bowel
21 syndrome and chronic intestinal pseudo-obstruc-
22 tion.
23 "(vii) Malabsorption due to liver or pan-
24 creatic disease.

"(viii) Inherited metabolic disorders, including the following:

"(I) Disorders classified as metabolic disorders on the Recommended Uniform Screening Panel Core Conditions list of the Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children.

"(II) N-acetyl glutamate synthase deficiency.

"(III) Ornithine transcarbamylase deficiency.

"(IV) Carbamoyl phosphate synthetase deficiency.

"(V) Inherited disorders of mitochondrial functioning.

"(ix) Such other diseases or conditions as the Secretary determines appropriate.

"(B) The term 'low protein modified food product' means a product formulated to have less than one gram of protein per serving.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to health care provided under chapter 55 of such title on or after the date

that is one year after the date of the enactment of this Act.

SEC. 705. ENHANCEMENT OF USE OF TELEHEALTH SERVICES IN MILITARY HEALTH SYSTEM.

(a) INCORPORATION OF TELEHEALTH.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall incorporate, throughout the direct care and purchased care components of the military health system, the use of telehealth services, including mobile health applications—

(A) to improve access to primary care, urgent care, behavioral health care, and specialty care;

(B) to perform health assessments;

(C) to provide diagnoses, interventions, and supervision;

(D) to monitor individual health outcomes of covered beneficiaries with chronic diseases or conditions;

(E) to improve communication between health care providers and patients; and

(F) to reduce health care costs for covered beneficiaries and the Department of Defense.

(2) TYPES OF TELEHEALTH SERVICES.—The telehealth services required to be incorporated under paragraph (1) shall include those telehealth services that—

(A) provide real-time interactive communications and remote patient monitoring;

(B) allow covered beneficiaries to schedule appointments and communicate with health care providers; and

(C) allow health care providers, through video conference, telephone or tablet applications, or home health monitoring devices—

(i) to assess and evaluate disease signs and symptoms;

(ii) to diagnose diseases;

(iii) to supervise treatments; and

(iv) to monitor health outcomes.

(b) COVERAGE OF ITEMS OR SERVICES.—An item or service furnished to a covered beneficiary via a telecommunications system shall be covered under the TRICARE program to the same extent as the item or service would be covered if furnished in the location of the covered beneficiary.

(c) REIMBURSEMENT RATES FOR TELEHEALTH SERVICES.—The Secretary shall develop standardized

payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, including by using reimbursement rates that incentivize the provision of telehealth services.

(d) LOCATION OF CARE.—For purposes of reimbursement, licensure, professional liability, and other purposes relating to the provision of telehealth services under this section, providers of such services shall be considered to be furnishing such services at their location and not at the location of the patient.

(e) REDUCTION OR ELIMINATION OF COPAYMENTS.—The Secretary shall reduce or eliminate, as the Secretary considers appropriate, copayments or cost shares for covered beneficiaries in connection with the receipt of telehealth services under the purchased care component of the TRICARE program.

(f) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the full range of telehealth services to be avail-

able in the direct care and purchased care components of the military health system and the copayments and cost shares, if any, associated with those services.

(B) REIMBURSEMENT PLAN.—The report required under subparagraph (A) shall include a plan to develop standardized payment methods to reimburse health care providers for telehealth services provided to covered beneficiaries in the purchased care component of the TRICARE program, as required under subsection (c).

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than three years after the date on which the Secretary begins incorporating, throughout the direct care and purchased care components of the military health system, the use of telehealth services as required under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the impact made by the use of telehealth services, including mobile health applications, to carry out the actions

specified in subparagraphs (A) through (F) of subsection (a)(1).

(B) ELEMENTS.—The report required under subparagraph (A) shall include an assessment of the following:

(i) The satisfaction of covered beneficiaries with telehealth services furnished by the Department of Defense.

(ii) The satisfaction of health care providers in providing telehealth services furnished by the Department.

(iii) The effect of telehealth services furnished by the Department on the following:

(I) The ability of covered beneficiaries to access health care services in the direct care and purchased care components of the military health system.

(II) The frequency of use of telehealth services by covered beneficiaries.

(III) The productivity of health care providers providing care furnished by the Department.

(IV) The reduction, if any, in the use by covered beneficiaries of health care services in military treatment facilities or medical facilities in the private sector.

(V) The number and types of appointments for the receipt of telehealth services furnished by the Department.

(VI) The savings, if any, realized by the Department by furnishing telehealth services to covered beneficiaries.

(g) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 706. EVALUATION AND TREATMENT OF VETERANS AND CIVILIANS AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense may authorize a veteran (in consultation with the Secretary of Veterans Affairs) or civilian to be evaluated and treated at a military treatment facility if the Secretary of Defense determines that—

(1) the evaluation and treatment of the individual is necessary to attain the relevant mix and volume of medical casework required to maintain medical readiness skills and competencies of health care providers at the facility;

(2) the health care providers at the facility have the competencies, skills, and abilities required to treat the individual; and

(3) the facility has available space, equipment, and materials to treat the individual.

(b) REIMBURSEMENT FOR TREATMENT.—

(1) CIVILIANS.—A military treatment facility that evaluates or treats an individual (other than an individual described in paragraph (2)) under subsection (a) may bill the individual and accept reimbursement from the individual for the costs of any health care services provided to the individual under such subsection.

(2) VETERANS.—The Secretary of Defense shall enter into a memorandum of understanding with the Secretary of Veterans Affairs under which the Secretary of Veterans Affairs will reimburse a military treatment facility for the costs of any health care services provided at the facility under sub-

section (a) to individuals eligible for such health care services from the Department of Veterans Affairs.

(3) USE OF AMOUNTS.—Any amounts collected by a military treatment facility under paragraph (1) or (2) for health care services provided to an individual under subsection (a) shall be made available to such facility to improve access to health care, improve health outcomes, and enhance the experience of care for covered beneficiaries at such facility.

(c) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 707. PILOT PROGRAM TO PROVIDE HEALTH INSURANCE TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense and the Director may jointly carry out a pilot program, at the election of the Secretary, under which the Director provides commercial health insurance coverage to eligible reserve component members who enroll in a health benefits plan under subsection (b) as an individual, for self plus one coverage, or for self and family coverage.

(2) ELEMENTS.—The pilot program shall—

(A) provide for enrollment by eligible reserve component members, at the election of the member, in a health benefits plan under subsection (b) during an open enrollment period established by the Director for purposes of this section;

(B) include a variety of national and regional health benefits plans that—

(i) meet the requirements of this section;

(ii) are broadly representative of the health benefits plans available in the commercial market; and

(iii) do not contain unnecessary restrictions, as determined by the Director; and

(C) offer a sufficient number of health benefits plans in order to provide eligible reserve component beneficiaries with an ample choice of health benefits plans, as determined by the Director.

(3) DURATION.—If the Secretary elects to carry out the pilot program, the Secretary and the Direc-

1 tor shall carry out the pilot program for not less
2 than five years.
3 (b) HEALTH BENEFITS PLANS.—
4 (1) IN GENERAL.—In providing health insur-
5 ance coverage under the pilot program, the Director
6 shall contract with qualified carriers for a variety of
7 health benefits plans.
8 (2) DESCRIPTION OF PLANS.—Health benefits
9 plans contracted for under this subsection—
10 (A) may vary by type of plan design, cov-
11 ered benefits, geography, and price;
12 (B) shall include maximum limitations on
13 out-of-pocket expenses paid by an eligible re-
14 serve component beneficiary for the health care
15 provided; and
16 (C) may not exclude an eligible reserve
17 component member who chooses to enroll.
18 (3) QUALITY OF PLANS.—The Director shall
19 ensure that each health benefits plan offered under
20 this section offers a high degree of quality, as deter-
21 mined by criteria such as—
22 (A) access to an ample number of medical
23 providers, as determined by the Director;
24 (B) adherence to industry-accepted quality
25 measurements, as determined by the Director;

(C) access to benefits described in subsection (c), including ease of referral for health care services; and

(D) inclusion in the services covered by the plan of advancements in medical treatments and technology as soon as practicable in accordance with generally accepted standards of medicine.

(c) BENEFITS.—A health benefits plan offered by the Director under this section shall include, at a minimum, the following benefits:

(1) The health care benefits provided under chapter 55 of title 10, United States Code, excluding pharmaceutical, dental, and extended health care option benefits.

(2) The essential health benefits described in section 1302 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022), excluding pharmaceutical and dental benefits.

(3) Such other benefits as the Director determines appropriate.

(d) CARE AT FACILITIES OF UNIFORMED SERVICES.—

(1) IN GENERAL.—If an eligible reserve component beneficiary receives benefits described in sub-

section (c) at a facility of the uniformed services, the health benefits plan under which the beneficiary is covered shall be treated as a third party payer under section 1095 of title 10, United States Code, and shall pay reasonable charges for such benefits.

(2) MILITARY TREATMENT FACILITIES.—The Secretary, in consultation with the Director—

(A) may contract with qualified carriers with which the Director has contracted under subsection (b) to provide health insurance coverage for health care services provided at military treatment facilities under this section; and

(B) may receive payments under section 1095 of title 10, United States Code, from qualified carriers for health care services provided at military treatment facilities under this section.

(e) SPECIAL RULE RELATING TO ACTIVE DUTY PERIOD.—

(1) IN GENERAL.—An eligible reserve component member may not receive benefits under a health benefits plan under this section during any period in which the member is serving on active duty for more than 30 days.

(2) TREATMENT OF DEPENDENTS.—Paragraph (1) does not affect the coverage under a health benefits plan of any dependent of an eligible reserve component member.

(f) ELIGIBILITY FOR FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—An individual is not eligible to enroll in or be covered under a health benefits plan under this section if the individual is eligible to enroll in a health benefits plan under the Federal Employees Health Benefits Program.

(g) COST SHARING.—

(1) RESPONSIBILITY FOR PAYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an eligible reserve component member shall pay an annual premium amount calculated under paragraph (2) for coverage under a health benefits plan under this section and additional amounts described in paragraph (3) for health care services in connection with such coverage.

(B) ACTIVE DUTY PERIOD.—

(i) IN GENERAL.—During any period in which an eligible reserve component member is serving on active duty for more than 30 days, the eligible reserve compo-

nent member is not responsible for paying any premium amount under paragraph (2) or additional amounts under paragraph (3).

(ii) COVERAGE OF DEPENDENTS.—With respect to a dependent of an eligible reserve component member that is covered under a health benefits plan under this section, during any period described in clause (i) with respect to the member, the Secretary shall, on behalf of the dependent, pay 100 percent of the total annual amount of a premium for coverage of the dependent under the plan and such cost sharing amounts as may be applicable under the plan.

(2) PREMIUM AMOUNT.—

(A) IN GENERAL.—The annual premium calculated under this paragraph is an amount equal to 28 percent of the total annual amount of a premium under the health benefits plan selected.

(B) TYPES OF COVERAGE.—The premium amounts calculated under this paragraph shall include separate calculations for—

(i) coverage as an individual;

(ii) self plus one coverage; and

(iii) self and family coverage.

(3) ADDITIONAL AMOUNTS.—The additional amounts described in this paragraph with respect to an eligible reserve component member are such cost sharing amounts as may be applicable under the health benefits plan under which the member is covered.

(h) CONTRACTING.—

(1) IN GENERAL.—In contracting for health benefits plans under subsection (b), the Director may contract with qualified carriers in a manner similar to the manner in which the Director contracts with carriers under section 8902 of title 5, United States Code, including that—

(A) a contract under this section shall be for a uniform term of not less than one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party;

(B) a contract under this section shall contain a detailed statement of benefits offered and shall include such maximums, limitations, exclu-

sions, and other definitions of benefits as the Director considers necessary or desirable;

(C) a contract under this section shall ensure that an eligible reserve component member who is eligible to enroll in a health benefits plan pursuant to such contract is able to enroll in such plan; and

(D) the terms of a contract under this section relating to the nature, provision, or extent of coverage or benefits (including payments with respect to benefits) shall supersede and preempt any conflicting State or local law.

(2) EVALUATION OF FINANCIAL SOLVENCY.—The Director shall perform a thorough evaluation of the financial solvency of an insurance carrier before entering into a contract with the insurance carrier under paragraph (1).

(i) RECOMMENDATIONS AND DATA.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security, shall provide recommendations and data to the Director with respect to—

(A) matters involving military treatment facilities;

(B) matters unique to eligible reserve component members and their dependents; and

(C) such other strategic guidance necessary for the Director to administer this section as the Secretary of Defense, in consultation with the Secretary of Homeland Security, considers appropriate.

(2) LIMITATION ON IMPLEMENTATION.—The Director shall not implement any recommendation provided by the Secretary of Defense under paragraph (1) if the Director determines that the implementation of the recommendation would result in eligible reserve components beneficiaries receiving less generous health benefits under this section than the health benefits commonly available to individuals under the Federal Employees Health Benefits Program during the same period.

(j) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense and the Director shall jointly establish an appropriate mechanism to fund the pilot program under this section.

(2) AVAILABILITY OF AMOUNTS.—Amounts shall be made available to the Director pursuant to

the mechanism established under paragraph (1), without fiscal year limitation—

(A) for payments to health benefits plans under this section; and

(B) to pay the costs of administering this section.

(k) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Office of Personnel Management.

(2) ELIGIBLE RESERVE COMPONENT BENEFICIARY.—The term ''eligible reserve component beneficiary'' means an eligible reserve component member enrolled in, or a dependent of such a member described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, covered under, a health benefits plan under this section.

(3) ELIGIBLE RESERVE COMPONENT MEMBER.—The term ''eligible reserve component member'' means a member of the Selected Reserve of the Ready Reserve of an Armed Force.

(4) EXTENDED HEALTH CARE OPTION.—The term ''extended health care option'' means the program of extended benefits under subsections (d) and (e) of section 1079 of title 10, United States Code.

(5) FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.—The term ''Federal Employees Health Benefits Program'' means the health insurance program under chapter 89 of title 5, United States Code.

(6) QUALIFIED CARRIER.—The term ''qualified carrier'' means an insurance carrier that is licensed to issue group health insurance in any State or the District of Columbia.

SEC. 708. PILOT PROGRAM ON TREATMENT OF MEMBERS OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER RELATED TO MILITARY SEXUAL TRAUMA.

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using intensive outpatient programs to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including treatment for substance use disorder, depression, and other issues related to such conditions.

(b) GRANTS TO COMMUNITY PARTNERS.—

(1) IN GENERAL.—The pilot program authorized by subsection (a) shall be carried out using grants, awarded on a competitive basis, to community partners described in paragraph (2).

(2) COMMUNITY PARTNERS.—A community partner described in this paragraph is a private health care organization or institution that—

(A) provides health care to members of the Armed Forces;

(B) provides evidence-based treatment for psychological and neurological conditions that are common among members of the Armed Forces, including post-traumatic stress disorder, traumatic brain injury, substance use disorder, and depression;

(C) provides health care, support, and other benefits to family members of members of the Armed Forces; and

(D) provides health care under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code).

(c) REQUIREMENTS OF GRANT RECIPIENTS.—Each community partner awarded a grant under subsection (b) shall—

(1) carry out intensive outpatient programs of short duration to treat members of the Armed Forces suffering from post-traumatic stress disorder resulting from military sexual trauma, including

1 treatment for substance use disorder, depression,
2 and other issues related to such conditions;
3 (2) use evidence-based and evidence-informed
4 treatment strategies in carrying out such programs;
5 (3) share clinical and outreach best practices
6 with other community partners participating in the
7 pilot program authorized by subsection (a); and
8 (4) annually assess outcomes for members of
9 the Armed Forces individually and throughout the
10 community partners with respect to the treatment of
11 conditions described in paragraph (1).
12 (d) FEDERAL SHARE.—The Federal share of the
13 costs of programs carried out by a community partner
14 awarded a grant under subsection (b) using a grant under
15 that subsection may not exceed 50 percent.
16 (e) TERMINATION.—The Secretary may not carry out
17 the pilot program authorized by subsection (a) after the
18 date that is three years after the date of the enactment
19 of this Act.

Subtitle B—Health Care Administration

SEC. 721. CONSOLIDATION OF THE MEDICAL DEPARTMENTS OF THE ARMY, NAVY, AND AIR FORCE INTO THE DEFENSE HEALTH AGENCY.

(a) IN GENERAL.—Not earlier than the date that is 60 days after the Committees on Armed Services of the Senate and the House of Representatives receive the consolidation plan submitted under subsection (d), the Secretary of Defense shall disestablish the medical departments of the Armed Forces and consolidate all activities of such departments into the Defense Health Agency in a manner that—

(1) ensures continuity in the provision of health care services to members of the Armed Forces and other eligible beneficiaries; and

(2) maintains the medical force readiness capabilities of the military health system.

(b) MEDICAL OPERATIONS WITHIN DEFENSE HEALTH AGENCY.—

(1) IN GENERAL.—The consolidation required by this section shall, at a minimum, meet the requirements of this subsection.

(2) MEDICAL OPERATIONS.—All medical operations of the Department of Defense (including all

1 military medical treatment facilities, training organi-
2 zations, and medical research entities of the military
3 departments) shall be discharged through a single
4 agency established or organized within, and assigned
5 to, the Defense Health Agency.

6 (3) DIRECTOR.—The Director of the Defense
7 Health Agency shall be an officer of the Armed
8 Forces who, while so serving, holds the grade of lieu-
9 tenant general or, in the case of the Navy, vice ad-
10 miral. The Director shall be appointed from among
11 officers of the Armed Services who are members of
12 the medical corps, the dental corps, the medical
13 service corps (including the biomedical service
14 corps), or the nurse corps. An individual appointed
15 as the Director shall serve a term of not fewer than
16 four years.

17 (4) SUBORDINATE ORGANIZATIONS.—

18 (A) IN GENERAL.—The Defense Health
19 Agency shall have four subordinate organiza-
20 tions as follows:

21 (i) An organization that includes all
22 military medical treatment facilities, in-
23 cluding facilities or elements that are com-
24 bined or operating jointly with a medical

1 facility of another department or agency of
2 the Federal Government.
3 (ii) An organization responsible for
4 the following:
5 (I) All medical professional re-
6 cruitment and retention activities of
7 the Department.
8 (II) All medical training, edu-
9 cation, research, and development ac-
10 tivities of the Department
11 (III) Any organizations des-
12 ignated as executive agents of the De-
13 partment for medical operations or ac-
14 tivities of the Department as of De-
15 cember 31, 2016.
16 (iii) An organization responsible for
17 the activities and duties of the Defense
18 Health Agency as of December 31, 2016.
19 (iv) An organization responsible for
20 all activities and duties of the Department
21 to improve and maintain medical force
22 readiness capabilities and to ensure the
23 combat casualty care and trauma readiness
24 of military health care providers.

(B) HEADS OF ORGANIZATIONS.—The head of each subordinate organization under this paragraph shall, while so serving, be an officer of the Armed Forces who holds the grade of major general or, in the case of the Navy, rear admiral, or a civilian of equivalent grade. The head of each subordinate organization, if an officer of the Armed Forces, shall be a member of the medical corps, the dental corps, the medical service corps (including the biomedical service corps), or the nurse corps.

(5) AUTHORITY OF DIRECTOR.—The Director of the Defense Health Agency shall, subject to the supervision and control of the Assistant Secretary of Defense for Health Affairs, be responsible for and have the authority to conduct the following functions relating to the medical operations activities of the Department:

(A) Development of programs and doctrine.

(B) Preparation and submittal of program recommendations and budget proposals to the Secretary of Defense.

(C) Exercise of authority, direction, and control over the expenditure of funds of the Defense Health Program.

(D) Planning, budgeting, and expenditure of military construction funds within the Defense Health Program.

(E) Training assigned medical forces and conducting specialized medical instruction for military personnel.

(F) Validation, establishment, and prioritizing of requirements.

(G) Ensuring interoperability of equipment and forces.

(H) Monitoring promotions, assignments, retention, training, and professional military education of military health care providers.

(6) MAINTENANCE OF UNIQUE MEDICAL CAPABILITIES AND EXPERTISE OF THE ARMED FORCES.—Notwithstanding a single agency structure for medical operations of the Department, the unique operational medical capabilities and expertise of health care professionals of each of the Armed Forces shall, to the extent practicable, be preserved and maintained.

(c) POSITIONS OF SURGEON GENERAL IN THE ARMED FORCES.—

(1) SURGEON GENERAL OF THE ARMY.—Section 3036 of title 10, United States Code, is amended—

(A) in subsection (d), by striking ''(1)'';

(B) by redesignating subsection (e) as subsection (g);

(C) by redesignating paragraphs (2) and (3) of subsection (d) as paragraphs (1) and (2), respectively, of a new subsection (e); and

(D) by adding after subsection (e), as provided for by subparagraph (C), the following new subsection (f):

''(f)(1) The Surgeon General serves as the principal advisor to the Secretary of the Army and the Chief of Staff of the Army on all health and medical matters of the Army, including strategic planning and policy development relating to such matters.

''(2) The Surgeon General serves as the chief medical advisor of Army to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Army.''.

(2) SURGEON GENERAL OF THE NAVY.—

(A) IN GENERAL.—Section 5137 of title 10, United States Code, is amended to read as follows:

"§ 5137. Surgeon General: appointment; duties

''(a) APPOINTMENT.—The Surgeon General of the Navy shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—(1) The Surgeon General shall perform duties prescribed by the Secretary of the Navy and by law.

''(2) The Surgeon General serves as the principal advisor to the Secretary of the Navy and the Chief of Naval Operations on all health and medical matters of the Navy and the Marine Corps, including strategic planning and policy development relating to such matters.

''(3) The Surgeon General serves as the chief medical advisor of the Navy and the Marine Corps to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Navy and the Marine Corps.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5137 and inserting the following new item:

''5137. Surgeon General: appointment; duties.''.

(3) SURGEON GENERAL OF THE AIR FORCE.—

(A) IN GENERAL.—Section 8036 of title 10, United States Code, is amended to read as follows:

"§ 8036. Surgeon General: appointment; duties

''(a) APPOINTMENT.—The Surgeon General of the Air Force shall be appointed by the President, by and with the advice and consent of the Senate.

''(b) DUTIES.—(1) The Surgeon General shall perform duties prescribed by the Secretary of the Air Force and by law.

''(2) The Surgeon General serves as the principal advisor to the Secretary of the Air Force and the Chief of Staff of the Air Force on all health and medical matters of the Air Force, including strategic planning and policy development relating to such matters.

''(3) The Surgeon General serves as the chief medical advisor of the Air Force to the Defense Health Agency on matters pertaining to military health readiness requirements and safety of members of the Air Force.''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 805 of such title is amended by striking the item relating to section 8036 and inserting the following new item:

''8036. Surgeon General: appointment; duties.''.

(d) CONSOLIDATION PLAN.—

(1) IN GENERAL.—Before taking any action under subsection (a) to consolidate the activities of the medical departments of the Armed Forces, the Secretary of Defense shall submit to Committees on Armed Services of the Senate and the House of Representatives a plan to consolidate such activities.

(2) ELEMENTS.—The plan submitted under paragraph (1) with respect to the consolidation of the activities of the medical departments of the Armed Forces under subsection (a) shall include, at a minimum, the following:

(A) A description of the organizational structure of the Defense Health Agency under such consolidation.

(B) A description of the manning and management of all medical personnel under such consolidation.

(C) A description of the command responsibilities of the Director of the Defense Health Agency, the head of each subordinate organization within the Defense Health Agency, and the Surgeons General of the Army, Navy, and Air Force under such consolidation.

(D) A description of the authorities and responsibilities of each commander of an installation or military service under such consolidation.

(E) A description of the activities carried out by all elements of the Defense Health Agency under such consolidation.

(F) An assessment of the impact of such consolidation on—

(i) health care provided by the Department of Defense, including the cost effectiveness of such care;

(ii) the military readiness of members of the Armed Forces; and

(iii) the ability of members of the Armed Forces to meet deployment requirements.

(G) An assessment of the delineation of accountability across the military health system under such consolidation.

(3) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the Secretary of Defense submits the plan under paragraph (1), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate

and the House of Representatives a review of such plan.

(e) REPORT.—Not later than January 1, 2017, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the consolidation required by this section.

(1) The number of military, civilian, and contractor positions to be eliminated from headquarters staffs by the disestablishment of the medical departments of the Armed Forces and the consolidation of all activities of such departments into the Defense Health Agency.

(2) The number of general and flag officer billets to be eliminated from each Armed Force by the disestablishment and consolidation.

(3) The cost savings expected to be realized as a result of the disestablishment and consolidation.

(4) The complete schedule for the disestablishment and consolidation.

(5) A description of the additional legislative authorities, if any, required to fully carry out the disestablishment and consolidation.

SEC. 722. ACCOUNTABILITY FOR THE PERFORMANCE OF THE MILITARY HEALTH CARE SYSTEM OF CERTAIN POSITIONS IN THE SYSTEM.

(a) IN GENERAL.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretaries of the military departments, as appropriate, shall incorporate into the annual performance review of each position specified in subsection (b) measures of accountability for the performance of the military health care system described in subsection (c) for which such position should be held accountable.

(b) POSITIONS.—The positions specified in this subsection are the following:

(1) The Director of the Defense Health Agency.

(2) The heads of the subordinate organizations of the Defense Health Agency established pursuant to section 721(b)(4).

(3) The commanders of the military medical treatment facilities of each Armed Force.

(4) The subordinate commanders of the military medical treatment facilities of each Armed Force.

(c) MEASURES OF ACCOUNTABILITY FOR PERFORMANCE.—The measures of accountability for the performance of the military health care system incorporated into the annual performance reviews of a position pursuant to

this section shall include measures to assess performance and assure accountability for the following:

(1) Quality of care.

(2) Beneficiaries' access to care.

(3) Improvement in beneficiaries' health outcomes.

(4) Patient safety.

(5) Such other matters as the Secretary of Defense or the Secretaries of the military departments, as appropriate, consider appropriate.

(d) LIMITATION ON PERFORMANCE BONUS PAYMENTS.—Commencing upon the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of a position specified in subsection (b), a performance bonus payment may not paid to a civilian employee of the Department of Defense occupying such position unless the performance of the military health care system for which such position is held responsible met or exceeded expectations for performance during the period for which the performance bonus payment would otherwise be made.

(e) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Represent-

atives a report on the incorporation of measures of accountability for the performance of the military health care system into the annual performance reviews of positions as required by this section. The report shall include the following:

(1) A comprehensive plan for the use of measures of accountability for performance in annual performance reviews pursuant to this section as a means of assessing and assuring accountability for the performance of the military health care system.

(2) For each position specified in subsection (b), a description of the specific measures of accountability for performance incorporated into the annual performance reviews of such position pursuant to this section.

SEC. 723. SELECTION OF COMMANDERS AND DIRECTORS OF MILITARY TREATMENT FACILITIES AND TOURS OF DUTY OF COMMANDERS OF SUCH FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall do the following:

(1) Develop the common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities.

(2) Establish a minimum length for the tour of duty of an individual as a commander of a military treatment facility.

(b) QUALIFICATIONS AND COMPETENCIES.—

(1) STANDARDS.—In developing common qualifications and core competencies required of individuals for selection as commanders or directors of military treatment facilities pursuant to subsection (a)(1), the Secretary shall include standards with respect to the following:

(A) Professional competence.

(B) Moral and ethical integrity and character.

(C) Formal education in healthcare executive leadership and healthcare management.

(D) Such other matters as the Secretary considers appropriate.

(2) OBJECTIVE.—The objective of the Secretary in developing such qualifications and competencies shall be to ensure that the individuals selected as commanders or directors of military treatment facilities are highly qualified to serve as health system executives in any medical treatment facility of the Armed Forces.

(c) TOURS OF DUTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the length of the tour of duty as a commander of a military treatment facility of any individual assigned to such position after January 1, 2018, may not be shorter than the longer of—

(A) the length established pursuant to subsection (a)(2); or

(B) four years.

(2) WAIVER.—The Secretary of the military department concerned may authorize a tour of duty of an individual as a commander of a military treatment facility of a shorter length than is otherwise provided for in paragraph (1) if the Secretary determines, in the discretion of the Secretary, that there is good cause for a tour of duty in such position of shorter length. Any such determination shall be made on a case-by-case basis.

SEC. 724. AUTHORITY TO CONVERT MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) LIMITED AUTHORITY FOR CONVERSION.—Chapter 49 of title 10, United States Code, is amended by inserting after section 976 the following new section:

"§ 977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation

"(a) REQUIREMENTS RELATING TO CONVERSION.—A military medical or dental position within the Department of Defense may not be converted to a civilian medical or dental position unless the Secretary of Defense determines that—

"(1) the position is not a military essential position;

"(2) conversion of the position would not result in the degradation of medical care or the medical readiness of the armed forces; and

"(3) conversion of the position to a civilian medical or dental position is more cost effective than retaining the position as a military medical or dental position, consistent with Department of Defense Instruction 7041.04.

"(b) DEFINITIONS.—In this section:

"(1) The term 'military medical or dental position' means a position for the performance of health care functions within the armed forces held by a member of the armed forces.

"(2) The term 'civilian medical or dental position' means a position for the performance of health care functions within the Department of Defense

held by an employee of the Department or of a contractor of the Department.

"(3) The term 'military essential', with respect to a position, means that the position must be held by a member of the armed forces, as determined in accordance with regulations prescribed by the Secretary.

"(4) The term 'conversion', with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 49 of such title is amended by inserting after the item relating to section 976 the following new item:

"977. Conversion of military medical and dental positions to civilian medical and dental positions: limitation.".

(c) REPEAL OF RELATED PROHIBITION.—Section 721 of the National Defense Authorization Act for Fiscal

1 Year 2008 (Public Law 110–181; 10 U.S.C. 129c note)
2 is repealed.

3 **SEC. 725. AUTHORITY TO REALIGN INFRASTRUCTURE OF**
4 **AND HEALTH CARE SERVICES PROVIDED BY**
5 **MILITARY TREATMENT FACILITIES.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), the Secretary of a military department may realign
8 the infrastructure of or modify the health care services
9 provided by a military treatment facility under the juris-
10 diction of such Secretary if such realignment or modifica-
11 tion will better serve to—

12 (1) ensure the provision of safe, high quality
13 health care services to covered beneficiaries at the
14 facility;

15 (2) adapt the delivery of health care at the fa-
16 cility to rapid changes in health care delivery models
17 in the private sector; or

18 (3) maintain the medical readiness skills and
19 core competencies of health care providers at the fa-
20 cility.

21 (b) EXCEPTION.—A Secretary of a military depart-
22 ment may not realign the infrastructure of or modify the
23 health care services provided by a military treatment facil-
24 ity under subsection (a) unless such Secretary can ensure
25 that any covered beneficiary who may be affected by such

realignment or modification will be able to receive through the purchased care component of the TRICARE program the health care services that will not be available to the covered beneficiary at the facility as a result of such realignment or modification.

(c) REPORT.—

(1) IN GENERAL.—Before taking any action under subsection (a) to realign the infrastructure of or modify the health care services provided by a military treatment facility, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any such proposed realignments or modifications.

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) With respect to each military treatment facility for which realignments or modifications are proposed, the following:

(i) A comprehensive assessment of the health care services provided at the facility.

(ii) A description of the current accessibility of covered beneficiaries to health care services provided at the facility and proposed modifications to that accessi-

bility, including with respect to types of services provided.

(iii) A description of the current manning levels at the facility and proposed modifications to such manning levels.

(iv) A description of the current availability of urgent care, emergent care, and specialty care at the facility and in the TRICARE provider network in the area in which the facility is located, and proposed modifications to the availability of such care.

(v) A description of the current level of coordination between the facility and local health care providers in the area in which the facility is located and proposed modifications to such level of coordination.

(vi) A description of any unique challenges to providing health care at the facility, with a focus on challenges relating to rural, remote, and insular areas, as appropriate.

(B) An assessment of the current accessibility of covered beneficiaries to health care from sources other than military treatment fa-

cilities and any changes that may be necessary to meet requirements relating to health care for covered beneficiaries from such sources, including access to and receipt of health care.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the Secretary of Defense submits a report under subsection (c), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a review of such report.

(e) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 726. ACQUISITION OF MEDICAL SUPPORT CONTRACTS FOR TRICARE PROGRAM.

(a) ACQUISITION OF CONTRACTS.—

(1) NEW COMPETITION.—

(A) IN GENERAL.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a new competition of all medical support contracts with private sector entities under the TRICARE program, other than the overseas medical support contract, upon the expiration of each such contract and enter into

1 new medical support contracts with private sec-
2 tor entities—
3 (i) to improve access to health care
4 for covered beneficiaries;
5 (ii) to improve health outcomes for
6 covered beneficiaries;
7 (iii) to improve the quality of health
8 care received by covered beneficiaries;
9 (iv) to enhance the experience of cov-
10 ered beneficiaries in receiving health care;
11 and
12 (v) to lower per capita costs to the
13 Department of Defense of health care pro-
14 vided to covered beneficiaries.
15 (B) EXERCISE OF OPTIONS.—The Sec-
16 retary may not exercise an option to extend any
17 medical support contract with a private sector
18 entity under the TRICARE program that would
19 delay the award of a new medical support con-
20 tract pursuant to the competition of that con-
21 tract under subparagraph (A).
22 (2) CONTINUOUS COMPETITION.—
23 (A) IN GENERAL.—Not later than one year
24 after entering into a medical support contract
25 under paragraph (1), the Secretary shall issue

an open broad agency announcement to allow potential contractors under the TRICARE program to propose innovative ideas and solutions to meet the medical support contract needs of the Department under the TRICARE program.

(B) COMPETITION REQUIREMENT.—A medical support contract awarded pursuant to the broad agency announcement issued under subparagraph (A) shall be deemed to meet the requirements under section 2304 of title 10, United States Code, relating to the use of competitive procedures to procure services.

(b) TYPES OF CONTRACTS.—

(1) IN GENERAL.—Each contract entered into under subsection (a) shall be competitively procured and automatically renewable for a period of not more than 10 years unless notice for termination is provided by either party not later than 180 days before such termination.

(2) SCOPE.—The Secretary shall enter into under subsection (a) a combination of local, regional, and national contracts to develop individual and institutional high-performing networks of health care providers.

(c) ELEMENTS OF CONTRACTS.—Each contract entered into under subsection (a) shall, to the extent practicable, provide for the following:

(1) The maximization of flexibility in the design and configuration of networks of individual and institutional health care providers, including a focus on the development of high-performing networks of health care providers.

(2) The creation of an integrated medical management system between military treatment facilities and health care providers in the private sector that, when appropriate, effectively coordinates and integrates health care across the continuum of care.

(3) With respect to telehealth services—

(A) the maximization of the use of such services to provide real-time interactive communications between patients and health care providers and remote patient monitoring; and

(B) the use of standardized payment methods to reimburse health care providers for the provision of such services.

(4) The use of value-based reimbursement methodologies that transfer financial risk to health care providers and medical support contractors.

(5) The use of financial incentives for contractors and health care providers to receive an equitable share in the cost savings to the Department resulting from improvement in health outcomes for covered beneficiaries and the experience of covered beneficiaries in receiving health care.

(6) The use of incentives, emphasizing prevention and wellness, for covered beneficiaries receiving health care services from private sector entities to seek such services from high-value health care providers.

(7) The adoption of a streamlined process for enrollment of covered beneficiaries to receive health care and timely assignment of primary care managers to covered beneficiaries.

(8) The elimination of the requirement to receive authorization for a referral for specialty care services from the direct or purchased care component of the military health system.

(9) The use of incentives to encourage covered beneficiaries to participate in medical and lifestyle intervention programs.

(d) RURAL, REMOTE, AND ISOLATED AREAS.—

(1) IN GENERAL.—In entering into medical support contracts under subsection (a) and implementing such contracts, the Secretary shall—

(A) assess the unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States;

(B) consider the various challenges inherent in developing robust networks of health care providers in those locations; and

(C) develop a provider reimbursement rate structure in those locations that ensures—

(i) timely access of covered beneficiaries to health care services;

(ii) the delivery of high-quality primary and specialty care;

(iii) improvement in health outcomes for covered beneficiaries; and

(iv) an enhanced experience of care for covered beneficiaries.

(2) CERTIFICATION.—The Secretary of Defense may not modify existing medical support contracts under the TRICARE program in rural, remote, or isolated locations, such as Alaska and Hawaii and locations in the contiguous 48 States, or enter into

new medical support contracts under subsection (a) in those locations, until the Secretary certifies to the Committees on Armed Services of the Senate and the House of Representatives that medical support contracts in those locations will—

(A) establish individual and institutional provider networks that will ensure timely access to care for covered beneficiaries; and

(B) deliver high-quality care, better health outcomes, and a better experience of care for covered beneficiaries.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 1, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that assesses the compliance of the Secretary of Defense with the requirements of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) Whether the approach of the Department of Defense to acquiring medical support contracts under this section would—

(i) improve access to care;

(ii) improve health outcomes;

(iii) improve the experience of care for covered beneficiaries; and

(iv) lower per capita health care costs.

(B) Whether the Department has, in its requirements for medical support contracts entered into under this section, allowed for—

(i) maximum flexibility in network design and development;

(ii) integrated medical management between military treatment facilities and network providers;

(iii) the maximum use of the full range of telehealth services;

(iv) the use of value-based reimbursement methods that transfer financial risk to health care providers and medical support contractors;

(v) the use of prevention and wellness incentives to encourage covered beneficiaries to seek health care services from high-value providers;

(vi) a streamlined enrollment process and timely assignment of primary care managers;

(vii) the elimination of the requirement to seek authorization for referrals for specialty care services;

(viii) the use of incentives to encourage certain covered beneficiaries to engage in medical and lifestyle intervention programs; and

(ix) the use of financial incentives for contractors and health care providers to receive an equitable share in cost savings resulting from improvements in health outcomes and the experience of care for covered beneficiaries.

(C) Whether the Department has developed a plan for continuous competition of medical support contracts to enable the Department to incorporate innovative ideas and solutions into those contracts.

(D) Whether the Department has considered, in developing requirements for medical support contracts, the following:

(i) The unique characteristics of providing health care services in rural, remote, or isolated locations, such as Alaska and

Hawaii and locations in the contiguous 48 states.

(ii) The various challenges inherent in developing robust networks of health care providers in those locations.

(iii) A provider reimbursement rate structure in those locations that ensures—

(I) timely access of covered beneficiaries to health care services;

(II) the delivery of high-quality primary and specialty care;

(III) improvement in health outcomes for covered beneficiaries; and

(IV) an enhanced experience of care for covered beneficiaries.

(f) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

(2) HIGH-PERFORMING NETWORKS OF HEALTH CARE PROVIDERS.—The term ''high-performing networks of health care providers'' means networks of health care providers that, in addition to such other

1 requirements as the Secretary may specify for pur-
2 poses of this section, do the following:
3 (A) Deliver high quality health care as
4 measured by leading health quality measure-
5 ment organizations such as the National Com-
6 mittee for Quality Assurance and the Agency
7 for Healthcare Research and Quality.
8 (B) Achieve greater efficiency in the deliv-
9 ery of health care by identifying and imple-
10 menting within such network improvement op-
11 portunities that guide patients through the en-
12 tire continuum of care, thereby reducing vari-
13 ations in the delivery of health care and pre-
14 venting medical errors and duplication of med-
15 ical services.
16 (C) Improve population-based health out-
17 comes by using a team approach to deliver case
18 management, prevention, and wellness services
19 to high-need and high-cost patients.
20 (D) Focus on preventive care that empha-
21 sizes—
22 (i) early detection and timely treat-
23 ment of disease;
24 (ii) periodic health screenings; and

(iii) education regarding healthy lifestyle behaviors.

(E) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(F) Facilitate access to health care providers, including—

(i) after-hours care;

(ii) urgent care; and

(iii) through telehealth appointments, when appropriate.

(G) Encourage patients to participate in making health care decisions.

(H) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

SEC. 727. AUTHORITY TO ENTER INTO HEALTH CARE CONTRACTS WITH CERTAIN ENTITIES TO PROVIDE CARE UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense may enter into contracts to provide health care to covered beneficiaries, including behavioral health care, with any of the following:

(1) The Department of Veterans Affairs.

(2) An Indian tribe or tribal organization that is party to the Alaska Native Health Compact with the Indian Health Service.

(3) An Indian tribe or tribal organization that has entered into a contract with the Indian Health Service to provide health care in rural Alaska or other locations in the United States.

(b) DEFINITIONS.—

(1) COVERED BENEFICIARY.—The term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

(2) INDIAN TRIBE, TRIBAL ORGANIZATION.—The terms ''Indian tribe'' and ''tribal organization'' have the meaning given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 728. IMPROVEMENT OF HEALTH OUTCOMES AND CONTROL OF COSTS OF HEALTH CARE UNDER TRICARE PROGRAM THROUGH PROGRAMS TO INVOLVE COVERED BENEFICIARIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement the programs established under subsections (b) and (c)—

(1) to increase the involvement of covered beneficiaries in making health care decisions; and

(2) to encourage covered beneficiaries to share more responsibility for the improvement of their health outcomes.

(b) MEDICAL INTERVENTION INCENTIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a program to incentivize covered beneficiaries to participate in medical intervention programs established by the Secretary, such as comprehensive disease management programs, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries with chronic diseases or conditions described in paragraph (2) who met participation milestones in the previous year in such medical intervention programs, as determined by the Secretary.

(2) CHRONIC DISEASES OR CONDITIONS DESCRIBED.—Chronic diseases or conditions described in this paragraph include diabetes, chronic obstructive pulmonary disease, asthma, congestive heart failure, hypertension, history of stroke, coronary ar-

tery disease, mood disorders, obesity, and such other diseases or conditions as the Secretary determines appropriate.

(c) LIFESTYLE INTERVENTION INCENTIVE PROGRAM.—The Secretary shall establish a program to incentivize lifestyle interventions, such as smoking cessation and weight reduction, by lowering fees for enrollment in the TRICARE program by a certain percentage or by lowering copayment and cost share amounts for health care services during a particular year for covered beneficiaries who met participation milestones in the previous year with respect to such lifestyle interventions, such as quitting smoking or achieving a lower body mass index by a certain percentage, as determined by the Secretary.

(d) FEE FOR MISSING SCHEDULED APPOINTMENT.—

(1) IN GENERAL.—The Secretary may establish a program to charge and collect a fee from a covered beneficiary, other than a member of the Armed Forces on active duty, for failure to notify a military treatment facility within 24 hours of a scheduled appointment with a health care provider at such facility that the covered beneficiary will not attend the appointment.

(2) USE OF FEE.—Any amounts collected under paragraph (1) from a covered beneficiary for failure to notify a military treatment facility that the covered beneficiary will not attend an appointment at such facility shall be made available to such facility to improve access to health care, improve health outcomes, and enhance the experience of care for covered beneficiaries at such facility.

(e) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2020, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the programs established under subsections (b), (c), and (d).

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A detailed description of the programs implemented under subsections (b), (c), and (d).

(B) An assessment of the impact of the programs implemented under subsection (b) and (c) on—

(i) improving health outcomes for covered beneficiaries; and

(ii) lowering per capita health care costs for the Department of Defense.

(C) An assessment of any reduction in numbers and types of appointments missed by covered beneficiaries at military treatment facilities resulting from charging fees under subsection (d) for failure to timely notify such facility of the inability to attend a scheduled appointment.

(f) REGULATIONS.—Not later than January 1, 2017, the Secretary shall prescribe an interim final rule to carry out this section.

(g) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 729. ESTABLISHMENT OF CENTERS OF EXCELLENCE FOR SPECIALTY CARE IN THE MILITARY HEALTH SYSTEM.

(a) CENTERS OF EXCELLENCE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish regional centers of excellence for the provision of military specialty care

1 to covered beneficiaries at existing major medical
2 centers of the Department of Defense.
3 (2) SATELLITE CENTERS.—The Secretary may
4 establish satellite centers of excellence to provide
5 specialty care for certain conditions, such as—
6 (A) post-traumatic stress;
7 (B) traumatic brain injury; and
8 (C) such other conditions as the Secretary
9 considers appropriate.
10 (3) READINESS AND IMPROVEMENT OF CARE.—
11 Centers of excellence established under this sub-
12 section shall—
13 (A) ensure the military medical force read-
14 iness of the Department and the medical readi-
15 ness of the Armed Forces;
16 (B) improve the quality of health care re-
17 ceived by covered beneficiaries from the Depart-
18 ment; and
19 (C) improve health outcomes for covered
20 beneficiaries.
21 (b) TYPES OF CENTERS OF EXCELLENCE.—
22 (1) IN GENERAL.—Centers of excellence may be
23 established under subsection (a) for the following
24 areas of specialty care:
25 (A) Cancer care.

(B) Care for burns, wounds, and other trauma.

(C) Emergency medicine.

(D) Rehabilitative care.

(E) Care for psychological health and traumatic brain injury.

(F) Amputation and prosthetic care.

(G) Health care for women.

(H) Neurosurgical care.

(I) Orthopedic care and sports medicine.

(J) Treatment for substance use disorder, which may include medication-assisted treatment.

(K) Infectious diseases.

(L) Such other areas of specialty care as the Secretary considers appropriate to ensure the military medical force readiness of the Department and the medical readiness of the Armed Forces.

(2) MULTIPLE SPECIALTIES.—A major medical center of the Department may be established as a center of excellence for more than one area of specialty care.

(c) PRIMARY SOURCE FOR SPECIALTY CARE.—

(1) IN GENERAL.—Centers of excellence established under subsection (a) shall be the primary source within the military health system for the receipt by covered beneficiaries of specialty care.

(2) REFERRAL.—Covered beneficiaries seeking specialty care services through the military health system shall be referred to a center of excellence established under subsection (a) or to an appropriate specialty care provider in the private sector.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a plan for the Department to establish centers of excellence under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A list of the centers of excellence to be established under this section and the locations of such centers.

(B) A description of the specialty care services to be provided at each such center and a staffing plan for each such center.

(C) A comprehensive plan to refer covered beneficiaries for specialty care services at centers of excellence established under this section and centers of excellence in the private sector.

(D) A plan to assist covered beneficiaries with travel and lodging, if necessary, in connection with the receipt of specialty care services at centers of excellence established under this section or centers of excellence in the private sector.

(E) A plan to transfer the majority of specialty care providers of the Department to centers of excellence established under this section, in a number as determined by the Secretary to be required to provide specialty care services to covered beneficiaries at such centers.

(e) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 730. PROGRAM TO ELIMINATE VARIABILITY IN HEALTH OUTCOMES AND IMPROVE QUALITY OF HEALTH CARE SERVICES DELIVERED IN MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Beginning not later than January 1, 2018, the Secretary of Defense shall conduct a program—

(1) to establish best practices for the delivery of health care services for certain diseases or conditions at military treatment facilities;

(2) to incorporate those best practices into the daily operations of military treatment facilities selected by the Secretary for purposes of the program, with priority in selection given to military treatment facilities that are or will be established as regional centers of excellence for the provision of military specialty care under section 729; and

(3) to eliminate variability in health outcomes and to improve the quality of health care services delivered at military treatment facilities selected by the Secretary for purposes of the program.

(b) PHASES OF PROGRAM.—The Secretary shall carry out the program in phases as follows:

(1) PHASE 1.—

(A) IN GENERAL.—During phase 1 of the program, the Secretary shall conduct a baseline

assessment of health care delivery and outcomes at military treatment facilities—

(i) to evaluate and determine evidence-based best practices, within the direct care component of the military health system and the private sector, for treating not fewer than three diseases or conditions identified by the Secretary for purposes of the program; and

(ii) to select not more than five military treatment facilities to participate as test sites under the program by incorporating the evidence-based best practices determined under subparagraph (A) into the treatment at those facilities of the diseases or conditions identified under such subparagraph.

(B) TIMING.—The Secretary shall initiate phase 1 of the program not later than January 1, 2018, and complete such phase not later than July 1, 2018.

(2) PHASE 2.—

(A) IN GENERAL.—During phase 2 of the program, the Secretary shall—

(i) incorporate the evidence-based best practices determined under paragraph (1)(A)(i) for the treatment of diseases or conditions identified under such paragraph into the treatment for those diseases or conditions at all military treatment facilities that provide treatment for those diseases or conditions; and

(ii) at the military treatment facilities selected as test sites under paragraph (1)(A)(ii), evaluate and determine evidence-based best practices for treating not more than 12 additional diseases or conditions identified by the Secretary for purposes of the program.

(B) TIMING.—The Secretary shall initiate phase 2 of the program immediately following the completion of phase 1 under paragraph (1) and complete phase 2 not later than 180 days after initiating phase 2.

(3) PHASE 3.—

(A) IN GENERAL.—During phase 3 of the program, the Secretary shall incorporate the evidence-based best practices determined under paragraph (2)(A)(ii) for the treatment of the

additional diseases or conditions identified under such paragraph into treatment for those diseases or conditions at all military treatment facilities that provide treatment for those diseases or conditions.

(B) TIMING.—The Secretary shall initiate phase 3 of the program immediately following the completion of phase 2 under paragraph (2) and complete phase 3 not later than 180 days after initiating phase 3.

(c) ADJUSTMENT OF SERVICES PROVIDED AT MILITARY TREATMENT FACILITIES.—During the period in which the program is being carried out, the Secretary shall continuously monitor and adjust the health care services delivered at military treatment facilities and the number of patients enrolled at military treatment facilities—

(1) to ensure a high degree of safety and quality in the provision of health care at those facilities; and

(2) to ensure that those facilities provide only the health care services that are critical for maintaining operational medical force readiness and the medical readiness of the Armed Forces.

SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—The Secretary of Defense shall establish an advisory committee for each military treatment facility.

(b) MEMBERS.—

(1) IN GENERAL.—The members of each advisory committee established under subsection (a) shall include the following individuals selected by the Secretary:

(A) Six individuals who are eligible for health care under the military health system, selected as follows:

(i) Two members of the Armed Forces on active duty, including one officer and one enlisted member.

(ii) Two family members of a member of the Armed Forces on active duty.

(iii) Two former members of the Armed Forces.

(B) Such employees of the Federal Government as the Secretary considers appropriate for purposes of the advisory committee.

(2) STATUS OF CERTAIN MEMBERS.—A member selected under paragraph (1)(A) who is not a member of the Armed Forces on active duty or a em-

ployee of the Federal Government shall, with the approval of the commanding officer or director of the military treatment facility concerned, be treated as a volunteer under section 1588 of title 10, United States Code, in carrying out the duties of the member under this section.

(c) DUTIES.—Each advisory committee established under subsection (a) for a military treatment facility shall provide to the commanding officer or director of such facility advice on the administration and activities of such facility.

SEC. 732. STANDARDIZED SYSTEM FOR SCHEDULING MEDICAL APPOINTMENTS AT MILITARY TREATMENT FACILITIES.

(a) STANDARDIZED SYSTEM.—

(1) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement a system for scheduling medical appointments at military treatment facilities that is standardized throughout the military health system to enable timely access to care for covered beneficiaries.

(2) LACK OF VARIANCE.—The system implemented under paragraph (1) shall ensure that the appointment scheduling processes and procedures

used within the military health system do not vary among military treatment facilities.

(b) SOLE SYSTEM.—Upon implementation of the system under subsection (a), no military treatment facility may use an appointment scheduling process other than such system.

(c) APPOINTMENT SCHEDULING PROCESS.—

(1) IN GENERAL.—Under the system implemented under subsection (a), each military treatment facility shall make a centralized appointment scheduling process available to covered beneficiaries that includes the ability to schedule appointments manually via telephone or automatically via a device that is connected to the Internet through an online scheduling system described in paragraph (2).

(2) ONLINE SYSTEM.—

(A) IN GENERAL.—The Secretary shall implement an online scheduling system that is available 24 hours per day, seven days per week, for purposes of scheduling appointments under the system implemented under subsection (a).

(B) CAPABILITIES OF ONLINE SYSTEM.—The online scheduling system implemented

under subparagraph (A) shall have the following capabilities:

(i) An ability to send automated email and text message reminders, including repeat reminders, to patients regarding upcoming appointments.

(ii) An ability to store appointment records to ensure rapid access by medical personnel to appointment data.

(d) PLAN.—

(1) IN GENERAL.—Not later than January 1, 2017, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a comprehensive plan to implement the system required under subsection (a).

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following:

(A) A description of the manual appointment process to be used at military treatment facilities under the system required under subsection (a).

(B) A description of the automated appointment process to be used at military treatment facilities under such system.

(C) A timeline for the full implementation of such system throughout the military health system.

(e) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 733. DISPLAY OF WAIT TIMES AT URGENT CARE CLINICS, EMERGENCY DEPARTMENTS, AND PHARMACIES OF MILITARY TREATMENT FACILITIES.

(a) URGENT CARE CLINICS AND EMERGENCY DEPARTMENTS.—

(1) PLACEMENT.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each urgent care clinic and emergency department of the military treatment facility an electronic sign that displays the current average wait time determined under paragraph (2) for a patient to be seen by a qualified medical professional.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by

calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of the arrival of a patient at the urgent care clinic or emergency department, as the case may be, and ending at the time at which the patient is first seen by a qualified medical professional.

(b) PHARMACIES.—

(1) PLACEMENT.—Not later than January 1, 2018, the commander or director of a military treatment facility shall place in a conspicuous location at each pharmacy of the military treatment facility an electronic sign that displays the current average wait time to receive a filled prescription for a pharmaceutical agent.

(2) DETERMINATION.—In carrying out paragraph (1), every 30 minutes, the commander or director, as the case may be, shall determine the average wait time to display under such paragraph by calculating, for the four-hour period preceding the calculation, the average length of time beginning at the time of submission by a patient of a prescription for a pharmaceutical agent and ending at the time at which the pharmacy dispenses the pharmaceutical agent to the patient.

(c) QUALIFIED MEDICAL PROFESSIONAL DEFINED.—In this section, the term ''qualified medical professional'' means a doctor of medicine, a doctor of osteopathy, a physician assistant, or an advanced registered nurse practitioner.

SEC. 734. IMPROVEMENT AND MAINTENANCE OF COMBAT CASUALTY CARE AND TRAUMA CARE SKILLS OF HEALTH CARE PROVIDERS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall implement measures to improve and maintain the combat casualty care and trauma care skills of health care providers of the Department of Defense.

(b) MEASURES TO BE IMPLEMENTED.—The measures required to be implemented under subsection (a) shall include the following:

(1) The conduct of a comprehensive review of combat casualty care and wartime trauma systems during the period beginning on January 1, 2001, and ending on the date of submittal of the report, including an assessment of lessons learned to improve combat casualty care in future conflicts.

(2) The expansion of the network of military-civilian trauma combat casualty care training sites to

provide integrated combat trauma teams, such as forward surgical teams, with maximum exposure to a high volume of patients with critical injuries.

(3) The establishment of a personnel management plan for important wartime medical specialties, as determined by the Secretary, such as emergency medical services and prehospital care, trauma surgery, critical care, anesthesiology, and emergency medicine, that includes, at a minimum—

(A) the number of positions required in each such medical specialty;

(B) crucial organizational and operational assignments for personnel in each such medical specialty; and

(C) career pathways for personnel in each such medical specialty.

(4) The development of standardized tactical combat casualty care instruction for all members of the Armed Forces, including the use of standardized trauma training platforms.

(5) The development of a comprehensive trauma care registry to compile relevant data from point of injury through rehabilitation of members of the Armed Forces.

(6) The development of quality of care outcome measures for combat casualty care.

(7) The conduct of research on the leading causes of morbidity and mortality of members of the Armed Forces in combat.

SEC. 735. ADJUSTMENT OF MEDICAL SERVICES, PERSONNEL AUTHORIZED STRENGTHS, AND INFRASTRUCTURE IN MILITARY HEALTH SYSTEM TO MAINTAIN READINESS AND CORE COMPETENCIES OF HEALTH CARE PROVIDERS.

(a) IN GENERAL.—Except as provided in subsection (c), not later than 90 days after submitting the report required by subsection (d), or one year after the date of the enactment of this Act, whichever occurs first, the Secretary of Defense shall implement measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces.

(b) MEASURES TO BE IMPLEMENTED.—The measures required to be implemented under subsection (a) shall include the following:

(1) The Secretary shall ensure that each medical specialty required for the military medical force

readiness of the Department of Defense is not substituted for any other medical specialty.

(2) The Secretary shall modify the medical services provided through the military health system to ensure that the only medical services provided at military treatment facilities are those medical services that are directly required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.

(3) The Secretary shall reduce authorized strengths for military and civilian personnel throughout the military health system to the manning levels required—

(A) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(B) to ensure the medical readiness of the Armed Forces.

(4) The Secretary shall reduce or eliminate infrastructure in the military health system, including infrastructure of military treatment facilities, that—

(A) does not maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; or

(B) does not ensure the medical readiness of the Armed Forces.

(5) The Secretary shall ensure that any covered beneficiary who may be affected by modifications, reductions, or eliminations implemented under this section will be able to receive through the purchased care component of the TRICARE program any medical services that will not be available to such covered beneficiary at a military treatment facility as a result of such modifications, reductions, or eliminations.

(c) EXCEPTION.—The Secretary is not required to implement measures under subsection (a) with respect to overseas military health care facilities in a country if the Secretary determines that medical services in addition to the medical services described in subsection (b)(2) are necessary to ensure that covered beneficiaries located in that

country have access to a similar level of care available to covered beneficiaries located in the United States.

(d) REPORT ON MODIFICATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the modifications to medical services, military treatment facilities, and personnel in the military health system to be implemented pursuant to subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, the following:

(A) A description of the medical services and associated personnel capacities necessary for the military medical force readiness of the Department of Defense.

(B) A comprehensive plan to modify the personnel and infrastructure of the military health system to exclusively provide medical services necessary for the military medical force readiness of the Department of Defense, including the following:

(i) A description of the planned changes or reductions in medical services provided by the military health system.

(ii) A description of the planned changes or reductions in staffing of military personnel, civilian personnel, and contractor personnel within the military health system.

(iii) A description of the personnel management authorities through which changes or reductions described in clauses (i) and (ii) will be made.

(iv) A description of the planned changes to the infrastructure of the military health system.

(v) An estimated timeline for completion of the changes or reductions described in clauses (i), (ii), and (iv) and other key milestones for implementation of such changes or reductions.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the

Senate and the House of Representatives a report assessing the implementation by the Secretary of Defense of measures to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces, as required under subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of whether the Department of Defense provides any medical services at military treatment facilities that are not services directly required—

(i) to maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; and

(ii) to ensure the medical readiness of the Armed Forces.

(B) An assessment of whether the Department has maintained authorized strengths for military and civilian personnel throughout the military health system at manning levels that are higher than the levels required—

(i) to maintain the critical wartime medical readiness skills and core com-

petencies of health care providers within the Armed Forces; and

(ii) to ensure the medical readiness of the Armed Forces.

(C) An assessment of whether the Department has maintained infrastructure in the military health system, including infrastructure of military treatment facilities, that—

(i) does not maintain the critical wartime medical readiness skills and core competencies of health care providers within the Armed Forces; or

(ii) does not ensure the medical readiness of the Armed Forces.

(d) DEFINITIONS.—In this section:

(1) The term ''critical wartime medical readiness skills and core competencies'' means those essential medical capabilities, including clinical and logistical capabilities, that are—

(A) necessary to be maintained by health care providers within the Armed Forces for national security purposes; and

(B) vital to the provision of effective and timely health care during contingency operations.

(2) The term ''clinical and logistical capabilities'' means those capabilities relating to the provision of health care that are necessary to accomplish operational requirements, including—

(A) combat casualty care;

(B) medical response to and treatment of injuries sustained from chemical, biological, radiological, nuclear, or explosive incidents;

(C) diagnosis and treatment of infectious diseases;

(D) aerospace medicine;

(E) undersea medicine;

(F) diagnosis, treatment, and rehabilitation of specialized medical conditions;

(G) diagnosis and treatment of diseases and injuries that are not related to battle; and

(H) humanitarian assistance.

(3) The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 736. ESTABLISHMENT OF HIGH PERFORMANCE MILITARY-CIVILIAN INTEGRATED HEALTH DELIVERY SYSTEMS.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall establish military-civilian integrated health delivery systems through partnerships with other health systems, including local or regional health systems in the private sector and the Veterans Health Administration—

(1) to improve access to health care for covered beneficiaries;

(2) to enhance the experience of covered beneficiaries in receiving health care;

(3) to improve health outcomes for covered beneficiaries;

(4) to share resources between the Department of Defense, the Department of Veterans Affairs, and the private sector, including such staff, equipment, and training assets as may be required to carry out such integrated health delivery systems; and

(5) to transfer health care services from military treatment facilities to other health systems that are not essential for the maintenance of operational medical force readiness skills of health care providers of the Department.

1 (b) ELEMENTS OF SYSTEMS.—Each military-civilian
2 integrated health delivery system established under para-
3 graph (a) shall do the following:
4 (1) Deliver high quality health care as meas-
5 ured by leading health quality measurement organi-
6 zations such as the National Committee for Quality
7 Assurance and the Agency for Healthcare Research
8 and Quality.
9 (2) Achieve greater efficiency in the delivery of
10 health care by identifying and implementing within
11 each such system improvement opportunities that
12 guide patients through the entire continuum of care,
13 thereby reducing variations in the delivery of health
14 care and preventing medical errors and duplication
15 of medical services.
16 (3) Improve population-based health outcomes
17 by using a team approach to deliver case manage-
18 ment, prevention, and wellness services to high-need
19 and high-cost patients.
20 (4) Focus on preventive care that emphasizes—
21 (A) early detection and timely treatment of
22 disease;
23 (B) periodic health screenings; and
24 (C) education regarding healthy lifestyle
25 behaviors.

(5) Coordinate and integrate health care across the continuum of care, connecting all aspects of the health care received by the patient, including the patient's health care team.

(6) Facilitate access to health care providers, including—

(A) after-hours care;

(B) urgent care; and

(C) through telehealth appointments, when appropriate.

(7) Encourage patients to participate in making health care decisions.

(8) Use evidence-based treatment protocols that improve the consistency of health care and eliminate ineffective, wasteful health care practices.

(9) Improve coordination of behavioral health services with primary health care.

(c) AGREEMENTS.—

(1) IN GENERAL.—In establishing military-civilian integrated health delivery systems through partnerships under subsection (a), the Secretary shall seek to enter into memoranda of understanding or contracts between military treatment facilities and health maintenance organizations, healthcare centers of excellence, public or private academic medical in-

1 stitutions, regional health organizations, integrated
2 health systems, accountable care organizations, and
3 such other health systems as the Secretary considers
4 appropriate.

5 (2) PRIVATE SECTOR CARE.—Memoranda of
6 understanding and contracts entered into under
7 paragraph (1) shall ensure that covered beneficiaries
8 are eligible to enroll in and receive medical services
9 under the private sector components of military-civil-
10 ian integrated health delivery systems established
11 under subsection (a).

12 (3) VALUE-BASED REIMBURSEMENT METH-
13 ODOLOGIES.—The Secretary shall incorporate value-
14 based reimbursement methodologies, such as
15 capitated payments, bundled payments, or pay for
16 performance, into memoranda of understanding and
17 contracts entered into under paragraph (1) to reim-
18 burse entities for medical services provided to cov-
19 ered beneficiaries under such memoranda of under-
20 standing and contracts.

21 (d) COVERED BENEFICIARY DEFINED.—In this sec-
22 tion, the term ''covered beneficiary'' has the meaning
23 given that term in section 1072 of title 10, United States
24 Code.

SEC. 737. CONTRACTS WITH PRIVATE SECTOR ENTITIES TO PROVIDE CERTAIN HEALTH CARE SERVICES AT MILITARY TREATMENT FACILITIES.

(a) IN GENERAL.—Not later than January 1, 2018, the Secretary of Defense shall enter into centrally-managed, performance-based contracts under this section with private sector entities to augment the delivery of health care services at military treatment facilities that have a limited or restricted ability to provide health care services, such as primary care or expanded-hours urgent care.

(b) CONTRACTS.—In entering into contracts with private sector entities under this section, the Secretary shall—

(1) consider the demand by covered beneficiaries for health care services, such as primary care or expanded-hours urgent care services;

(2) project the workload gaps at military treatment facilities associated with the demand for such health care services; and

(3) seek to—

(A) improve the health of covered beneficiaries;

(B) improve the access of covered beneficiaries to health care services;

(C) produce cost savings for the Department of Defense; and

(D) maximize the use by covered beneficiaries of the direct care component of the military health system to maintain operational medical force readiness and the medical readiness of the Armed Forces.

(c) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out this section.

(2) PLAN.—The plan required under paragraph (1) shall include the following:

(A) A description of the number and types of contracts that the Secretary intends to enter into under this section.

(B) A description of the performance measures to be used by the Secretary in procuring performance-based contracts under this section.

(d) COVERED BENEFICIARY DEFINED.—In this section, the term ''covered beneficiary'' has the meaning given that term in section 1072 of title 10, United States Code.

SEC. 738. MODIFICATION OF ACQUISITION STRATEGY FOR HEALTH CARE PROFESSIONAL STAFFING SERVICES.

Section 725(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1091 note) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraph (G) as subparagraph (H); and

(B) by inserting after subparagraph (F) the following new subparagraph (G):

''(G) A plan to implement throughout the Department a performance-based, strategic-sourcing contract for acquiring such services for the military health system that includes the following:

''(i) Except as provided in clause (ii), a requirement that all components of the military health system use such contract.

''(ii) A process for obtaining a waiver of such requirement based on a documented rationale to use another contract or acquisition approach.''; and

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

"(3) EVALUATION OF RESULTS.—The Secretary shall use methods and metrics established as part of the acquisition strategy under paragraph (1) to evaluate the results of the acquisition strategy and revise the acquisition strategy as the Secretary considers appropriate.".

SEC. 739. REDUCTION OF ADMINISTRATIVE REQUIREMENTS RELATING TO AUTOMATIC RENEWAL OF ENROLLMENTS IN TRICARE PRIME.

Section 1097a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "(1) An" and inserting "An"; and

(2) by striking paragraph (2).

Subtitle C—Reports and Other Matters

SEC. 751. PILOT PROGRAM ON EXPANSION OF USE OF PHYSICIAN ASSISTANTS TO PROVIDE MENTAL HEALTH CARE TO MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAM.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall commence the conduct of a pilot program to assess the feasibility and advisability of expanding the use by the Department of Defense of physician assistants

specializing in psychiatric medicine at medical facilities of the Department of Defense in order to meet the increasing demand for mental health care providers at such facilities through the use of a psychiatry fellowship program for physician assistants.

(b) ELIGIBLE INDIVIDUALS.—An individual eligible for participation in the pilot program is an individual who—

(1) has successfully graduated with a masters degree in physician assistant studies from an accredited physician assistant program;

(2) is certified by the National Commission on Certification of Physician Assistants;

(3) has a valid license, certification, and registration necessary to practice medicine;

(4) does not have any pending challenge, investigation, revocation, restriction, disciplinary action, suspension, reprimand, probation, denial, or withdrawal with respect to any license, certification, or registration described in paragraph (3);

(5) is a commissioned officer in the Armed Forces; and

(6) meets the requirements necessary to be deployed as such an officer throughout the world.

(c) SELECTION OF INDIVIDUALS.—The Secretary shall select not fewer than five individuals described in subsection (b) to participate in the pilot program for each round of the psychiatric fellowship program conducted under subsection (d).

(d) PSYCHIATRIC FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall establish a psychiatric fellowship program for physician assistants.

(2) ROUNDS OF PROGRAM.—The psychiatric fellowship program under paragraph (1) shall consist of two rounds, each with a maximum duration of two years.

(3) USE OF OTHER PROGRAMS.—In carrying out the psychiatric fellowship program under paragraph (1), the Secretary shall use resources available under existing graduate medical education programs of the Department of Defense to the greatest extent possible.

(e) REPORTS ON PILOT PROGRAM.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary completes the first round of the psychiatric fellowship program under subsection (d), the Sec-

retary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A description of the implementation of the pilot program, including a detailed description of the education and training provided under the pilot program.

(ii) An assessment of potential cost savings, if any, to the Federal Government resulting from the pilot program.

(iii) A description of improvements, if any, to the access of members of the Armed Forces to mental health care resulting from the pilot program.

(iv) A description of recommendations, if any, of the Secretary of alternative methods to improve the access of members of the Armed Forces to mental health care other than through the pilot program.

(v) A recommendation as to the feasibility and advisability of extending or expanding the pilot program.

(2) FINAL REPORT.—Not later than 90 days after the date on which the pilot program terminates under subsection (f), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an update to the report submitted under paragraph (1).

(f) TERMINATION.—The authority of the Secretary to carry out the pilot program shall terminate upon the completion of the second round of the psychiatric fellowship program under subsection (d).

SEC. 752. IMPLEMENTATION OF PLAN TO ELIMINATE CERTAIN GRADUATE MEDICAL EDUCATION PROGRAMS OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall implement a phased plan to eliminate graduate medical education programs of the Department of Defense that do not directly support the operational medical force readiness requirements for health care providers within the Armed Forces or the medical readiness of the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed

Services of the Senate and the House of Representatives a report that sets forth the phased plan of the Secretary that is required to be implemented under subsection (a).

(2) ELEMENTS.—The report required to be submitted under paragraph (1) shall include the following with respect to the phased plan of the Secretary:

(A) An identification of locations at which training under a graduate medical education program will be eliminated under the plan, including training at civilian institutions, disaggregated by military department.

(B) An identification of the types of graduate medical education programs to be eliminated under the plan, such as intern, residency, subspecialty, and fellowship programs, and the number of participants affected, disaggregated by military department.

(C) An assessment of the amount of time required to eliminate the graduate medical education programs under the plan, including a timeline for the elimination of each such program.

(D) An assessment of the annual cost savings to the Department resulting from the elimination of graduate medical education programs under the plan.

SEC. 753. MODIFICATION OF AUTHORITY OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES TO INCLUDE UNDERGRADUATE AND OTHER MEDICAL EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—Section 2112(a) of title 10, United States Code, is amended to read as follows:

''(a)(1) There is established a Uniformed Services University of the Health Sciences (in this chapter referred to as the 'University') with authority to grant appropriate certificates, certifications, undergraduate degrees, and advanced degrees.

''(2) The University shall be so organized as to graduate not fewer than 100 medical students annually.

''(3) The headquarters of the University shall be at a site or sites selected by the Secretary of Defense within 25 miles of the District of Columbia.''.

(b) ADMINISTRATION.—Section 2113 of such title is amended—

(1) in subsection (d)—

(A) in the first sentence, by striking ''located in or near the District of Columbia'';

(B) in the third sentence, by striking ''in or near the District of Columbia''; and

(C) by striking the fifth sentence; and

(2) in subsection (e)(3), by inserting after ''programs'' the following: '', including certificate, certification, and undergraduate degree programs,''.

(c) REPEAL OF EXPIRED PROVISION.—Section 2112a of such title is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''(a) CLOSURE PROHIBITED.—''.

SEC. 754. MEMORANDA OF AGREEMENT WITH INSTITUTIONS OF HIGHER EDUCATION THAT OFFER DEGREES IN ALLOPATHIC OR OSTEOPATHIC MEDICINE.

(a) IN GENERAL.—The Secretary of Defense shall enter into memoranda of agreement with local or regional institutions of higher education that offer degrees in allopathic or osteopathic medicine to establish affiliations between such institutions and military treatment facilities.

(b) AFFILIATION WITH MILITARY TREATMENT FACILITY.—Under each memorandum of agreement entered into with an institution of higher education under sub-

section (a), not fewer than one military treatment facility located in the area of such institution shall serve as an affiliated teaching hospital for such institution, including by sharing training facilities, staff, and material resources between the military treatment facility and such institution.

SEC. 755. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), as amended by section 722 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) and section 723 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking ''September 30, 2017'' and inserting ''September 30, 2018''.

SEC. 756. PROHIBITION ON CONDUCT OF CERTAIN MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.

The Secretary of Defense and each Secretary of a military department may not fund or conduct a medical research and development project unless the Secretary

funding or conducting the project determines that the project is designed to directly protect, enhance, or restore the health and safety of members of the Armed Forces.

SEC. 757. AUTHORIZATION OF REIMBURSEMENT BY DEPARTMENT OF DEFENSE TO ENTITIES CARRYING OUT STATE VACCINATION PROGRAMS FOR COSTS OF VACCINES PROVIDED TO COVERED BENEFICIARIES.

(a) REIMBURSEMENT.—

(1) IN GENERAL.—The Secretary of Defense may reimburse an amount determined under paragraph (2) to an entity carrying out a State vaccination program for the cost of vaccines provided to covered beneficiaries through such program.

(2) AMOUNT OF REIMBURSEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amount determined under this paragraph with respect to a State vaccination program shall be the amount assessed by the entity carrying out such program to purchase vaccines provided to covered beneficiaries through such program.

(B) LIMITATION.—The amount determined under this paragraph may not exceed the amount that the Department would reimburse

an entity for providing vaccines to covered beneficiaries under the TRICARE program.

(b) DEFINITIONS.—In this section:

(1) COVERED BENEFICIARY; TRICARE PROGRAM.—The terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

(2) STATE VACCINATION PROGRAM.—The term ''State vaccination program'' means a vaccination program that provides vaccinations to individuals in a State and is carried out by an entity (including an agency of the State) within the State.

SEC. 758. MAINTENANCE OF CERTAIN REIMBURSEMENT RATES FOR CARE AND SERVICES TO TREAT AUTISM SPECTRUM DISORDER UNDER DEMONSTRATION PROGRAM.

Effective as of the date of the enactment of this Act, in order to maintain access to care and services to treat autism spectrum disorder under the Comprehensive Autism Care Demonstration program of the Department of Defense conducted under section 705 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 1092 note), as extended and modified by the Secretary of Defense, the Secretary shall reinstate

the reimbursement rates for the provision of applied behavior analysis therapy under such program that were in effect on March 31, 2016, and may not modify such reimbursement rates throughout the duration of such program.

SEC. 759. INCORPORATION INTO CERTAIN SURVEYS BY DEPARTMENT OF DEFENSE OF QUESTIONS ON SERVICEWOMEN EXPERIENCES WITH FAMILY PLANNING SERVICES AND COUNSELING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall initiate action to integrate into the surveys by the Department of Defense specified in subsection (b) questions designed to obtain information on the experiences of women members of the Armed Forces—

(1) in accessing family planning services and counseling; and

(2) in using family planning methods, including information on which method was preferred and whether deployment conditions affected the decision on which family planning method or methods to be used.

(b) COVERED SURVEYS.—The surveys into which questions shall be integrated as described in subsection (a) are the following:

(1) The Health Related Behavior Survey of Active Duty Military Personnel.

(2) The Health Care Survey of Department of Defense Beneficiaries.

SEC. 760. ASSESSMENT OF TRANSITION TO TRICARE PROGRAM BY FAMILIES OF MEMBERS OF RESERVE COMPONENTS CALLED TO ACTIVE DUTY AND ELIMINATION OF CERTAIN CHARGES FOR SUCH FAMILIES.

(a) ASSESSMENT OF TRANSITION TO TRICARE PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall complete an assessment of the extent to which families of members of the reserve components of the Armed Forces serving on active duty pursuant to a call or order to active duty for a period of more than 30 days experience difficulties in transitioning from health care arrangements relied upon when the member is not in such an active duty status to health care benefits under the TRICARE program.

(2) ELEMENTS.—The assessment under paragraph (1) shall address the following:

(A) The extent to which family members of members of the reserve components of the Armed Forces are required to change health care providers when they become eligible for health care benefits under the TRICARE program.

(B) The extent to which health care providers in the private sector with whom such family members have established relationships when not covered under the TRICARE program are providers who—

(i) are in a preferred provider network under the TRICARE program;

(ii) are participating providers under the TRICARE program; or

(iii) will agree to treat covered beneficiaries at a rate not to exceed 115 percent of the maximum allowable charge under the TRICARE program.

(C) The extent to which such family members encounter difficulties associated with a change in health care claims administration, health care authorizations, or other administrative matters when transitioning to health care benefits under the TRICARE program.

(D) Any particular reasons for, or circumstances that explain, the conditions described in subparagraphs (A), (B), and (C).

(E) The effects of the conditions described in subparagraphs (A), (B), and (C) on such family members and the Department of Defense.

(F) Recommendations for changes in policies and procedures under the TRICARE program, or other administrative action by the Secretary, to remedy or mitigate difficulties faced by such family members in transitioning to health care benefits under the TRICARE program.

(G) Recommendations for legislative action to remedy or mitigate such difficulties.

(H) Such other matters as the Secretary determines relevant to the assessment.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after completing the assessment under paragraph (1), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the results of the assessment.

(B) ANALYSIS OF RECOMMENDATIONS.—The report required by subparagraph (A) shall include an analysis of each recommendation for legislative action addressed under paragraph (2)(G), together with a cost estimate for implementing each such action.

(b) EXPANSION OF AUTHORITY TO ELIMINATE BALANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10, United States Code, is amended by striking ''in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title''.

(c) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. 761. REQUIREMENT TO REVIEW AND MONITOR PRESCRIBING PRACTICES AT MILITARY TREATMENT FACILITIES OF PHARMACEUTICAL AGENTS FOR TREATMENT OF POST-TRAUMATIC STRESS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the prescribing practices at military treatment facilities of

pharmaceutical agents for the treatment of post-traumatic stress;

(2) implement a process or processes to monitor the prescribing practices at military treatment facilities of pharmaceutical agents that are discouraged from use under the VA/DOD Clinical Practice Guideline for Management of Post-Traumatic Stress;

(3) implement a plan to address any deviations from such guideline in prescribing practices of pharmaceutical agents for management of post-traumatic stress at such facilities; and

(4) implement a plan to address any instances in which benzodiazepines and opioids are concurrently prescribed.

(b) PHARMACEUTICAL AGENT DEFINED.—In this section, the term ''pharmaceutical agent'' has the meaning given that term in section 1074g(g) of title 10, United States Code.

SEC. 762. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE AND RELATED SERVICES FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the

Senate and the House of Representatives a report setting forth a plan of the Department of Defense to improve pediatric care and related services for children of members of the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) In order to ensure that children receive developmentally-appropriate and age-appropriate health care services from the Department, a plan to align preventive pediatric care under the TRICARE program with—

(A) standards for such care as required by the Patient Protection and Affordable Care Act (Public Law 111–148);

(B) guidelines established for such care by the Early and Periodic Screening, Diagnosis, and Treatment program under the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

(C) recommendations by organizations that specialize in pediatrics.

(2) A plan to develop a uniform definition of ''pediatric medical necessity'' for the Department that aligns with recommendations of organizations that specialize in pediatrics in order to ensure that

a consistent definition of such term is used in providing health care in military treatment facilities and by health care providers under the TRICARE program.

(3) A plan to revise certification requirements for residential treatment centers of the Department to expand the access of children of members of the Armed Forces to services at such centers.

(4) A plan to develop measures to evaluate and improve access to pediatric care, coordination of pediatric care, and health outcomes for such children.

(5) A plan to include an assessment of access to pediatric specialty care in the annual report to Congress on the effectiveness of the TRICARE program.

(6) A plan to improve the quality of and access to behavioral health care under the TRICARE program for such children, including intensive outpatient and partial hospitalization services.

(7) A plan to mitigate the impact of permanent changes of station and other service-related relocations of members of the Armed Forces on the continuity of health care services received by such children who have special medical or behavioral health needs.

(8) A plan to mitigate deficiencies in data collection, data utilization, and data analysis to improve pediatric care and related services for children of members of the Armed Forces.

(c) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072 of title 10, United States Code.

SEC. 763. COMPTROLLER GENERAL REPORT ON HEALTH CARE DELIVERY AND WASTE IN MILITARY HEALTH SYSTEM.

(a) COMPTROLLER GENERAL REPORTS.—Not later than one year after the date of the enactment of this Act, and not less frequently than once each year thereafter for four years, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report assessing various issues relating to the delivery of health care in the military health system, with an emphasis on identifying potential waste and inefficiency.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report submitted under subsection (a) shall, within the direct and purchased care components of the military health system, evaluate the following:

(A) Processes for ensuring that health care providers adhere to clinical practice guidelines.

(B) Processes for reporting and resolving adverse medical events.

(C) Processes for ensuring program integrity by identifying and resolving medical fraud and waste.

(D) Processes for coordinating care within and between the direct and purchased care components of the military health system.

(E) Procedures for administering the TRICARE program.

(F) Processes for assessing and overseeing the efficiency of clinical operations of military hospitals and clinics, including access to care for covered beneficiaries at such facilities.

(2) ADDITIONAL INFORMATION.—Each report submitted under subsection (a) may include, if the Comptroller General considers feasible—

(A) an estimate of the costs to the Department of Defense relating to any waste or inefficiency identified in the report; and

(B) such recommendations for action by the Secretary of Defense as the Comptroller General considers appropriate, including elimi-

nating waste and inefficiency in the direct and purchased care components of the military health system.

(c) DEFINITIONS.—In this section, the terms ''covered beneficiary'' and ''TRICARE program'' have the meaning given those terms in section 1072 of title 10, United States Code.

SEC. 764. TREATMENT OF CERTAIN PROVISIONS RELATING TO LIMITATIONS, TRANSPARENCY, AND OVERSIGHT REGARDING MEDICAL RESEARCH CONDUCTED BY THE DEPARTMENT OF DEFENSE.

(a) MEDICAL RESEARCH AND DEVELOPMENT PROJECTS.—Section 756, relating to a prohibition on funding and conduct of certain medical research and development projects by the Department of Defense, shall have no force or effect.

(b) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.—Section 898, relating to a limitation on authority of the Secretary of Defense to enter into contracts, grants, or cooperative agreements for congressional special interest medical research programs under the congressionally directed medical research pro-

gram of the Department of Defense, shall have no force or effect.

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

Subtitle A—Acquisition Policy Management

SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.

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

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting ''; or''; and

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

''(C) developed or procured under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); and'';

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) Specific procedures in accordance with the guidance developed under section 804(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).''; and

(3) in subsection (c)—

(A) in paragraph (2)(A)—

(i) by striking ''Whenever the Secretary'' and inserting ''(i) Except as provided under clause (ii), whenever the Secretary''; and

(ii) by adding at the end the following new clause:

''(ii) Clause (i) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) if the designated official for acquisitions using such pathways is the Service Acquisition Executive.'';

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting "or upon the Secretary making a determination that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) based on a compelling national security need" after "of paragraph (1)";

(ii) in subparagraph (B)—

(I) by striking "The authority" and inserting "Except as provided under subparagraph (C), the authority";

(II) in clause (ii), by striking "; and" and inserting a semicolon;

(III) in clause (iii), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following new clause:

"(iv) in the case of a determination by the Secretary that funds are necessary to imme-

diately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), in an amount not more than $200,000,000 during any fiscal year.''; and

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

''(C) For each of fiscal years 2017 and 2018, the limits set forth in clauses (i) and (ii) of subparagraph (B) do not apply to the exercise of authority under such clauses provided that the total amount of supplies and associated support services acquired as provided under such subparagraph does not exceed $800,000,000 during such fiscal year.'';

(C) in paragraph (4)—

(i) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(ii) by inserting after subparagraph (B) the following new subparagraph:

''(C) In the case of a determination by the Secretary under paragraph (3)(A) that funds are necessary to immediately initiate a project under the

rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note), the Secretary shall notify the congressional defense committees of the determination within 10 days after the date of the use of such funds.''; and

(D) in paragraph (5)—

(i) by striking ''Any acquisition'' and inserting ''(A) Any acquisition''; and

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

''(B) Subparagraph (A) does not apply to acquisitions initiated in the case of a determination by the Secretary that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).''.

SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRINCIPAL MILITARY DEPUTIES TO THE ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ACQUISITION AS ACTING ASSISTANT SECRETARIES.

(a) ASSISTANT SECRETARY OF THE ARMY FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 3016(b)(5)(B) of title 10, United States Code, is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Army for Acquisition Technology, and Logistics, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

(b) ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH, DEVELOPMENT, AND ACQUISITION.—Section 5016(b)(4)(B) of such title is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Navy for Research, Development, and Acquisition, the Principal Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

(c) ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Section 8016(b)(4)(B) of such title is amended by adding at the end the following new sentence: ''In the event of a vacancy in the position of Assistant Secretary of the Air Force for Acquisition, the Principal

Military Deputy may serve as acting Assistant Secretary for a period of not more than one year.''.

SEC. 803. CONDUCT OF INDEPENDENT COST ESTIMATION AND COST ANALYSIS.

(a) IN GENERAL.—Section 2334 of title 10, United States Code, is amended—

(1) in subsection (a)(6), by striking ''conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority'' and inserting ''prepare or approve independent cost estimates and cost analyses for major defense acquisition programs, major automated information system programs, and major subprograms'';

(2) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (c), (d), (e), (f), and (g), respectively; and

(3) by inserting after subsection (a) the following new subsection:

''(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary of Defense may not approve the technology maturation and risk reduction, the engineering and manufac-

turing development, or the production and deployment of a major defense acquisition program, major automated information system program, or major subprogram unless an independent cost estimate of the full life-cycle cost of the program prepared or approved by Director of Cost Assessment and Program Evaluation has been considered by the Secretary.

''(2) The regulations governing the content and submission of independent cost estimates shall require that the independent estimate of the full life-cycle cost of a program include—

''(A) all costs of development, procurement, military construction, operations and support, and manpower to operate, maintain, and support the program upon full operational deployment without regard to funding source or management control; and

''(B) an analysis to support decision making that identifies and evaluates alternative courses of action that may reduce cost and risk and result in more affordable and less costly systems.''.

(b) REPEAL OF OBSOLETE AUTHORITY.—

(1) IN GENERAL.—Section 2434 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by striking the item relating to section 2434.

SEC. 804. MODERNIZATION OF SERVICES ACQUISITION.

(a) SERVICES ACQUISITION CATEGORIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise Department of Defense Instruction 5000.74, dated January 6, 2016 (in this section referred to as the ''Services Acquisition Instruction'')—

(1) to provide guidance on how the acquisition community should consider the changing nature of the technology and professional services markets, particularly the convergence of hardware and services, in its application of the Services Acquisition Categories Instruction;

(2) to reflect a review of, and as appropriate revisions to, the current categories of services acquisition referenced in the Services Acquisition Categories Instruction in order to ensure the categories are fully reflective of changes to the technology and professional services market; and

(3) to reflect a review of existing service contracts of the Department of Defense for purposes of reducing redundancy and duplication.

(b) GUIDANCE REGARDING TRAINING AND DEVELOPMENT OF THE ACQUISITION WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue new guidance addressing the training and development of the acquisition workforce, particularly the components of the workforce that are engaged in the procurement of services.

(2) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND ALTERNATIVES.—The guidance required under paragraph (1) shall identify training and professional development opportunities and alternatives, not limited to existing Department of Defense institutions, that focus on and provide relevant training and professional development in commercial business models and contracting.

(3) TREATMENT OF TRAINING AND PROFESSIONAL DEVELOPMENT.—The training and professional development provided pursuant to this subsection shall be deemed to be equivalent to the re-

spective and appropriate training currently certified or provided by the Defense Acquisition University.

SEC. 805. MODIFIED NOTIFICATION REQUIREMENT FOR EXERCISE OF WAIVER AUTHORITY TO ACQUIRE VITAL NATIONAL SECURITY CAPABILITIES.

Subsection (d) of section 806 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended to read as follows:

''(d) NOTIFICATION REQUIREMENT.—Not later than 10 days after exercising the waiver authority under subsection (a), the Secretary of Defense shall provide a written notification to Congress providing the details of the waiver and the expected benefits it provides to the Department of Defense.''.

SEC. 806. REPEAL OF TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY CONTRACTORS.

Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2253) is hereby repealed.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. DEFENSE COST ACCOUNTING STANDARDS.

(a) DEFENSE COST ACCOUNTING STANDARDS BOARD.—

(1) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 190. Defense Cost Accounting Standards Board

''(a) ORGANIZATION.—The Defense Cost Accounting Standards Board is an independent board in the Office of the Secretary of Defense.

''(b) MEMBERSHIP.—(1) The Board consists of 7 members. One member is the Chief Financial Officer of the Department of Defense or his or her designee, who serves as Chairman. The other 6 members, who shall have experience in contract pricing, finance, or cost accounting in either the Federal government or the private sector, are as follows:

''(A) 3 representatives of the Department of Defense appointed by the Secretary of Defense; and

''(B) 3 individuals from the private sector, each of whom is appointed by the Secretary, and—

"(i) 1 of whom is a representative of an nontraditional defense contractor as defined in section 2302(9) of this title; and

"(ii) 1 of whom is a representative from a public accounting firm.

"(2) A member appointed under paragraph (1)(A) may not continue to serve after ceasing to be an officer or employee of the Department of Defense.

"(c) DUTIES.—

"(1) The Defense Cost Accounting Standards Board has exclusive authority, with respect to the Department of Defense, to prescribe, amend, and rescind cost accounting standards, and interpretations of the standards, designed to achieve uniformity and consistency in the cost accounting standards governing measurement, assignment, and allocation of costs to contracts with the Department of Defense.

"(2) The Chief Financial Officer of the Department of Defense, after consultation with the Board, shall prescribe rules and procedures governing actions of the Board under this section. The Under Secretary when prescribing rules shall ensure the following:

"(A) Cost accounting standards used by contractors to the Department of Defense shall

to the maximum extent practicable rely on commercial standards and accounting practices and systems.

"(B)(i) The Secretary, in consultation with the Defense Cost Accounting Standards Board, shall review the cost accounting standards under section 1502 of title 41 and make recommendations to the Cost Accounting Standards Board to conform these standards where practicable to United States Generally Accepted Accounting Principles (GAAP).

"(ii) 180 days after this review, the Under Secretary of Acquisitions, Technology, and Logistics may promulgate new cost accounting standards as they apply to direct costs under cost type contracts at the Department of Defense to conform to the Secretary's recommendations.

"(C) Indirect costs under cost type contracts shall be determined under procedures developed by the Department of Defense Cost Accounting Standards Board using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP).

"(D) Any cost information necessary to allocate incentives on fixed-price incentive contracts shall be determined using cost accounting records in compliance with United States Generally Accepted Accounting Principles (GAAP). However, incentives under fixed price incentive contracts should to the maximum extent practicable be performance-based and not cost-based.

"(3) The Board shall develop standards to ensure that commercial operations performed by government employees at the Department of Defense adhere to cost accounting standards that inform managerial decision making. These standards should be based on cost accounting standards established under this section or United States Generally Accepted Accounting Principles (GAAP).

"(d) COMPENSATION.—(1) Members of the Board who are officers or employees of the Department of Defense shall not receive additional compensation for services but shall continue to be compensated by the employing department or agency of the officer or employee.

"(2) Each member of the Board appointed from the private sector shall receive compensation at a rate not to exceed the daily equivalent of the rate for level IV of the

Executive Schedule for each day (including travel time) in which the member is engaged in the actual performance of duties vested in the Board.

''(3) While serving away from home or regular place of business, Board members and other individuals serving on an intermittent basis shall be allowed travel expenses in accordance with section 5703 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding after the item relating to section 189 the following new item:

''190. Defense Cost Accounting Standards Board.''.

(b) USE OF STANDARDS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Defense Cost Accounting Standards

''(a) MANDATORY USE OF STANDARDS.—(1) Cost accounting standards prescribed under section 190(c)(2) of this title are mandatory for use by the Department of Defense and by contractors and subcontractors in estimating, accumulating, and reporting costs in connection with the pricing and administration of, and settlement of disputes concerning, all negotiated prime contract and subcontract procurements with the Federal Government in excess of the amount set forth in section 2306a(a)(1)(A)(i) of this

1 title as the amount is adjusted in accordance with applica-
2 ble requirements of law.
3 "(2) Paragraph (1) does not apply to—
4 "(A) a contract or subcontract for the acquisi-
5 tion of a commercial item;
6 "(B) a contract or subcontract where the price
7 negotiated is based on a price set by law or regula-
8 tion;
9 "(C) a firm, fixed-price contract or subcontract;
10 or
11 "(D) a contract or subcontract with a value of
12 less than $7,500,000 if, when the contract or sub-
13 contract is entered into, the segment of the con-
14 tractor or subcontractor that will perform the work
15 has not been awarded at least one contract or sub-
16 contract with a value of more than $7,500,000 that
17 is covered by the standards.
18 "(b) EXEMPTIONS AND WAIVERS.—(1) The Defense
19 Cost Accounting Standards Board established under sec-
20 tion 190 of this title may—
21 "(A) exempt classes of contractors and sub-
22 contractors from the requirements of this section;
23 and

"(B) establish procedures for the waiver of the requirements of this section for individual contracts and subcontracts.

"(2) The Secretary of Defense may waive the applicability of the cost accounting standards for a contract or subcontract if the Secretary determines in writing that the segment of the contractor or subcontractor that will perform the work—

"(A) is primarily engaged in the sale of commercial items; and

"(B) would not otherwise be subject to the cost accounting standards under this section.

"(3) In exceptional circumstances, the head of a military service or defense agency may waive the applicability of the cost accounting standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the service or agency. A determination to waive the applicability of the standards under this paragraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such chapter is amended by adding at the end the following new item:

"2338. Defense cost accounting standards.".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall take effect on October 1, 2018.

(c) COMPTROLLER GENERAL REPORT.—Not later than December 31, 2019, the Comptroller General of the United States shall submit to the congressional defense committees an annual report on the adequacy of the Department of Defense's approach to applying commercial cost accounting standards to indirect and fixed price incentive contracts.

(d) AUDITING REQUIREMENTS.—

(1) GAAP.—Commercial accounting firms shall audit the adequacy of information presented in compliance with United States Generally Accepted Accounting Principles (GAAP).

(2) DCAA AUDITS.—DCAA shall audit direct costs on cost contracts and rely on commercial audits of indirect costs, except that in the case of companies or business units that have more than 50 percent of government cost type contracts as a percentage of sales, DCAA shall audit both direct and indirect costs.

SEC. 812. INCREASED MICRO-PURCHASE THRESHOLD APPLICABLE TO DEPARTMENT OF DEFENSE PROCUREMENTS.

(a) INCREASED MICRO-PURCHASE THRESHOLD.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2338. Micro-purchase threshold

''Notwithstanding subsection (a) of section 1902 of title 41, the micro-purchase threshold for the Department of Defense for purposes of such section is $5,000.''.

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

''2338. Micro-purchase threshold.''.

(b) CONFORMING AMENDMENT.—Section 1902(a) of title 41, United States Code, is amended by striking ''For purposes'' and inserting ''Except as provided in section 2338 of title 10, for purposes''.

SEC. 813. ENHANCED COMPETITION REQUIREMENTS.

Section 2306a of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting ''that is only expected to receive one bid'' after ''entered into using procedures other than sealed-bid procedures''; and

(2) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking ''price competition'' and inserting ''competition that results in at least two or more responsive and viable competing bids''; and

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

''(6) DETERMINATION BY PRIME CONTRACTOR.—A prime contractor required to submit certified cost or pricing data under subsection (a) with respect to a prime contract shall be responsible for determining whether a subcontract under such contract qualifies for an exception under paragraph (1)(A) from such requirement.''.

SEC. 814. ELIMINATION OF BID AND PROPOSAL COSTS AND OTHER EXPENSES AS ALLOWABLE INDEPENDENT RESEARCH AND DEVELOPMENT COSTS ON CERTAIN CONTRACTS.

(a) IN GENERAL.—Section 2372 of title 10, United States Code, is amended to read as follows:

''§ 2372. Independent research and development costs: allowable costs

''(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations governing the payment, by the De-

partment of Defense, of expenses incurred by contractors for independent research and development costs.

"(b) COSTS TREATED AS FAIR AND REASONABLE AND ALLOWABLE EXPENSES.—The regulations prescribed pursuant to subsection (a) shall provide that independent research and development costs shall be considered a fair and reasonable and allowable expense on Department of Defense contracts.

"(c) ADDITIONAL CONTROLS.—Subject to subsection (f), the regulations prescribed pursuant to subsection (a) may include the following provisions:

"(1) A limitation on the fair and reasonableness determination with respect to costs of independent research and development which the Secretary of Defense determines is of potential interest to the Department of Defense.

"(2) A limitation that the total amount of the independent research and development costs of the contractor that are determined as fair and reasonable may not exceed the contractor's adjusted maximum reimbursement amount.

"(3) Implementation of regular methods for transmission—

"(A) from the Department of Defense to contractors, in a reasonable manner, of timely

and comprehensive information regarding planned or expected Department of Defense future technology and advanced capability needs; and

"(B) from contractors to the Department of Defense, in a reasonable manner, of information regarding progress by the contractor on the contractor's independent research and development programs.

"(d) ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—For purposes of subsection (c)(2), the adjusted maximum reimbursement amount for a contractor for a fiscal year is 5 percent of the total amount of the work performed by the contractor during the preceding fiscal year on Department of Defense contracts funded through procurement or research development, test, and evaluation accounts using authorized appropriations.

"(e) WAIVER OF ADJUSTED MAXIMUM REIMBURSEMENT AMOUNT.—The Secretary of Defense may waive the applicability of any limitation prescribed under subsection (c)(2) to any contractor for a fiscal year to the extent that the Secretary determines that allowing the contractor to exceed the contractor's adjusted maximum reimbursement amount for such year is otherwise in the best interest of the Government.

"(f) LIMITATIONS ON REGULATIONS.—Regulations prescribed pursuant to subsection (c) may not include provisions that would infringe on the independence of a contractor to choose which technologies to pursue in its independent research and development program so long as the chief executive officer certifies that the expenditures will advance Department of Defense future technology and advanced capability needs as transmitted pursuant to subsection (c)(3)(A).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to section 2372 and inserting the following new item:

"2372. Independent research and development costs: payments to contractors.".

SEC. 815. EXCEPTION TO REQUIREMENT TO INCLUDE COST OR PRICE TO THE GOVERNMENT AS A FACTOR IN THE EVALUATION OF PROPOSALS FOR CERTAIN MULTIPLE-AWARD TASK OR DELIVERY ORDER CONTRACTS.

Section 2305(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting "(except as provided in subparagraph (C))" after "shall"; and

(B) in clause (ii), by inserting ''(except as provided in subparagraph (C))'' after ''shall'' and

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

''(C) If the head of an agency issues a solicitation for multiple task or delivery order contracts under section 2304a(d)(1)(B) of this title for the same or similar services and intends to make a contract award to each qualifying offeror—

''(i) cost or price to the Federal Government need not, at the Government's discretion, be considered under clause (ii) of subparagraph (A) as an evaluation factor for the contract award; and

''(ii) if, pursuant to clause (i), cost or price to the Federal Government is not considered as an evaluation factor for the contract award—

''(I) the disclosure requirement of clause (iii) of subparagraph (A) shall not apply; and

''(II) cost or price to the Federal Government shall be considered in conjunction with the issuance pursuant to section 2304c(b) of this title of a task or delivery order under any contract resulting from the solicitation.

"(D) In subparagraph (C), the term 'qualifying offeror' means an offeror that—

"(i) is determined to be a responsible source;

"(ii) submits a proposal that conforms to the requirements of the solicitation; and

"(iii) the contracting officer has no reason to believe would likely offer other than fair and reasonable pricing.".

SEC. 816. MODIFIED RESTRICTIONS ON UNDEFINITIZED CONTRACTUAL ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: "Any undefinitized contract shall be awarded on a fixed-price level of effort basis.";

(2) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(3) by inserting after subsection (e) the following new subsections:

"(f) TIME LIMIT.—No undefinitized contractual action may extend beyond 90-days without a written determination by the Secretary of the military department or head of a Defense Agency that it is in the best interests of the military department or Defense Agency to continue the action.

"(g) FOREIGN MILITARY CONTRACTS.—(1) Except as provided in paragraph (2), a contracting officer of the Department of Defense may not enter into an undefinitized contractual action for a foreign military sale unless the contractual action provides for agreement upon contractual terms, specifications, and price by the end of the 180-day period described in subsection (b)(1)(A).

"(2) The requirement under paragraph (1) may be waived in accordance with subsection (b)(4)."; and

(4) in subsection (i)(1), as redesignated by paragraph (2)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (A), (B), and (C), respectively.

SEC. 817. NON-TRADITIONAL CONTRACTOR DEFINITION.

Section 2302(9) of title 10, United States Code, is amended—

(1) by striking "of this title, means an entity that is not currently performing" and inserting the following: "of this title—

"(A) means a specific business unit or function with a unique entity identifier that is not currently performing";

(2) by striking the period at the end and inserting "; and"; and

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

"(B) does not mean a business unit that received a transfer of procurement or transaction from another business unit within the same corporate entity that is currently performing or performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any contract or subcontract for the Department of Defense that is subject to full coverage under the cost accounting standards prescribed pursuant to section 1502 of title 41 and the regulations implementing such section.".

SEC. 818. COMPREHENSIVE SMALL BUSINESS CONTRACTING PLANS.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2338. Comprehensive small business contracting plans

''(a) AUTHORITY.—The Secretary of Defense may negotiate and administer comprehensive subcontracting plans for the purpose of reducing administrative burdens on contractors while enhancing opportunities provided under Department of Defense contracts for small business concerns and covered small business concerns.

''(b) COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLAN.—

''(1) The Secretary of a military department or head of a Defense Agency shall negotiate, monitor, and enforce compliance with a comprehensive subcontracting plan with a Department of Defense contractor described in paragraph (4).

''(2) The comprehensive subcontracting plan of a contractor—

''(A) shall apply to the entire business organization of the contractor or to one or more of the contractor's divisions or operating elements, as specified in the subcontracting plan; and

''(B) shall cover each Department of Defense contract that is entered into by the contractor and each subcontract that is entered

into by the contractor as the subcontractor under a Department of Defense contract.

"(3) Each comprehensive subcontracting plan of a contractor shall require that the contractor report to the Secretary of Defense on a semi-annual basis the following information:

"(A) The amount of first-tier subcontract dollars awarded during the six-month period covered by the report to covered small business concerns, with the information set forth separately—

"(i) by North American Industrial Classification System code;

"(ii) by major defense acquisition program, as defined in section 2430(a) of this title, that meets the criteria of Acquisition Category 1;

"(iii) by contract, if the contract is for the maintenance, overhaul, repair, servicing, rehabilitation, salvage, modernization, or modification of supplies, systems, or equipment and the total value of the contract, including options, exceeds $250,000,000; and

"(iv) by military department.

"(B) The total number of subcontracts active under the test program during the six-month period covered by the report that would have otherwise required a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

"(C) Costs incurred in negotiating, complying with, and reporting on comprehensive subcontracting plans.

"(D) Costs avoided by adoption of a comprehensive subcontracting plan.

"(4) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan negotiated in any fiscal year, a business concern that, during the immediately preceding fiscal year, furnished the Department of Defense with supplies or services (including professional services, research and development services, and construction services) pursuant to at least three Department of Defense contracts having an aggregate value of at least $100,000,000.

"(c) WAIVER OF CERTAIN SMALL BUSINESS ACT SUBCONTRACTING PLAN REQUIREMENTS.—A Department of Defense contractor is not required to negotiate or submit a subcontracting plan under paragraph (4) or

(5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) with respect to a Department of Defense contract if—

"(1) the contractor has negotiated a comprehensive subcontracting plan under the test program that includes the matters specified in section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6));

"(2) such matters have been determined acceptable by the Secretary of the military department or head of a Defense Agency negotiating such comprehensive subcontracting plan; and

"(3) the comprehensive subcontracting plan applies to the contract.

"(d) FAILURE TO MAKE A GOOD FAITH EFFORT TO COMPLY WITH A COMPREHENSIVE SUBCONTRACTING PLAN.—

"(1) A contractor that has negotiated a comprehensive subcontracting plan under the test program shall be subject to section 8(d)(4)(F) of the Small Business Act (15 U.S.C. 637(d)(4)(F)) regarding the assessment of liquidated damages for failure to make a good faith effort to comply with its comprehensive subcontracting plan and the goals specified in that plan. In addition, any such failure

shall be a factor considered as part of the evaluation of past performance of an offeror.

"(2) Effective in fiscal year 2017 and each fiscal year thereafter, the Secretary of Defense shall report to Congress on any negotiated comprehensive subcontracting plan that the Secretary determines did not meet the subcontracting goals negotiated in the plan for the prior fiscal year.

"(e) DEFINITIONS.—In this section, the term 'covered small business concern' includes each of the following:

"(1) A small business concern, as that term is defined under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(2) A small business concern owned and controlled by veterans, as that term is defined in section 3(q)(3) of such Act (15 U.S.C. 632(q)(3)).

"(3) A small business concern owned and controlled by service-disabled veterans, as that term is defined in section 3(q)(2) of such Act (15 U.S.C. 632(q)(2)).

"(4) A qualified HUBZone small business concern, as that term is defined under section 3(p)(5) of such Act (15 U.S.C. 632(p)(5)).

"(5) A small business concern owned and controlled by socially and economically disadvantaged

individuals, as that term is defined in section 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

"(6) A small business concern owned and controlled by women, as that term is defined under section 3(n) of such Act (15 U.S.C. 632(n)).".

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

"2338. Comprehensive small business contracting plans.".

(b) REPEAL OF OBSOLETE AUTHORITY.—Section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is hereby repealed.

SEC. 819. LIMITATION ON TASK AND DELIVERY ORDER PROTESTS.

Section 2304c(e) of title 10, United States Code, is amended—

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

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

"(2) A protest is not authorized in connection with the issuance or proposed issuance of a task or delivery order if the Secretary of Defense determines that a task and delivery order ombudsman responsible for reviewing complaints related to task and delivery order contracts of

the issuing agency has been appointed or designated pursuant to subsection (f) and a process for reviewing such complaints has been established.''.

SEC. 820. MODIFIED DATA COLLECTION REQUIREMENTS APPLICABLE TO PROCUREMENT OF SERVICES.

(a) INCREASED THRESHOLD.—Subsection (a) of section 2330a of title 10, United States Code, is amended by striking ''in excess of the simplified acquisition threshold'' and inserting ''in excess of $5,000,000''.

(b) CLARIFICATION OF APPLICABILITY OF INVENTORY REQUIREMENT TO STAFF AUGMENTATION CONTRACTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking ''contracts for services'' and inserting ''staff augmentation contracts''; and

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

''(4) The term 'staff augmentation contracts' means contracts for personnel who are subject to the direction of a government official other than the contracting officer for the contract, including contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of this title).''.

(c) ELIMINATION OF REPORTING REQUIREMENTS.—Such section is further amended—

(1) by striking subsections (g) and (h); and

(2) by redesignating subsections (i) and (j) as subsections (g) and (h), respectively.

SEC. 821. GOVERNMENT ACCOUNTABILITY OFFICE BID PROTEST REFORMS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2338. Government Accountability Office bid protests

"(a) PAYMENT OF COSTS FOR DENIED PROTESTS.—

"(1) IN GENERAL.—A contractor who files a protest described under paragraph (2) with the Government Accountability Office on a contract with the Department of Defense shall pay to the Government Accountability Office costs incurred for processing a protest.

"(2) COVERED PROTESTS.—A protest described under this paragraph is a protest—

"(A) all of the elements of which are denied in an opinion issued by the Government Accountability Office; and

"(B) filed by a party with revenues in excess of $100,000,000 during the previous year.

"(b) WITHHOLDING OF PAYMENTS ABOVE INCURRED COSTS OF INCUMBENT CONTRACTORS.—

"(1) IN GENERAL.—Contractors who file a protest on a contract on which they are the incumbent contractor shall have all payments above incurred costs withheld on any bridge contracts or temporary contract extensions awarded to the contractor as a result of a delay in award resulting from the filing of such protest.

"(2) DISPOSITION OF WITHHELD PAYMENTS ABOVE INCURRED COSTS.—

"(A) RELEASE TO INCUMBENT CONTRACTOR.—All payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the protesting incumbent contractor if—

"(i) the solicitation that is the subject of the protest is cancelled and no subsequent request for proposal is released or planned for release; or

"(ii) if the Government Accountability Office issues an opinion that upholds any

of the protest grounds filed under the protest.

"(B) RELEASE TO AWARDEE.—Except for the exceptions set forth in subparagraph (A), all payments above incurred costs of a protesting incumbent contractor withheld pursuant to paragraph (1) shall be released to the contractor that was awarded the protested contract prior to the protest.

"(C) RELEASE TO GAO IN EVENT OF NO CONTRACT AWARD.—Except for the exceptions set forth in subparagraph (A), if a protested contract for which payments above incurred costs are withheld under paragraph (1) is not awarded to a contractor, the withheld payments shall be released to the Government Accountability Office and deposited into an account that can be used by the Office to offset costs associated with Government Accountability Office bid protests in which the Government Accountability Office issues an opinion in favor of a small business concern, either as a direct or third party beneficiary.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2337 the following new item:

"2338. Government Accountability Office bid protests.".

SEC. 822. REPORT ON BID PROTESTS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent research entity that is a not-for-profit entity or a Federally funded research and development center with appropriate expertise and analytical capability to carry out a comprehensive study on the prevalence and impact of bid protests on Department of Defense acquisitions, including protests filed with contracting agencies, the Government Accountability Office, and the Court of Federal Claims.

(b) ELEMENTS.—The report required by subsection (a) shall cover Department of Defense contracts and include, at a minimum, the following elements:

(1) A description of trends in the number of bid protests filed, and the rate of such bid protests compared to contract obligations and the number of contracts.

(2) An analysis of bid protests filed by incumbent contractors, including—

(A) the rate at which such protesters are awarded bridge contracts or contract extensions

over the period that the protest remains unresolved; and

(B) an assessment of the cost and schedule impact of successful and unsuccessful bid protests filed by incumbent contractors on contracts for services with a value in excess of $100,000,000.

(3) A description of trends in the number of bid protests filed and the rate of such bid protests on—

(A) contracts valued in excess of $3,000,000,000;

(B) contracts valued between $500,000,000 and $3,000,000,000;

(C) contracts valued between $50,000,000 and $500,000,000; and

(D) contracts valued under $50,000,000.

(4) An assessment of the cost and schedule impact of successful and unsuccessful bid protests filed on contracts valued in excess of $3,000,000,000.

(5) An analysis of how often protestors win the protested contract.

(6) A summary of the results of protests in which the contracting agencies took unilateral corrective action, including—

(A) the average time for remedial action to be completed; and

(B) a determination as to what extent such unilateral action was a result of a violation of law or regulation by the agency, or such action was a result of some other factor.

(7) A description of the time it takes agencies to implement corrective actions after a ruling or decision.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the independent entity that conducts the study under subsection (a) shall provide to the Secretary of Defense and the congressional defense committees a report on the results of the study, along with any related recommendations.

SEC. 823. TREATMENT OF SIDE-BY-SIDE TESTING OF CERTAIN EQUIPMENT, MUNITIONS, AND TECHNOLOGIES MANUFACTURED AND DEVELOPED UNDER COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS AS USE OF COMPETITIVE PROCEDURES.

Section 2350a(g) of title 10, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

"(3) The use of side-by-side testing under this subsection shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title, when procuring items that have been successfully tested and found to satisfy United States military requirements or to correct operational deficiencies.".

SEC. 824. DEFENSE ACQUISITION CHALLENGE PROGRAM.

(a) EXPANSION OF SCOPE TO INCLUDE ALTERNATIVES TO EXISTING ACQUISITION PROGRAMS.—Subsection (a)(2) of section 2359b of title 10, United States Code, is amended—

(1) by inserting ", or an alternative approach to an existing Department of Defense acquisition program," after "of an existing Department of Defense acquisition program"; and

(2) by inserting "or function" after "capability of that acquisition program".

(b) TREATMENT OF CHALLENGE PROPOSAL PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—Such section is further amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following new subsection:

"(j) TREATMENT OF USE OF DEVELOPED PROCEDURES AS USE OF COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures developed pursuant to subsection (c)(3) shall be considered to be the use of competitive procedures for purposes of chapter 137 of this title.".

(c) EXTENSION OF SUNSET FOR PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—Such section is further amended in paragraph (5) of subsection (l), as redesignated by subsection (b)(1) of this subsection, by striking "2016" and inserting "2021".

SEC. 825. USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION PROCESS.

(a) STATEMENT OF POLICY.—It shall be the policy of the Department of Defense to avoid using Lowest Price Technically Acceptable source selection criteria in inappropriate circumstances that potentially deny the Department the benefits of cost and technical tradeoffs in the source selection process.

(b) REVISION OF DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—Not later than 120 days after the date of the enactment of this Act, the Department of Defense shall revise the Defense Federal Acquisition Regulation Supplement (DFARS) to require that, for

new solicitations issued on or after the date that is 120 days after the date of the enactment of this Act, Lowest Price Technically Acceptable source selection criteria are used only in situations in which—

(1) the Department of Defense is able to comprehensively and clearly describe the minimum requirements expressed in term of performance objectives, measures, and standards that will be used to determine acceptability of offers;

(2) the Department of Defense would realize no, or minimal, value from a contract proposal exceeding the minimum technical or performance requirements set forth in the Request for Proposal;

(3) the proposed technical approaches will require no, or minimal, subjective judgment by the source selection authority as to the desirability of one offeror's proposal versus a competing proposal;

(4) a review of technical proposals of offerors other than the lowest bidder would result in no, or minimal, benefit to the Department; and

(5) the contracting officer has included a justification for the use of a Lowest Price Technically Acceptable evaluation methodology in the contract file, if the contract to be awarded is predominately for the acquisition of information technology serv-

ices, systems engineering and technical assistance services, or other knowledge-based professional services.

(c) AVOIDANCE OF USE OF LOWEST PRICE TECHNICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN PROCUREMENTS OF INFORMATION TECHNOLOGY.—To the maximum extent practicable, the use of Lowest Price Technically Acceptable source selection criteria shall be avoided when the procurement is predominately for the acquisition of information technology services, systems engineering and technical assistance services, or other knowledge-based professional services.

(d) REPORTING.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Secretary of Defense shall submit to the congressional defense committees a report on the number of instances in which Lowest Price Technically Acceptable source selection criteria is used, including an explanation of how the criteria in subsection (b) was considered when making a determination to use Lowest Price Technically Acceptable source selection criteria.

SEC. 826. PENALTIES FOR THE USE OF COST-TYPE CONTRACTS.

(a) PENALTIES.—Except as provided under subsection (d), for each fiscal year beginning with fiscal year

2018, the Secretary of each military department and the head of each of the Defense Agencies shall pay a penalty for the use of cost-type contracts.

(b) CALCULATION OF COST-TYPE CONTRACT PENALTY.—

(1) IN GENERAL.—For the purposes of this section, the amount of the cost-type contract penalty per fiscal year for a military department or Defense Agency is the total amount of penalties assessed in accordance with paragraph (2) for the use by such military department or Defense Agency during such fiscal year of cost-type contracts awarded on or after October 1, 2017, including cost no fee, cost plus award fee, cost plus fixed fee, and cost plus incentive fee contracts.

(2) PENALTY PER CONTRACT.—the cost-type contract penalty for using a cost-type contract is—

(A) 2 percent of obligated funds in the case of a contract using procurement funds; and

(B) 1 percent of obligated funds in the case of a contract using research, development, test and evaluation funds.

(c) TRANSFER OF FUNDS.—

(1) REDUCTION OF RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AND PROCUREMENT ACCOUNTS.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2018, the Secretary of each military department and the head of each Defense Agency shall reduce the applicable research, development, test, and evaluation account and procurement account of the military department or Defense Agency that incurs obligations for cost-type contracts by the percentage determined under paragraph (2), and remit such amount to the Secretary of Defense.

(2) DETERMINATION OF AMOUNT.—The percentage reduction to research, development, test, and evaluation and procurement accounts of a military department or Defense Agency referred to in paragraph (1) is the percentage reduction to such accounts necessary to equal the cost-type contract penalty for the fiscal year for such department or Defense Agency determined pursuant to subsection (b).

(3) CREDITING OF FUNDS.—Any amount remitted under paragraph (1) shall be credited to the Department of Defense Rapid Prototyping Fund established pursuant to section 804 of the National De-

fense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

(d) EXCEPTIONS.—

(1) FIRST LEAD SHIPS IN A CLASS.—There shall be no penalty assessed under this section for the use of cost-type contracts for first lead ships in a class.

(2) DELAYED APPLICABILITY TO SCIENCE AND TECHNOLOGY AND SBIR/STTR PROGRAMS.—There shall be no penalty assessed under this section until fiscal year 2019 for the following types of contracts:

(A) Contracts awarded under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) programs (as those terms are defined in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

(B) Contracts awarded using funds under the Basic Research, Applied Research, and Advanced Technology Development budget activity titles.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting or otherwise modifying transfer authorities available to the Secretary of Defense.

(f) SUNSET.—This section shall terminate at the close of September 30, 2021.

SEC. 827. PREFERENCE FOR FIXED-PRICE CONTRACTS.

(a) ESTABLISHMENT OF PREFERENCE.—Not later than 180 days after the date of the enactment of this Act, the Defense Federal Acquisition Regulation Supplement shall be revised to establish a preference for fixed-price contracts, including fixed-price incentive fee contracts, in the determination of contract type.

(b) APPROVAL REQUIREMENT FOR CERTAIN COST-TYPE CONTRACTS.—

(1) IN GENERAL.—A contracting officer of the Department of Defense may not enter into a cost-type contract described in paragraph (2) unless the contract is approved by—

(A) the Service Acquisition Executive, in the case of a contract entered into by a military service; or

(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense Agency contract.

(2) COVERED CONTRACTS.—A contract described in this paragraph is—

(A) a cost-type contract in excess of $50,000,000, in the case of a contract entered

into after the date that is 180 days after the date of the enactment of this Act and before October 1, 2018;

(B) a cost-type contract in excess of $20,000,000, in the case of a contract entered into on or after October 1, 2018, and before October 1, 2019; and

(C) a cost-type contract in excess of $5,000,000, in the case of a contract entered into on or after October 1, 2019.

SEC. 828. REQUIREMENT TO USE FIRM FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to require the use of firm fixed-price contracts for foreign military sales.

(b) WAIVER AUTHORITY.—The regulations prescribed pursuant to subsection (a) shall include a waiver that may be exercised by the Secretary of Defense if the Secretary certifies that a different contract type is in the best interest of United States taxpayers.

SEC. 829. PREFERENCE FOR PERFORMANCE-BASED CONTRACTUAL PAYMENTS.

(a) IN GENERAL.—Section 2307(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting ''PREFERENCE FOR'' before ''PERFORMANCE-BASED'';

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

(3) by striking ''Wherever practicable, payment under subsection (a) shall be made'' and inserting ''(1) Whenever practicable, payments under subsection (a) shall be made using performance-based payments''; and

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

''(2) Performance-based payments shall not be conditioned upon costs incurred in contract performance but on the achievement of milestones or events based on the performance outcomes listed in paragraph (1).

''(3) The Secretary of Defense shall ensure that non-traditional contractors and commercial companies shall be eligible for performance based payments, consistent with best commercial practices.

''(4) In order to receive performance-based payments, a contractor's accounting system shall be in compliance with Generally Accepted Accounting Principles, and there shall be no requirement for a contractor to develop government unique accounting systems or practices as a pre-

requisite for agreeing to use performance-based payments.''.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Department of Defense Supplement to the Federal Acquisition Regulation to conform with section 2307(b) of title 10, United States Code, as amended by subsection (a).

SEC. 829A. SHARE-IN-SAVINGS CONTRACTS.

SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION IN THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) INEFFECTIVENESS OF SUPERSEDED REQUIREMENTS.—Sections 1036 and 1037 shall have no force or effect, and the amendments proposed to be made by section 1037 shall not be made.

(b) IN GENERAL.—Any competition for a contract for the provision of launch services for the evolved expendable launch vehicle program shall be open for award to all certified providers of evolved expendable launch vehicle-class systems.

(c) AWARD OF CONTRACTS.—In awarding a contract under subsection (b), the Secretary of Defense—

(1) subject to paragraphs (2) and (3), and notwithstanding any other provision of law, may, during the period beginning on the date of the enactment of this Act and ending on December 31, 2022, award the contract to a provider of launch services that intends to use any certified launch vehicle in its inventory without regard to the country of origin of the rocket engine that will be used on that launch vehicle;

(2) may award contracts utilizing an engine designed or manufactured in the Russian Federation for only phase 1(a) and phase 2 evolved expendable launch vehicle procurements; and

(3) LIMITATION.—The total number of rocket engines designed or manufactured in the Russian Federation and used on launch vehicles for the evolved expendable launch vehicle program shall not exceed 18.

Section 2332 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) TRAINING.—Not later than 180 days after the date of the enactment of the National Defense Authoriza-

tion Act for Fiscal Year 2017, the Defense Acquisition University shall develop and implement a training program for Department of Defense acquisition personnel on share-in-savings contracts.''.

SEC. 829C. SPECIAL EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE THE DEFENSE AGAINST OR RECOVERY FROM A CYBER, NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2338. Special emergency procurement authority

''(a) APPLICABILITY.—The authorities provided in subsections (b) and (c) apply with respect to a procurement of property or services by or for the Department of Defense that the Secretary of Defense determines are to be used—

''(1) in support of a contingency operation; or

''(2) to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack against the United States.

''(b) INCREASED THRESHOLDS AND LIMITATION.—For a procurement to which this section applies under subsection (a)—

"(1) the amount specified in subsections (a), (d), and (e) of section 1902 of title 41 shall be deemed to be—

"(A) $15,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

"(B) $25,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States;

"(2) the term 'simplified acquisition threshold' means—

"(A) $750,000 in the case of a contract to be awarded and performed, or purchase to be made, in the United States; and

"(B) $1,500,000 in the case of a contract to be awarded and performed, or purchase to be made, outside the United States; and

"(3) the $5,000,000 limitation in section 1901(a)(2) of title 41 and sections 3305(a)(2) and 2304(g)(1)(B) of this title is deemed to be $10,000,000.

"(c) AUTHORITY TO TREAT PROPERTY OR SERVICE AS COMMERCIAL ITEM.—

"(1) IN GENERAL.—The Secretary of Defense, in carrying out a procurement of property or a serv-

ice to which this section applies under subsection (a)(2), may treat the property or service as a commercial item for the purpose of carrying out the procurement.

"(2) CERTAIN CONTRACTS NOT EXEMPT FROM STANDARDS OR REQUIREMENTS.—A contract in an amount of more than $15,000,000 that is awarded on a sole source basis for an item or service treated as a commercial item under paragraph (1) is not exempt from—

"(A) cost accounting standards prescribed under section 1502 of title 41; or

"(B) cost or pricing data requirements (commonly referred to as truth in negotiating) under chapter 35 of title 41 and section 2306a of this title.".

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

"2338. Special emergency procurement authority.".

SEC. 829D. LIMITATION ON USE OF REVERSE AUCTION AND LOWEST PRICE TECHNICALLY ACCEPTABLE CONTRACTING METHODS.

(a) LIMITATION.—Not later than 90 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended—

(1) to prohibit the use by the Department of Defense of reverse auction or lowest price technically acceptable contracting methods for the procurement of personal protective equipment where the level of quality or failure of the item could result in combat casualties; and

(2) to establish a preference for the use of best value contracting methods for the procurement of such equipment.

(b) CONFORMING AMENDMENT.—Section 884 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is hereby repealed.

SEC. 829E. AVOIDANCE OF USE OF BRAND NAMES OR BRAND-NAME OR EQUIVALENT DESCRIPTIONS IN SOLICITATIONS.

The Secretary of Defense shall ensure that competition in Department of Defense contracts is not limited through the use of specifying brand names or brand-name or equivalent descriptions, or proprietary specifications or interfaces, in solicitations unless a justification for such specification is provided and approved in accordance with section 2304(f) of title 10, United States Code.

SEC. 829F. SUNSET AND REPEAL OF CERTAIN CONTRACTING PROVISIONS.

(a) SUNSETS.—

(1) PLANTATIONS AND FARMS: OPERATION, MAINTENANCE, AND IMPROVEMENT.—Section 2421 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(2) OBLIGATIONS FOR CONTRACT SERVICES: REPORTING IN BUDGET OBJECT CLASSES.—Section 2212 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(3) REQUIREMENT TO ESTABLISH COST, PERFORMANCE, AND SCHEDULE GOALS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND EACH PHASE OF RELATED ACQUISITION CYCLES.—Section 2220 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) SUNSET.—This section shall terminate at the close of September 30, 2018.''.

(4) GOVERNMENT PERFORMANCE OF CERTAIN ACQUISITION FUNCTIONS.—Section 1706 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) SUNSET.—This section shall terminate at the close of September 30, 2019.".

(b) REPEALS.—

(1) LIMITATION ON USE OF OPERATION AND MAINTENANCE FUNDS FOR PURCHASE OF INVESTMENT ITEMS.—

(A) IN GENERAL.—Section 2245a of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2245a.

(C) CONFORMING AMENDMENT.—Section 166a(e)(1)(A) of such title is amended by striking "in effect under section 2245a of this title".

(2) INFORMATION TECHNOLOGY PURCHASES: TRACKING AND MANAGEMENT.—

(A) IN GENERAL.—Section 2225 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2225.

(C) CONFORMING AMENDMENTS.—

(i) SECTION 2330A OF TITLE 10, UNITED STATES CODE.—Section 2330a(j) of such title is amended—

(I) by striking paragraph (2);

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

(III) by adding at the end the following new paragraphs:

"(5) SIMPLIFIED ACQUISITION THRESHOLD.—The term 'simplified acquisition threshold' has the meaning given the term in section 134 of title 41.

"(6) SMALL BUSINESS CONCERN.—The term 'small business concern' means a business concern that meets the applicable size standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)) of title 41.

"(7) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given that term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

"(8) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term 'small business concern owned and controlled by women' has the meaning given that term in section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D)).".

(ii) SECTION 222 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Section 222(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C. 2358 note) is amended by striking "as defined in section 2225(f)(3)" and inserting "as defined in section 2330a(j)".

(3) PROCUREMENT OF COPIER PAPER CONTAINING SPECIFIED PERCENTAGES OF POST-CONSUMER RECYCLED CONTENT.—

(A) IN GENERAL.—Section 2378 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by striking the item relating to section 2378.

(4) LIMITATION ON PROCUREMENT OF TABLE AND KITCHEN EQUIPMENT FOR OFFICERS' QUARTERS.—

(A) IN GENERAL.—Section 2387 of title 10, United States Code, is repealed.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2387.

(5) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—

(A) REPEAL.—

(i) IN GENERAL.—Section 2302c of title 10, United States Code, is repealed.

(ii) EXEMPTION FROM GENERAL FEDERAL PROCUREMENT REQUIREMENT.—Section 2301 of title 41, United States Code, is amended by inserting ''other than the Department of Defense'' after ''each executive agency'' each place it appears.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by striking the item relating to section 2302c.

SEC. 829G. FLEXIBILITY IN CONTRACTING AWARD PROGRAM.

(a) ESTABLISHMENT OF AWARD PROGRAM.—The Secretary of Defense shall create an award to recognize

those acquisition programs and professionals that make the best use of the flexibilities and authorities granted by the Federal Acquisition Regulation and Department of Defense Instruction 5000.02 (Operation of the Defense Acquisition System).

(b) PURPOSE OF AWARD.—The award established under subsection (a) shall recognize outstanding performers whose approach to program management emphasizes innovation and local adaptation, including the use of—

(1) simplified acquisition procedures;

(2) inherent flexibilities within the Federal Acquisition Regulation;

(3) commercial contracting approaches;

(4) public-private partnership agreements and practices;

(5) cost sharing arrangements;

(6) innovative contractor incentive practices; and

(7) other innovative implementations of acquisition flexibilities.

(c) BENCHMARKS.—The Secretary of Defense shall, for purposes of administering the award program established under this section, establish specific, measurable benchmarks for measuring successful application of Fed-

eral Acquisition Regulation flexibilities, both in terms of assessing the level of innovation being applied and in terms of program outcomes.

SEC. 829H. PRODUCTS AND SERVICES PURCHASED THROUGH CONTRACTING PROGRAM FOR FIRMS THAT HIRE THE SEVERELY DISABLED.

(a) LIMITATION ON CONTRACTING WITH ABILITYONE PROGRAM.—

(1) IN GENERAL.—For purposes of procuring goods and services on the procurement list described in section 8503 of title 41, United States Code (in this section referred to as the ''procurement list'') to be performed by other severely disabled, the Secretary of Defense shall not contract with the AbilityOne nonprofit agency or the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled, or use the AbilityOne Central Nonprofit Agency responsible for contracting with other severely disabled to identify vendors who are other severely disabled, but shall contract directly with qualified nonprofit agencies for other severely disabled, until such time that the Inspector General for the Department of Defense certifies to Congress as follows:

(A) The internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled are sufficient to protect the Department of Defense against waste, fraud, and abuse.

(B) There are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list.

(C) Pass-through contracts to contractors who are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense.

(D) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by qualified nonprofit agencies for

other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services.

(E) Opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies for other severely disabled when participating in Department of Defense contracts.

(F) The Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(2) RECOMMENDATIONS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—In conducting its review of the internal controls and financial management systems of the AbilityOne nonprofit agency and the AbilityOne Central Nonprofit Agency responsible for contracting with the other severely disabled, the Inspector General of the Department of Defense shall consider recommendations previously made by the Comptroller General of the United States pertaining to the AbilityOne program.

(b) PURCHASING CRITERIA.—Contracting officers for the Department of Defense, when purchasing items off the procurement list under subsection (a), shall ensure that—

(1) there are fair opportunities for qualified nonprofit agencies for other severely disabled to compete to provide goods and services to the Department of Defense under the procurement list;

(2) pass-through contracts to contractors that are not qualified nonprofit agencies for other severely disabled are limited to the maximum extent practicable to providing services and supplies necessary for qualified nonprofit agencies for other severely disabled to assemble a final product for use by the Department of Defense;

(3) Department of Defense contracts for items on the procurement list to the maximum extent practicable create opportunities in the production of products and the provision of services by the qualified nonprofit agencies for other severely disabled during the fiscal year that result in the employment of other severely disabled individuals for at least 75 percent of the hours of direct labor required for the production or provision of the products or services;

(4) opportunities for wounded and disabled veterans are maximized in qualified nonprofit agencies

for other severely disabled when participating in Department of Defense contracts; and

(5) the Department of Defense is receiving fair and reasonable prices for items on the procurement list.

(c) QUALIFIED NONPROFIT FOR OTHER SEVERELY DISABLED.—In this section, the term ''qualified nonprofit for other severely disabled'' has the meaning given the term in section 8501(6) of title 41, United States Code.

SEC. 829I. APPLICABILITY OF EXECUTIVE ORDER 13673 "FAIR PAY AND SAFE WORKPLACES" TO DEPARTMENT OF DEFENSE CONTRACTORS.

(a) LIMITATION.—The Secretary of Defense shall apply any acquisition regulations promulgated pursuant to Executive Order 13673 or any successor executive order only to contractors or subcontractors who have been suspended or debarred as a result of a Federal labor law violations covered by Executive Order 13673.

(b) COMPLIANCE REQUIREMENTS.—The Secretary shall ensure that Department of Defense contractors or subcontractors who are not described under subsection (a) are not compelled or required to comply with the conditions for contracting eligibility as stated in any acquisition regulations promulgated to implement Executive Order 13673.

SEC. 829J. CONTRACT CLOSEOUT AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense may close out a contract or group of contracts as described in subsection (b) through the issuance of one or more modifications to existing Department of Defense contracts without completing a reconciliation audit or other corrective action. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether the appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently obligated to fund each contract and regardless of whether the appropriation has closed.

(b) COVERED CONTRACTS.—Contracts covered by this section are contracts or a group of contracts between the Department of Defense and a defense contractor that—

(1) were entered into prior to fiscal year 2000;

(2) have no further supplies or services deliverables due under their terms and conditions; and

(3) are determined by the Secretary of Defense to be not otherwise reconcilable because—

(A) the records have been destroyed or lost; or

(B) the records are available but the Secretary of Defense has determined that the time or effort required to determine the exact amount owed to the United States Government or amount owed to the contractor is disproportionate to the amount at issue.

(c) NEGOTIATED SETTLEMENT AUTHORITY.—Any contract or contracts covered by this section may be closed out through a negotiated settlement with the contractor.

(d) WAIVER AUTHORITY.—The Secretary of Defense is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where the authority under this section is exercised, the cognizant payment or accounting offices may adjust and close any open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority provided under this section.

(g) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(h) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify the congressional defense committees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

SEC. 829K. CLOSEOUT OF OLD NAVY CONTRACTS.

(a) AUTHORITY.—The Secretary of the Navy may close out contracts described in subsection (b) through the issuance of one or more modifications to existing Department of the Navy contracts without completing further reconciliation audits or corrective actions other than those described in this section. To accomplish closeout of such contracts—

(1) remaining contract balances may be offset with balances in other contract line items within a contract regardless of the year or type of appropriation previously or currently obligated to fund each contract line item and regardless of whether either appropriation has closed; and

(2) remaining contract balances may be offset with balances on other contracts regardless of the year or type of appropriation previously or currently

obligated to find each contract and regardless of whether either appropriation has closed.

(b) COVERED CONTRACTS.—The contracts covered by this section are contracts to design, construct, repair, or support the construction or repair of Navy submarines that—

(1) were entered into between fiscal years 1974 and 1998;

(2) have no further supply or services deliverables due under their terms and conditions;

(3) for which the Secretary of the Navy has established the total final contract value; and

(4) the final allowable cost for which the Secretary of the Navy has determined may have a negative or positive unliquidated obligation balance with respect to which it would be difficult to determine the year or type of appropriation because—

(A) the records have been destroyed or lost; or

(B) the records are available but the contracting officer in collaboration with the certifying official has determined that a discrepancy is of a de minimis value such that the time and effort required to determine the cause of an

out-of-balance condition is disproportionate to the amount of the discrepancy.

(c) CLOSEOUT TERMS.—The contracts identified in subsection (b) may be closed out—

(1) upon receipt of $581,803 from the contractor to be deposited into the Treasury as miscellaneous receipts;

(2) without seeking further amounts from the contractor; and

(3) without payment to the contractor of any amounts that may be due under any such contracts.

(d) WAIVER AUTHORITY.—The Secretary of the Navy is authorized to waive any provision of acquisition law or regulation to carry out the authority under subsection (a).

(e) ADJUSTMENT OF RECORDS.—In any case where the authority under this section is exercised, the cognizant payment or accounting offices may adjust and close any open finance and accounting records.

(f) NO LIABILITY.—No liability will attach to any accounting, certifying, or payment official or contracting officer for any adjustments or closeout made pursuant to the authority provided under this section.

(g) NOTIFICATION REQUIREMENT.—The Secretary of the Navy shall notify the congressional defense commit-

tees not later than 10 days after exercising the authority under subsection (d). The notice shall include an identification of each provision of law or regulation waived.

(h) EXPIRATION OF WAIVER AUTHORITY.—The authority under this section shall expire upon receipt of the funds identified in subsection (c)(1).

Subtitle C—Provisions Relating to Major Defense Acquisition Programs

SEC. 831. REPEAL OF MAJOR AUTOMATED INFORMATION SYSTEMS PROVISIONS.

(a) IN GENERAL.—Chapter 144A of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of such title, and at the beginning of part IV of subtitle A, are amended by striking the item relating to chapter 144A.

(c) CONFORMING AMENDMENTS.—Section 2334(a)(2) of title 10, United States Code, is amended by striking ''or a major automated information system under chapter 144A of this title''.

SEC. 832. REVISIONS TO DEFINITION OF MAJOR DEFENSE ACQUISITION PROGRAM.

(a) IN GENERAL.—Section 2430 of title 10, United States Code, is amended—

(1) in subsection (a)—

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

(B) by striking ''In this chapter'' and inserting ''(1) Except as provided under paragraph (2), in this chapter''; and

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

''(2) In this chapter, the term 'major defense acquisition program' does not include—

''(A) an acquisition program or project that is carried out using the rapid fielding or rapid prototyping acquisition pathway under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note); or

''(B) a stand-alone prototype project that—

''(i) is not included or planned as part of an existing major defense acquisition program; and

''(ii) is carried out under a fixed price contract.''.

(b) ANNUAL REPORTING.—The Secretary of Defense shall include in each comprehensive annual Selected Acquisition Report submitted under section 2432 of title 10, United States Code, a listing of all programs or projects

being developed or procured under the exceptions to the definition of major defense acquisition program set forth in paragraph (2) of section 2430(a) of United States Code, as added by subsection (a)(1)(C) of this section.

SEC. 833. ACQUISITION STRATEGY.

Section 2431a of title 10, United States Code, is amended—

(1) in subsection (b), by inserting ", or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program," after "the Under Secretary of Defense for Acquisition, Technology, and Logistics";

(2) in subsection (c)—

(A) in paragraph (1), by inserting ", or the milestone decision authority, when the milestone decision authority is the service acquisition executive of the military department that is managing the program," after "the Under Secretary";

(B) in paragraph (2)(C), by striking ", in accordance with section 2431b of this title"; and

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

"(K) A sustainment strategy which includes all aspects of the total life cycle management of the weapon system, including product support, logistics, product support engineering, supply chain integration, maintenance, acquisition logistics, and all aspects of software sustainment."; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "(1) Subject to the authority, direction, and control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, the" and inserting "The";

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A), (B), (C), (D), (E), (F), and (G) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(D) in paragraph (6), as redesignated by subparagraph (C), by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively.

SEC. 834. IMPROVED LIFE CYCLE COST CONTROL.

(a) MODIFIED GUIDANCE FOR RAPID FIELDING PATHWAY.—Section 804(c)(3) of the National Defense

Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

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

''(E) a process for identifying and exploiting opportunities to use the rapid fielding pathway to reduce total ownership costs.''.

(b) LIFE CYCLE COST MANAGEMENT.—Section 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302 note) is amended by inserting ''life cycle cost management,'' after ''budgeting,''.

(c) GUIDANCE ON ACQUISITION OF BUSINESS SYSTEMS.—Section 883(e) of such Act (Public Law 114–92; 10 U.S.C. 2223a note) is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

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

"(9) policies to maximize use of fixed-price contracting elements and ability to implement tradeoffs among total cost of ownership, schedule, and performance.".

(d) SUSTAINMENT REVIEWS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2441. Sustainment reviews

"(a) IN GENERAL.—Following the earliest of (i) five years after declaration of initial operational capability of a major defense acquisition program, (ii) failure of the program to maintain its availability or reliability thresholds, or (iii) breach of the program's operations and support affordability cap, there shall be a sustainment review with the results documented in a memorandum by the relevant decision authority.

"(b) ELEMENTS.—At a minimum, the review required under subsection (a) shall include the following elements:

"(1) An independent cost estimate for the remainder of the life cycle of the program.

"(2) A comparison of actual costs to the budget, and if budgetary shortfalls exists, an explanation of availability implications.

"(3) A comparison between the assumed and achieved system reliabilities.

"(4) An analysis of the most cost-effective source of repairs and maintenance.

"(5) Data on the cost of consumables and depot-level repairables.

"(6) Data on costs of information technology, networks, computer hardware, and software maintenance and upgrades.

"(7) As applicable, an assessment of the actual fuel efficiencies compared to the projected fuel efficiencies as demonstrated in tests or operations.

"(8) An analysis of the effort required for contracted sustaining engineering by contractors and the government.

"(9) As applicable, a comparison of actual manpower requirements to previous estimates.

"(10) An analysis of whether accurate and complete data is being reported in the relevant military department's cost systems, and if deficiencies exist, a plan to update the data and insure accurate and complete data is submitted in the future.".

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

"2441. Sustainment reviews.".

(e) COMMERCIAL OPERATIONAL AND SUPPORT SAVINGS INITIATIVE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a commercial operational and support savings initiative to improve readiness and reduce operations and support costs by inserting existing commercial items or technology into military legacy systems through the rapid development of prototypes and fielding of production items based on current commercial technology.

(2) PROGRAM PRIORITY.—The commercial operational and support savings initiative shall fund programs that—

(A) reduce the costs of owning and operating a military system, including the costs of personnel, consumables, goods and services, and sustaining the support and investment associated with the peacetime operation of a weapon system;

(B) take advantage of the commercial sector's technological innovations by inserting commercial technology into fielded weapon systems; and

(C) emphasize prototyping and experimentation with new technologies and concepts of operations.

(3) FUNDING PHASES.—

(A) IN GENERAL.—Projects funded under the commercial operational and support savings initiative shall consist of two phases, Phase 1 and Phase 2.

(B) PHASE I.—(i) Funds made available during Phase I shall be used to perform the non-recurring engineering, testing, and qualification that are typically needed to adapt a commercial item or technology for use in a military system.

(ii) Phase I shall include—

(I) establishment of cost and performance metrics to evaluate project success;

(II) establishment of a transition plan and agreement with a military service or Defense Agency for adoption and sustainment of the technology or system; and

(III) the development, fabrication, and delivery of a prototype to a military service

for installation into a fielded Department of Defense system.

(iii) Programs shall be terminated if no agreement is established within two years of project initiation.

(iv) The Office of the Secretary of Defense may provide up to 50 percent of Phase I funding for a project. The relevant military service or Defense Agency shall provide the remainder of Phase I funding, which may be provided out of operation and maintenance funding.

(v) Phase I funding shall not exceed three years.

(C) PHASE II.—(i) Phase II shall include the purchase of limited production quantities of the prototype kits and transition to a program of record for continued sustainment.

(ii) Phase II awards may be made without competition as firm, fixed-price awards or as awards for the purchase of commercial items under part 12 of the Federal Acquisition Regulation.

(iii) The competitive procedures requirements of chapter 173 of title 10, United States Code, and the cost and pricing data require-

ments of section 2306a of such title shall not apply to contracts awarded during Phase II of the commercial operational and support savings initiative.

(4) TREATMENT AS COMPETITIVE PROCEDURES.—The use of general solicitation competitive procedures under the commercial operational and support savings initiative shall be considered to be the use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

SEC. 835. MODIFICATION OF CERTAIN MILESTONE B CERTIFICATION REQUIREMENTS.

Section 2366b(a)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''total resources available during the period covered by the future-years defense program submitted during the fiscal year in which the certification is made'' and inserting ''total resources available to the program''; and

(2) in subparagraph (D), by striking '', through the period covered by the future-years defense program submitted during the fiscal year in which the certification is made,''.

SEC. 836. DISCLOSURE OF RISK IN COST ESTIMATES.

Subsection (d) of section 2334 of title 10, United States Code, is amended to read as follows:

"(d) DISCLOSURE OF RISK IN COST ESTIMATES.—The Director of Cost Assessment and Program Evaluation, and the Secretary of the military department concerned or the head of the Defense Agency concerned (as applicable), shall each—

"(1) issue guidance requiring a discussion of risk, the potential impacts of risk on program costs, and approaches to mitigate risk in cost estimates for major defense acquisition programs;

"(2) ensure that cost estimates are developed based on historical actual cost information that is based on demonstrated contractor and government performance and that such estimates provide a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets; and

"(3) include the information required by paragraph (1)—

"(A) in any decision documentation approving a cost estimate within the baseline description or any other cost estimate for use at any event specified in subsection (a)(6); and

"(B) in the next Selected Acquisition Report pursuant to section 2432 of this title.".

SEC. 837. AUTHORITY TO DESIGNATE INCREMENTS OR BLOCKS OF ITEMS DELIVERED UNDER MAJOR DEFENSE ACQUISITION PROGRAMS AS MAJOR SUBPROGRAMS FOR PURPOSES OF ACQUISITION REPORTING.

Section 2430a(1)(B) of title 10, United States Code, is amended by striking "major defense acquisition program to purchase satellites requires the delivery of satellites in two or more increments or blocks" and inserting "major defense acquisition program requires the delivery of two or more increments or blocks".

SEC. 838. COUNTING OF MAJOR DEFENSE ACQUISITION PROGRAM SUBCONTRACTS TOWARD SMALL BUSINESS GOALS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2338. Counting of major defense acquisition program subcontracts toward small business goals

"(a) ANNUAL PROCUREMENT GOALS.—First tier and second tier subcontracts awarded by the Department of Defense under major defense acquisition programs to

small business concerns, small businesses concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women shall be considered toward annual Department of Defense management goals for procurement contracts awarded to those concerns.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'qualified HUBZone small business concern', 'small business concern', 'small business concern owned and controlled by service-disabled veterans', and 'small business concern owned and controlled by women' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632); and

"(2) the term 'small business concern owned and controlled by socially and economically disadvantaged individuals' has the meaning given the term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).".

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

"2338. Counting of major defense acquisition program subcontracts toward small business goals.".

SEC. 839. USE OF ECONOMY-WIDE INFLATION INDEX TO CALCULATE PERCENTAGE INCREASE IN UNIT COSTS.

Section 2433(f) of title 10, United States Code, is amended by striking ''stated in terms of constant base year dollars (as described in section 2430 of this title).'' and inserting ''stated in terms of constant dollars. An economy-wide inflation index, such as the Gross Domestic Product Prince Index, shall be used to calculate unit costs in constant dollars.''.

SEC. 840. WAIVER OF NOTIFICATION WHEN ACQUIRING TACTICAL MISSILES AND MUNITIONS ABOVE THE BUDGETED QUANTITY.

Section 2308(c) of title 10, United States Code, is amended by adding at the end the following new sentence: ''However, no such notification is required when the acquisition of a higher quantity of an end item is for an end item under a primary tactical missile program or a munition program.''.

SEC. 841. MULTIPLE PROGRAM MULTIYEAR CONTRACT PILOT DEMONSTRATION PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may conduct a multiyear contract, over a period of up to four years, for the purchase of units for multiple defense programs that are produced at common facilities at a high rate, and which maximize commonality, efficiencies and

quality, in order to provide maximum benefit to the Department of Defense. Contracts awarded under this section should allow for significant savings, as determined consistent with the authority under section 2306b of title 10, United States Code, to be achieved as compared to using separate annual contracts under individual programs to purchase such units, and may include flexible delivery across the overall period of performance.

(b) SCOPE.—The contracts authorized in (a) shall at a minimum provide for the acquisition of units from three discrete programs from two of the military departments.

(c) DOCUMENTATION.—Each contract awarded under subsection (a) shall include the documentation required to be provided for a multiyear contract proposal under section 2306b(i) of title 10.

(d) DEFINITIONS.—In this section—

(1) the term ''high rate'' means total annual production across the multiple programs of more than 200 end-items per year; and

(2) the term ''common facilities'' means production facilities operating within the same general and allowable rate structure.

(e) SUNSET.—No new contracts may be issued under the authority of this section after September 30, 2021.

SEC. 842. KEY PERFORMANCE PARAMETER REDUCTION PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall identify at least one acquisition program per military service to reduce the total number of Key Performance Parameters (KPP) levied against the program for purposes of determining whether operational and programmatic outcomes are improved by limiting KPPs on a program to a small number of program-specific performance features.

(b) LIMITATION ON KEY PERFORMANCE PARAMETERS.—Acquisition programs identified for the pilot program established under paragraph (1) shall establish no more than three KPPs, each of which shall describe a program-specific performance attribute. Other mandatory KPPs for such programs shall be treated as Key System Attributes.

SEC. 843. MISSION AND SYSTEM OF SYSTEMS INTEROPERABILITY.

(a) IMPLEMENTATION OF MODULAR OPEN SYSTEMS ARCHITECTURE IN ACQUISITION PROGRAMS.—In implementing section 801 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3425; 10 U.S.C. 2223a note) to enable mission integration and

systems of systems interoperability, the Secretary of Defense shall—

(1) ensure that—

(A) system architectures are logically and functionally segmented and interfaces between major system elements and external-facing interfaces are identified and exposed;

(B) interfaces are characterized clearly in terms of form, function, and the content that flows across in order to enable integration and interoperability, including through automated tools; and

(C) the Department of Defense secures appropriate rights to share and publish interface characteristics; and

(2) establish modular open systems bodies and processes to support standards for interfaces that are dynamically managed, flexible, and extensible in order to enable technological innovation and performance growth over the life cycle of systems following the principles of system architecture, interface characterization, and interface publication.

(b) MISSION INTEGRATION MANAGERS.—

(1) IN GENERAL.—Each multi-service and multi-program mission area specified in paragraph

(2) shall have a mission integration manager jointly designated by the Deputy Secretary of Defense and the Vice Chairman of the Joint Chiefs of Staff, from among the chairs of the Functional Capabilities Boards, for purposes of such mission area.

(2) COVERED MISSION AREAS.—The mission areas specified in this paragraph are the following:

(A) Close air support.

(B) Air defense and offensive and defensive counter-air.

(C) Interdiction.

(D) Intelligence, surveillance, and reconnaissance.

(E) Any other overlapping mission area of significance, as jointly designated by the Deputy Secretary and Vice Chairman for purposes of this subsection.

(3) QUALIFICATIONS.—A chair of a Functional Capability Board may not be designated as a mission integration manager under this subsection unless the chair has an acquisition certification of level II or above.

(4) RESPONSIBILITIES.—The mission integration manager for a mission area under this subsection shall act as the principal substantive advisor

to the Deputy Secretary and the Vice Chairman on all aspects of capability integration for the mission area. In carrying out such responsibilities for a mission area, the mission integration manager shall—

(A) sponsor and conduct tests, demonstrations, and exercises and identify focused experiments for compelling challenges and opportunities;

(B) oversee the establishment of interface management processes described in subsection (a)(1) and standards bodies and processes described in subsection (a)(2);

(C) sponsor and oversee research on and development of (including tests and demonstrations) automated tools for composing systems of systems on demand;

(D) develop mission-based inputs for the requirements process, budgeting and resource allocation, program and portfolio management; and

(E) coordinate with commanders of the combatant commands on the development of concepts of operation and operational plans.

(5) SCOPE OF RESPONSIBILITIES.—The responsibilities of a mission integration manager for a mis-

sion area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

(6) FUNDING FOR CERTAIN RESPONSIBILITIES.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2016 for the Department of Defense and available for operational systems development, an amount equal to 0.5 percent of such amount shall be available in such fiscal year for mission integration managers to carry out the responsibilities specified in subparagraphs (A) through (C) of paragraph (4).

SEC. 844. B–21 BOMBER DEVELOPMENT PROGRAM BASELINE AND COST CONTROL.

(a) DEFINITIONS.—In this section:

(1) B–21 BOMBER BASELINE DEVELOPMENTAL CONTRACT ESTIMATE.—The term ''B–21 Bomber Baseline Developmental Contract Estimate'', with respect to the engineering and manufacturing development (EMD) phase of the B–21 bomber program, is the agreed contract price as of October 27, 2015, with the selected prime contractor for the EMD phase of the program.

(2) B–21 BOMBER BASELINE DEVELOPMENTAL ESTIMATE.—The term ''B–21 Bomber Baseline Developmental Estimate'' with respect to the EMD phase of the B–21 bomber program is the agreed Independent Cost Estimate for the EMD phase of the program that received the concurrence of the Director of Cost Assessment and Program Evaluation under the procedures of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23).

(3) B–21 BOMBER SIGNIFICANT DEVELOPMENTAL COST GROWTH THRESHOLD.—The term ''B–21 bomber significant developmental cost growth threshold'' means a percentage increase in the B–21 Bomber Baseline Developmental Contract Estimate of at least 15 percent.

(4) B–21 BOMBER CRITICAL DEVELOPMENTAL COST GROWTH THRESHOLD.—The term ''B–21 bomber critical developmental cost growth threshold'' means a percentage increase in the B–21 bomber Baseline Developmental Contract Estimate of at least 25 percent.

(b) B–21 BOMBER SIGNIFICANT DEVELOPMENTAL COST GROWTH THRESHOLD BREACH.—If, based upon the joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisi-

tion, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber significant developmental cost growth threshold, the Secretary of Defense shall immediately notify Congress in writing of such determination.

(c) B–21 BOMBER CRITICAL DEVELOPMENTAL COST GROWTH THRESHOLD BREACH.—

(1) IN GENERAL.—If, based upon joint determination of the Air Force Service Acquisition Executive and the Under Secretary of Defense for Acquisition, Technology, and Logistics, the B–21 Bomber Baseline Developmental Contract Estimate has increased by a percentage equal to or greater than the B–21 bomber critical developmental cost growth threshold, the Secretary of Defense shall immediately halt the program and take the actions described in paragraphs (2) through (5).

(2) REASSESSMENT OF PROGRAM.—The Secretary shall determine the root cause or causes of the critical developmental cost growth and, in consultation with the Director of Cost Assessment and Program Evaluation, carry out an assessment of—

(A) the projected cost of completing the EMD phase if current requirements are not modified;

(B) the projected cost of completing the EMD phase based on reasonable modification of such requirements;

(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

(D) the need to reduce funding for other programs due to the growth in cost of the B–21 program.

(3) PRESUMPTION OF TERMINATION.—

(A) IN GENERAL.—After conducting the reassessment required under paragraph (2), the Secretary shall terminate the contract and program unless the Secretary submits to Congress a written certification that—

(i) the continuation of the contract and program is essential to the national security;

(ii) there are no alternatives to the current contract and program which will provide acceptable capability to meet the joint military requirement (as defined in

section 181(g)(1) of title 10, United States Code, at less cost;

(iii) the new estimates of the cost to complete the contract for the EMD phase of the program have been determined by the Director of Cost Assessment and Program Evaluation to be reasonable;

(iv) the program is a higher priority than programs the funding of which must be reduced to accommodate the growth in cost of the program; and

(v) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(B) SUPPORTING DOCUMENTATION.—A written certification under paragraph (A) shall be accompanied by a report presenting the root cause analysis and assessment carried out pursuant to paragraph (2) and the basis for each determination made in accordance with clauses (i) through (v) of subparagraph (A), together with supporting documentation.

(4) ACTIONS IF PROGRAM NOT TERMINATED.—

(A) If the Secretary elects not to terminate the B–21 bomber EMD contract and program pursuant to paragraph (3), the Secretary shall—

(i) restructure the program in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to paragraph (2), and ensures that the program has an appropriate management structure as set forth in the certification submitted pursuant to paragraph (3)(A);

(ii) rescind the most recent milestone approval for the program and withdraw any associated certification under sections 2366a and 2366b of title 10, United States Code;

(iii) require a new milestone approval for the program before taking any contract action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the program, except to the extent determined necessary by the Secretary of Defense, on a non-delegable basis, to en-

sure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources;

(iv) include in the report required under paragraph (3)(B) a description of all funding changes made as a result of the growth in cost of the program, including reductions made in funding for other programs to accommodate such cost growth; and

(v) conduct regular reviews of the program in accordance with the requirements of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1724).

(5) ACTIONS IF PROGRAM TERMINATED.—If the B–21 bomber program is terminated pursuant to paragraph (3), the Secretary shall submit to Congress a written report setting forth—

(A) an explanation of the reasons for terminating the program;

(B) the alternatives considered to address any problems in the program; and

(C) the course the Department of Defense plans to pursue to meet any continuing joint

military requirements otherwise intended to be met by the program, including the modernization investments required to ensure that B–1, B–2, or B–52 aircraft can carry out the full range of long-range bomber aircraft missions anticipated in operational plans of the Armed Forces.

(d) B–21 BOMBER PROGRAM COST AND ACCOUNTABILITY.—

(1) IN GENERAL.—Commencing with the first quarter of fiscal year 2017, the Secretary of the Air Force shall submit to the Comptroller General of the United States, not later than the 15th day following the end of each calendar quarter, the matrices described in paragraph (2) relating to the B–21 bomber aircraft program updated with that quarter's information. The Comptroller General shall review the matrices for accuracy, identify cost, schedule, and performance trends, and report on its assessment to the congressional defense committees not later than the 45th day following the end of each calendar quarter.

(2) MATRICES DESCRIBED.—The matrices described in this paragraph are the following:

(A) FUNDING PROFILES.—A matrix expressing the total cost for the Air Force service cost position for the EMD phase and low initial rate of production lots of the B–21 bomber aircraft and a matrix expressing the total cost for the prime contractor spending plan for such EMD phase and production lots, both of which shall be subdivided according to the costs of the following:

(i) Airframe.

(ii) Propulsion.

(iii) Mission systems.

(iv) Vehicle systems, including armament and weapons delivery.

(v) Air vehicle software.

(vi) Systems engineering.

(vii) Program management.

(viii) System test and evaluation.

(ix) Support and training systems.

(x) Contractor fee.

(xi) Engineering changes.

(xii) Direct mission support.

(xiii) Government testing.

(B) DEVELOPMENT PROGRESS GOALS.—A matrix detailing progress in major development

elements of the B–21 bomber program subdivided according to the following:

(i) Technology readiness levels of major components.

(ii) Design maturity.

(iii) Software maturity.

(iv) Manufacturing readiness levels of key manufacturing operations.

(v) Manufacturing operations.

(vi) Test and verification key target dates.

(vii) Reliability.

(e) TRANSFER OF FUNDS TO RAPID PROTOTYPING FUND.—

(1) IN GENERAL.—For each fiscal year beginning with fiscal year 2017, the difference between funds budgeted for the B–21 Bomber Baseline Developmental Estimate and funds budgeted for the B–21 Bomber Baseline Developmental Contract Estimate, less other government costs to manage the B–21 bomber program and not otherwise authorized or appropriated, shall be transferred to the Rapid Prototyping Fund.

(2) TIMING.—For each fiscal year after fiscal year 2017, the transfer shall occur in conjunction with that fiscal year's budget submission.

(3) RE-TRANSFER OF FUNDS TO COVER CERTAIN COSTS.—Funds may be transferred from the Rapid Prototyping Fund back to the B–21 bomber program to cover unexpected cost increases for the engineering and manufacturing phase of the B–21 bomber program upon the determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, and notification of such transfers to the congressional defense committees. This notification shall include the detailed reasons why such a transfer is needed.

Subtitle D—Provisions Relating to Acquisition Workforce

SEC. 851. IMPROVEMENT OF PROGRAM AND PROJECT MANAGEMENT BY THE DEPARTMENT OF DEFENSE.

(a) DEPARTMENT-WIDE RESPONSIBILITIES OF SECRETARY OF DEFENSE.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, the Secretary of Defense shall—

(1) develop Department-wide standards, policies, and guidelines for program and project man-

agement for the Department of Defense based on appropriate and applicable nationally accredited standards for program and project management;

(2) develop mechanisms to monitor compliance with the standards, policies, and guidelines developed under paragraph (1); and

(3) engage with the private sector on matters relating to program and project management for the Department.

(b) RESPONSIBILITIES OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments and the Defense Agencies, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) advise and assist Secretary of Defense with respect Department of Defense practices related to program and project management;

(2) review programs identified as high-risk in program and project management by the Government Accountability Office, and make recommendations for actions to be taken by the Secretary to mitigate such risks;

(3) assess matters of importance to the workforce in program and project management, including—

(A) career development and workforce development;

(B) policies to support continuous improvement in program and project management; and

(C) major challenges of the Department in managing programs and projects; and

(4) advise on the development and applicability of standards Department-wide for program and project management transparency.

(c) RESPONSIBILITIES OF ACQUISITION EXECUTIVES.—In fulfilling the responsibilities under chapter 87 of title 10, United States Code, for the military departments, the service acquisition executives (in consultation with the Chiefs of the Armed Forces with respect to military program managers), and the component acquisition executives for the Defense Agencies, shall—

(1) ensure the compliance of the department or Agency concerned with standards, policies, and guidelines for program and project management for the Department of Defense developed by the Secretary of Defense under subsection (a)(1); and

(2) ensure the effective career development of program managers through—

(A) training and educational opportunities for program managers, including exchange programs with the private sector;

(B) mentoring of current and future program managers by experienced public and private sector senior executives and program managers;

(C) continued refinement of career paths and career opportunities for program managers;

(D) incentives for the recruitment of highly qualified individuals to serve as program managers;

(E) improved means of collecting and disseminating best practices and lessons learned to enhance program management; and

(F) improved methods to support improved data gathering and analysis for program management and oversight purposes.

(d) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue the standards, policies, and guidelines required by subsection (a)(1). The Secretary shall provide Congress an

interim update on the progress made in implementing this section not later than six months after the date of the enactment of this Act.

SEC. 852. AUTHORITY TO WAIVE TENURE REQUIREMENT FOR PROGRAM MANAGERS FOR PROGRAM DEFINITION AND PROGRAM EXECUTION PERIODS.

(a) PROGRAM DEFINITION PERIOD.—Section 826(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking ''The Secretary may waive'' and inserting ''The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology, and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive''.

(b) PROGRAM EXECUTION PERIOD.—Section 827(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92) is amended by striking ''The immediate supervisor of a program manager for a major defense acquisition program may waive'' and inserting ''The Service Acquisition Executive, in the case of a major defense acquisition program of a military service, or the Under Secretary of Defense for Acquisition, Technology,

and Logistics, in the case of a Defense-wide or Defense Agency major defense acquisition program, may waive''.

SEC. 853. ENHANCED USE OF DATA ANALYTICS TO IMPROVE ACQUISITION PROGRAM OUTCOMES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Chief Management Officer, and the Chief Information Officer, and in coordination with the military services, shall establish a set of activities that use data analysis, measurement, and other evaluation-related methods to improve the acquisition outcomes of the Department of Defense and enhance organizational learning.

(b) ACTIVITIES.—

(1) IN GENERAL.—The set of activities established under subsection (a) may include the following:

(A) Establishment of a data analytics capabilities and organizations within the appropriate military service.

(B) Development of capabilities in Department of Defense laboratories, test centers, and Federally funded research and development centers to provide technical support for data ana-

lytics activities that support acquisition program management and business process re-engineering activities.

(C) Increased use of existing analytical capabilities available to acquisition programs and offices to support improved acquisition outcomes.

(D) Funding of intramural and extramural research and development activities to develop and implement data analytics capabilities in support of improved acquisition outcomes.

(E) Publication, to the maximum extent practicable, and in a manner that protects classified and proprietary information, of data collected by the Department of Defense related to acquisition program costs and activities for access and analyses by the general public.

(F) Clarification by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, of a consistent policy as to the role of data analytics in

establishing budgets and holding milestone decisions for major defense acquisition programs.

(G) Continual assessment, in consultation with the private sector, of the efficiency of current data collection and analyses processes, so as to minimize the requirement for collection and delivery of data by, from, and to government organizations.

(H) Promulgation of guidance to acquisition programs and activities on the efficient use and sharing of data between programs and organizations to improve acquisition program analytics and outcomes.

(I) Promulgation of guidance on assessing and enhancing quality of data and data analyses to support improved acquisition outcomes.

(2) GAP ANALYSIS OF CURRENT ACTIVITIES.—The Secretary, in coordination with the military services, shall identify the current activities, organizations, and groups of personnel that are pursuing tasks similar to those described in paragraph (1) that are being carried out as of the date of the enactment of this Act. The Secretary shall consider such current activities, organizations, and personnel

in determining the set of activities to establish pursuant to subsection (a).

(3) TRAINING AND EDUCATION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the curriculum taught at the National Defense University, the Defense Acquisition University, and appropriate private sector academic institutions to determine the extent to which the curricula includes appropriate courses on data analytics and other evaluation-related methods and their application to defense acquisitions.

SEC. 854. PURPOSES FOR WHICH THE DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND MAY BE USED.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by inserting ''and to develop acquisition tools and methodologies and undertake research and development activities leading to acquisition policies and practices that will improve the efficiency and effectiveness of defense acquisition efforts'' after ''workforce of the Department''; and

(B) in paragraph (4), by striking ''other than for the purpose of'' and all that follows through the period at the end and inserting ''other than for the purposes of—

''(i) providing advanced training to Department of Defense employees;

''(ii) developing acquisition tools and methodologies and performing research on acquisition policies and best practices that will improve the efficiency and effectiveness of defense acquisition efforts; and

''(iii) supporting human capital and talent management of the acquisition workforce, including benchmarking studies, assessments, and requirements planning.''; and

(2) in subsection (f), by striking ''Each report shall include'' and all that follows through the period at the end of paragraph (5).

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

(1) in subsection (d)(2)(C), by striking ''in each'' and inserting ''in such'';

(2) in subsection (f)—

(A) by striking ''Not later than 120 days after the end of each fiscal year'' and inserting ''Not later than February 1 each year''; and

(B) by striking ''such fiscal year'' the first place it appears and inserting ''the preceding fiscal year''; and

(3) in subsection (g)(1)—

(A) by striking ''of of'' and inserting ''of''; and

(B) by striking '', as defined in subsection (h),''.

Subtitle E—Provision Related to Commercial Items

SEC. 861. INAPPLICABILITY OF CERTAIN LAWS AND REGULATIONS TO THE ACQUISITION OF COMMERCIAL ITEMS AND COMMERCIALLY AVAILABLE OFF-THE-SHELF ITEMS.

(a) AMENDMENT TO TITLE 10, UNITED STATES CODE.—Section 2375 of title 10, United States Code, is amended to read as follows:

''§ 2375. Relationship of commercial item provisions to other provisions of law

''(a) APPLICABILITY OF GOVERNMENT-WIDE STATUTES.—(1) No contract for the procurement of a commercial item entered into by the head of an agency shall be

subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(b) of title 41.

"(2) No subcontract under a contract for the procurement of a commercial item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1906(c) of title 41.

"(3) No contract for the procurement of a commercially available off-the-shelf item entered into by the head of an agency shall be subject to any law properly listed in the Federal Acquisition Regulation pursuant to section 1907 of title 41.

"(b) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of defense-unique provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to contracts for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to purchases of commercial items by the Department of Defense. This section does not render a provision of law or contract

clause requirement not included on the list inapplicable to contracts for the procurement of commercial items.

"(2) A provision of law or contract clause requirement described in subsection (e) that is enacted after January 1, 2015, shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt contracts for the procurement of commercial items from the applicability of the provision or contract clause requirement.

"(c) APPLICABILITY OF DEFENSE-UNIQUE STATUTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1) The Defense Federal Acquisition Regulation Supplement shall include a list of provisions of law and of contract clause requirements based on government-wide acquisition regulations, policies, or executive orders not expressly authorized in law that are inapplicable to subcontracts under a Department of Defense contract or subcontract for the procurement of commercial items. A provision of law or contract clause requirement properly included on the list pursuant to paragraph (2) does not apply to those subcontracts. This section does not render a provision of law or contract clause requirement not included on the list in-

applicable to subcontracts under a contract for the procurement of commercial items.

"(2) A provision of law or contract clause requirement described in subsection (e) shall be included on the list of inapplicable provisions of law and contract clause requirements required by paragraph (1) unless the Under Secretary of Defense for Acquisition, Technology, and Logistics makes a written determination that it would not be in the best interest of the Department of Defense to exempt subcontracts under a contract for the procurement of commercial items from the applicability of the provision or contract clause requirement.

"(3) In this subsection, the term 'subcontract' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with the Department of Defense and other parties and are not identifiable to any particular contract.

"(4) This subsection does not authorize the waiver of the applicability of any provision of law or contract clause requirement with respect to any first-tier subcontract under a contract with a prime contractor reselling

1 or distributing commercial items of another contractor
2 without adding value.

3 "(d) APPLICABILITY OF DEFENSE-UNIQUE STAT-
4 UTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE,
5 OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acqui-
6 sition Regulation Supplement shall include a list of provi-
7 sions of law and of contract clause requirements based on
8 government-wide acquisition regulations, policies, or exec-
9 utive orders not expressly authorized in law that are inap-
10 plicable to contracts for the procurement of commercially
11 available off-the-shelf items. A provision of law or contract
12 clause requirement properly included on the list pursuant
13 to paragraph (2) does not apply to Department of Defense
14 contracts for the procurement of commercially available
15 off-the-shelf items. This section does not render a provi-
16 sion of law or contract clause requirement not included
17 on the list inapplicable to contracts for the procurement
18 of commercially available off-the-shelf items.

19 "(2) A provision of law or contract clause require-
20 ment described in subsection (e) shall be included on the
21 list of inapplicable provisions of law and contract clause
22 requirements required by paragraph (1) unless the Under
23 Secretary of Defense for Acquisition, Technology, and Lo-
24 gistics makes a written determination that it would not
25 be in the best interest of the Department of Defense to

exempt contracts for the procurement of commercially available off-the-shelf items from the applicability of the provision or contract clause requirement.

"(e) COVERED PROVISION OF LAW OR CONTRACT CLAUSE REQUIREMENT.—A provision of law or contract clause requirement referred to in subsections (b)(2), (c)(2), and (d)(2) is a provision of law or contract clause requirement that the Under Secretary of Defense for Acquisition, Technology, and Logistics determines sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law or contract clause requirement that—

"(1) provides for criminal or civil penalties; or

"(2) specifically refers to this section and provides that, notwithstanding this section, it shall be applicable to contracts for the procurement of commercial items.".

(b) CHANGES TO DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.—

(1) IN GENERAL.—To the maximum extent practicable, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that—

(A) the Defense Federal Acquisition Regulation Supplement does not require the inclusion of contract clauses in contracts for the procurement of commercial items or contracts for the procurement of commercially available off-the-shelf items, unless such clauses are—

(i) required to implement provisions of law or executive orders applicable to such contracts; or

(ii) determined to be consistent with standard commercial practice; and

(B) the flow-down of contract clauses to subcontracts under contracts for the procurement of commercial items or commercially available off-the-shelf items is prohibited unless such flow-down is required to implement provisions of law or executive orders applicable to such subcontracts.

(2) SUBCONTRACTS.—In this subsection, the term ''subcontract'' includes a transfer of commercial items between divisions, subsidiaries, or affiliates of a contractor or subcontractor. The term does not include agreements entered into by a contractor for the supply of commodities that are intended for use in the performance of multiple contracts with

the Department of Defense and other parties and are not identifiable to any particular contract.

SEC. 862. DEPARTMENT OF DEFENSE EXEMPTIONS FROM CERTAIN REGULATIONS.

(a) EXEMPTIONS.—

(1) IN GENERAL.—The regulations to implement the executive orders and presidential memoranda listed in paragraph (2) shall not apply to the purchases by the Department of Defense of commercially available off-the-shelf items.

(2) EXECUTIVE ORDERS AND PRESIDENTIAL MEMORANDA.—The executive orders and presidential memoranda referenced in paragraph (1) are as follows:

(A) Executive Order 13706: Establishing Paid Sick Leave for Federal Contractors (9/7/2015).

(B) Executive Order 13673: Fair Pay and Safe Workplaces (7/31/2014).

(C) Executive Order 13568: Minimum Wage for Contractors (2/12/2014).

(D) Executive Order 13655: Non-Retaliation for Disclosure of Compensation Information (4/8/2014).

(E) Presidential Memorandum: Advancing Pay Equality Through Compensation Data Collection (4/8/2014).

(F) Presidential Memorandum: Updating and Modernizing Overtime Regulations (3/13/2014).

(G) Memorandum for the Heads of Executive Departments and Agencies on Contractor Tax Delinquency (1/20/2010).

(H) Executive Order 13495: Nondisplacement of Qualified Workers Under Service Contracts (1/30/2009).

(I) Executive Order 13494: Economy in Government Contracting (1/30/2009).

(J) Executive Order 13496: Notification of Employee Rights Under Federal Labor Laws (1/30/2009).

(K) Executive Order 13514: Focused on Federal Leadership in Environmental, Energy, and Economic Performance (10/5/2009).

(L) Executive Order 13502 — Use of Project Labor Agreements for Federal Construction Projects.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive any of the regulations to implement the execu-

tive orders and presidential memoranda listed in subsection (a) for the purchases of other items by the Department of Defense.

SEC. 863. USE OF PERFORMANCE AND COMMERCIAL SPECIFICATIONS IN LIEU OF MILITARY SPECIFICATIONS AND STANDARDS.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Department of Defense uses performance and commercial specifications and standards in lieu of military specifications and standards, including for procuring new systems, major modifications, upgrades to current systems, non-developmental and commercial items, and programs in all acquisition categories, unless no practical alternative exists to meet user needs. If it is not practicable to use a performance specification, a non-government standard shall be used.

(b) LIMITED USE OF MILITARY SPECIFICATIONS.—

(1) IN GENERAL.—Military specifications shall be used in procurements only to define an exact design solution when there is no acceptable non-governmental standard or when the use of a performance specification or non-government standard is not cost effective.

(2) WAIVER.—A waiver for the use of military specifications and standards in accordance with

paragraph (1) must be approved by either the Milestone Decision Authority, the Service Acquisition Executive, or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(c) REVISION TO DFARS.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Federal Acquisition Regulation Supplement (DFARS) to encourage contractors to propose non-government standards and industry-wide practices that meet the intent of the military specifications and standards.

(d) DEVELOPMENT OF NON-GOVERNMENT STANDARDS.—The Under Secretary for Acquisition, Technology, and Logistics shall form partnerships with appropriate industry associations to develop non-government standards for replacement of military standards where practicable.

(e) EDUCATION AND TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that training and education programs throughout the Department are revised to incorporate specifications and standards reform.

(f) LICENSES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall negotiate li-

censes for standards to be used across the Department of Defense.

SEC. 864. PREFERENCE FOR COMMERCIAL SERVICES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 855 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2377) to provide that the head of an agency may not enter into a contract in excess of the simplified acquisition threshold for facilities-related services, knowledge-based services, equipment-related services, construction services, medical services, logistics management services, or transportation services that are not commercial services unless the head of the agency determines in writing that no commercial services are suitable to meet the agency's needs as provided in section 2377(c)(2) of title 10, United States Code.

SEC. 865. TREATMENT OF ITEMS PURCHASED BY PROSPECTIVE CONTRACTORS PRIOR TO RELEASE OF PRIME CONTRACT REQUESTS FOR PROPOSALS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items

''Notwithstanding 2376(1) of this title, items valued at less than $10,000 purchased prior to the release of a prime contract request for proposal shall be treated as a commercial item for purposed of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 2380A the following new item:

''2380B. Treatment of items purchased prior to release of prime contract requests for proposals as commercial items.''.

SEC. 866. TREATMENT OF SERVICES PROVIDED BY NONTRADITIONAL CONTRACTORS AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Section 2380A of title 10, United States Code, is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(a) GOODS AND SERVICES PROVIDED BY NONTRADITIONAL DEFENSE CONTRACTORS.—Notwithstanding''; and

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

''(b) SERVICES PROVIDED BY CERTAIN NONTRADITIONAL CONTRACTORS.—Notwithstanding section

2376(1) of this title, services provided by a business unit that is a nontraditional contractor as defined in section 2302(9) of this title shall be treated as commercial items for purposes of this chapter, to the extent that such services utilize the same pool of employees as used for commercial customers and are priced using similar methodology as commercial pricing.''.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 2380A of title 10, United States Code, as amended by subsection (a), is further amended by striking the section heading and inserting the following:

''§ 2380A. Treatment of certain items as commercial items''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 140 of title 10, United States Code, is amended by striking the item relating to section 2380A and inserting the following new item:

''2380A. Treatment of certain items as commercial items.''.

SEC. 867. USE OF NON-COST CONTRACTS TO ACQUIRE COMMERCIAL ITEMS.

Section 2377 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) TYPES OF CONTRACTS THAT MAY BE USED.—The Defense Supplement to the Federal Acquisition Regulation shall include, for acquisitions of commercial items—

"(1) a requirement that firm fixed-price, fixed-price incentive, fixed-price with economic price adjustment, and other fixed-price type contracts be used to the maximum extent practicable; and

"(2) a prohibition on use of cost-type contracts.".

SEC. 868. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE INNOVATIVE COMMERCIAL ITEMS, TECHNOLOGIES, AND SERVICES USING GENERAL SOLICITATION COMPETITIVE PROCEDURES.

(a) AUTHORITY.—The Secretary of Defense and the Secretaries of the military departments may carry out a pilot program, to be known as the "commercial solutions opening pilot program", under which the Secretary may acquire innovative commercial items, technologies, and services through a competitive selection of proposals resulting from a general solicitation and the peer review of such proposals.

(b) TREATMENT AS CICA COMPETITIVE PROCEDURES.—Use of general solicitation competitive procedures for the pilot program under subsection (a) shall be

1 considered to be use of competitive procedures for pur-
2 poses of chapter 137 of title 10, United States Code.
3 (c) LIMITATIONS.—
4 (1) IN GENERAL.—The Secretary may not enter
5 into a contract or agreement under the pilot pro-
6 gram for an amount in excess of $100,000,000 with-
7 out a written determination from the Under Sec-
8 retary for Acquisition, Logistics, and Technology or
9 the relevant Service Acquisition Executive of the ef-
10 ficacy of the effort to meet mission needs of the De-
11 partment of Defense or the relevant military service.
12 (2) FIXED-PRICE REQUIREMENT.—Contracts or
13 agreements executed under this program shall be
14 fixed-price, including fixed-price incentive fee con-
15 tracts.
16 (3) TREATMENT AS COMMERCIAL ITEMS.—Not-
17 withstanding section 2376(1) of title 10, United
18 States Code, items, technologies, and services ac-
19 quired under this pilot program shall be treated as
20 commercial items.
21 (d) DEFINITION.—In this section, the term ''innova-
22 tive'' means—
23 (1) any new technology, process, or method, in-
24 cluding research and development; or

(2) any new application of an existing technology, process, or method.

(e) SUNSET.—The authority to enter into contracts under the pilot program shall expire on September 30, 2022.

Subtitle F—Industrial Base Matters

SEC. 871. GREATER INTEGRATION OF THE NATIONAL TECHNICAL INDUSTRIAL BASE.

(a) PLAN REQUIRED.—Not later than January 1, 2018, the Secretary of Defense shall develop a plan to reduce the barriers to the seamless integration between the persons and organizations that comprise the National Technical Industrial Base (as defined in section 2500 of title 10, United States Code). The plan shall include at a minimum the following elements:

(1) A description of the various components of the National Technical Industrial Base, including government entities, universities, non-profit research entities, non-traditional and commercial item contractors, and private contractors that conduct commercial and military research, produce commercial items that could be used by the Department of Defense, and produce defense unique articles controlled under the United States Munitions List.

(2) Identification of the barriers to the seamless integration of the transfer of knowledge, goods, and services among the persons and organizations of the National Technical Industrial Base.

(3) Identification of current authorities that could contribute to further integration of the persons and organizations of the National Technical Industrial Base, and a plan to maximize the use of those authorities.

(4) Identification of changes in export control rules, procedures, and laws that would enhance the civil-military integration policy objectives set forth in section 2501(b) of title 10, United States Code, for the National Technical Industrial Base to increase the access of the Armed Forces to commercial products, services, and research and create incentives necessary for non-traditional and commercial item contractors, universities, and non-profit research entities to modify commercial products or services to meet Department of Defense requirements.

(5) Recommendations for increasing integration of the industrial base that supplies defense articles to the Armed Forces and enhancing allied interoperability of forces through changes to the text or the implementation of—

(A) the International Trafficking in Arms Regulations exemption for Canada contained in section 126.5 of title 22, Code of Federal Regulations;

(B) the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney September 5, 2007;

(C) the Treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London June 21 and 26, 2007; and

(D) any other agreements among the countries comprising the National Technical Industrial Base.

(b) AMENDMENT TO DEFINITION OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2500 (1) of title 10, United States Code, is amended by inserting ", the United Kingdom of Great Britain and Northern Ireland, Australia," after "United States".

(c) REPORTING REQUIREMENT.—The Secretary of Defense shall report on the progress of implementing the

plan in subsection (a) in the report required under section 2504 of title 10, United States Code.

SEC. 872. INTEGRATION OF CIVIL AND MILITARY ROLES IN ATTAINING NATIONAL TECHNOLOGY AND INDUSTRIAL BASE OBJECTIVES.

Section 2501(b) of title 10, United States Code, is amended by striking ''It is the policy of Congress'' and inserting ''The Secretary of Defense shall ensure''.

SEC. 873. DISTRIBUTION SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.

(a) AUTHORITY.—The Secretary of Defense may make available storage and distribution services support to a contractor in support of the performance by the contractor of a contact for the production, modification, maintenance, or repair of a weapon system that is entered into by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any storage and distribution services to be provided under this section to a contractor in support of the performance of a contract described in subsection (a) shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor. The requirements of section 2208(h) of title 10, United States Code, and the regulations prescribed pursuant to such sec-

tion shall apply to the contract between the Director of the Defense Logistics Agency and the contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The storage and distribution support services that may be provided under this section in support of the performance of a contract described in subsection (a) are storage and distribution of materiel and repair parts necessary for the performance of that contract.

(d) REGULATIONS.—Before exercising the authority under this section, the Secretary of Defense shall prescribe in regulations such requirements, conditions, and restrictions as the Secretary determines appropriate to ensure that storage and distribution services are provided under this section only when it is in the best interests of the United States to do so. The regulations shall include, at a minimum, the following:

(1) A requirement for the solicitation of offers for a contract described in subsection (a), for which storage and distribution services are to be made available under this section, including—

(A) a statement that the storage and distribution services are to be made available under the authority of this section to any contractor awarded the contract, but only on a

basis that does not require acceptance of the support and services; and

(B) a description of the range of the storage and distribution services that are to be made available to the contractor.

(2) A requirement for the rates charged a contractor for storage and distribution services provided to a contractor under this section to reflect the full cost to the United States of the resources used in providing the support and services, including the costs of resources used, but not paid for, by the Department of Defense.

(3) With respect to a contract described in subsection (a) that is being performed for a department or agency outside the Department of Defense, a prohibition, in accordance with applicable contracting procedures, on the imposition of any charge on that department or agency for any effort of Department of Defense personnel or the contractor to correct deficiencies in the performance of such contract.

(4) A prohibition on the imposition of any charge on a contractor for any effort of the contractor to correct a deficiency in the performance of storage and distribution services provided to the contractor under this section.

(e) RELATIONSHIP TO TREATY OBLIGATIONS.—The Secretary shall ensure that the exercise of authority under this section does not conflict with any obligation of the United States under any treaty or other international agreement.

SEC. 874. PERMANENCY OF DEPARTMENT OF DEFENSE SBIR AND STTR PROGRAMS.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) in the subsection heading, by striking ''TERMINATION'' and inserting ''SBIR PROGRAM AUTHORIZATION''; and

(2) by striking ''shall terminate on September 30, 2017'' and inserting ''shall—

''(1) with respect to each Federal agency other than the Department of Defense, terminate on September 30, 2017; and

''(2) with respect to the Department of Defense, be in effect for each fiscal year''.

(b) STTR.—Section 9(n)(1) of the Small Business Act (15 U.S.C. 638(n)(1)) is amended—

(1) in subparagraph (A), by inserting ''other than the Department of Defense'' after ''each Federal agency'';

(2) in subparagraph (B), by inserting ''and by the Department of Defense in accordance with subparagraph (C)'' after ''subparagraph (A)''; and

(3) by adding at the end the following:

''(C) DEPARTMENT OF DEFENSE.—With respect to each fiscal year, the Department of Defense shall expend with small business concerns not less than the percentage of the extramural budget for research, or research and development, of the Department specified in subparagraph (B), specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.''.

SEC. 875. MODIFIED REQUIREMENTS FOR DISTRIBUTION OF ASSISTANCE UNDER PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENTS.

(a) MINIMUM GEOGRAPHIC DISTRIBUTION.—Section 2413(c) of title 10, United States Code, is amended by striking ''Department of Defense contract administration services district'' and inserting ''State''.

(b) DISTRIBUTION.—Section 2415 of such title is amended—

(1) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''After apportioning funds available for assistance under this chapter for any fiscal year for efficient coverage of distressed areas referred to in paragraph (2)(B) of section 2411 of this title by programs operated by eligible entities referred to in paragraph (1)(D) of such section, the Secretary'';

(B) by inserting ''the remaining'' before ''funds available''; and

(C) by striking ''Department of Defense contract administration services district'' and inserting ''State''; and

(2) in the second sentence—

(A) by striking ''district'' each place it appears and inserting ''State''; and

(B) by striking ''districts'' and inserting ''States''.

SEC. 876. NONTRADITIONAL AND SMALL DISRUPTIVE INNOVATION PROTOTYPING PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program for nontraditional contractors and small business concerns to design, develop, and demonstrate innovative prototype military platforms of significant scope for the purpose of demonstrating new capabili-

ties that could provide alternatives to existing acquisition programs and assets. The Secretary shall establish the pilot program within the Departments of the Army, Navy, and Air Force and within the United States Special Operations Command.

(b) FUNDING.—There is authorized to be made available $250,000,000 out of the Rapid Prototype Fund established under section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) to carry out the pilot program.

(c) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, concurrent with the budget for the Department of Defense for fiscal year 2018, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to fund and execute the pilot program in future years.

(2) ELEMENTS.—The plan submitted under paragraph (1) shall consider maximizing use of—

(A) Broad Agency Announcements or other merit-based selection procedures;

(B) the Department of Defense Acquisition Challenge Program authorized under section 2359b of title 10, United States Code;

(C) the Foreign Comparative Test Program;

(D) projects carried out under the Rapid Innovation Program and Phase III Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) projects; and

(E) flexible acquisition authorities under procedures developed under sections 804 and 805 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92).

(d) PROGRAMS TO BE INCLUDED.—The Secretary of Defense shall allocate up to $50,000,000 on a fixed price contractual basis for fiscal year 2017 or pursuant to the plan submitted under subsection (c) for the demonstration pursuant to the pilot program of the following capabilities:

(1) Swarming of multiple unmanned air vehicles.

(2) Unmanned, modular fixed-wing aircraft that can be rapidly adapted to multiple missions and serve as a fifth generation weapons augmentation platform.

(3) Vertical take off and landing tiltrotor aircraft.

(4) Integration of a directed energy weapon on an air, sea, or ground platform.

(5) Swarming of multiple unmanned underwater vehicles.

(6) Commercial small synthetic aperture radar (SAR) satellites with on-board machine learning for automated, real-time feature extraction and predictive analytics.

(7) Active protection system to defend against rocket-propelled grenades and anti-tank missiles.

(8) Other systems as designated by the Secretary.

(e) DEFINITIONS.—In this section:

(1) NONTRADITIONAL CONTRACTOR.—The term ''nontraditional contractor'' has the meaning given the term in section 2302(9) of title 10, United States Code.

(2) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

(f) SUNSET.—The authority under this section expires at the close of September 30, 2026.

Subtitle G—International Contracting Matters

SEC. 881. INTERNATIONAL SALES PROCESS IMPROVEMENTS.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan to improve the management and use of fees collected on transfer of defense articles and services via sale, lease, or grant to international customers under programs over which the Defense Security Cooperation Agency has administration responsibilities. The plan shall include options to use fees more effectively—

(1) to improve the staffing and processes of the licensing review cycle at the Defense Technology Security Administration and other reviewing authorities; and

(2) to maintain a cadre of contracting officers and acquisition officials who specialize in foreign military sales contracting.

(b) PROCESS FOR GATHERING INPUT.—The Secretary of Defense shall establish a process for contractors to provide input, feedback, and adjudication of any differences regarding the appropriateness of governmental pricing and availability estimates prior to the delivery to

potential foreign customers of formal responses to Letters of Request for Pricing and Availability.

SEC. 882. WORKING CAPITAL FUND FOR PRECISION GUIDED MUNITIONS EXPORTS IN SUPPORT OF CONTINGENCY OPERATIONS.

(a) ESTABLISHMENT OF FUND.—The Secretary may establish a working capital fund under section 2208 of title 10, United States Code, to finance inventories of supplies of precision guided munitions in advance of partner and allied forces requirements to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated a total of $1,000,000,000 for fiscal years 2017 and 2018 for deposit in the fund established pursuant to subsection (a) to procure and stock precision guided munitions anticipated to be needed by partner and allied forces to enhance the effectiveness of overseas contingency operations conducted or supported by the United States.

(c) REPLENISHMENT OF FUND.—The fund established pursuant to subsection (a) may be replenished through purchases by foreign governments or the United States Government or subsequent appropriations.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as precluding the Secretary of Defense from acquiring or utilizing precision guided munitions to meet immediate United States military requirements on a reimbursable basis that have been purchased and stored through the fund established pursuant to subsection (a).

(e) MANAGEMENT.—The fund established pursuant to subsection (a) and associated inventories of precision guided munitions shall be managed by the Defense Logistics Agency and the Joint Chiefs of Staff to optimize the storage, distribution, and deployment of such precision guided munitions to improve the capability of partner and allied forces to contribute to overseas contingency operations conducted or supported by the United States.

SEC. 883. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is further amended by striking ''December 31, 2016'' and inserting ''December 31, 2018''.

SEC. 884. CLARIFICATION OF TREATMENT OF CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2338. Clarification of treatment of contracts performed outside the United States

"(a) IN GENERAL.—In accordance with section 19.000(b) of the Federal Acquisition Regulation as in effect on May 1, 2016, Department of Defense contracts performed outside of the United States shall not be subject to the sole source contract requirements or goals for procurement listed in part 19 of the Federal Acquisition Regulation.

"(b) LIMITATION ON FUNDING.—No funds may be expended on any Department of Defense contract performed outside of the United States to which the sole source contract requirements or goals for procurement contracts listed in Part 19 of the Federal Acquisition Regulation are applied.".

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

"2338. Clarification of treatment of contracts performed outside the United States.".

SEC. 885. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFRICA IN SUPPORT OF COVERED ACTIVITIES.

(a) AUTHORITY.—In the case of a product or service to be acquired in support of covered activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;

(2) a preference is provided for products or services from the host nation; or

(3) a preference is provided for products or services from a covered African country, other than the host nation.

(b) DETERMINATIONS.—

(1) A determination described in this subsection is a determination by the Secretary of any of the following:

(A) That the product or service concerned is to be used only in support of covered activities.

(B) That it is in the national security interests of the United States to limit competition or provide a preference as described in sub-

section (a) because such limitation or preference is necessary—

(i) to reduce overall United States transportation costs and risks in shipping products in support of operations, exercises, theater security cooperation activities, and other missions in the African region;

(ii) to reduce delivery times in support of covered activities; or

(iii) to promote regional security, stability, and economic prosperity in Africa.

(C) That the product or service is of equivalent quality of a product or service that would have otherwise been acquired.

(2) A determination under paragraph (1) shall not be effective for purposes of a limitation or preference under subsection (a) unless the Secretary also determines that—

(A) the limitation or preference will not adversely affect—

(i) United States military operations or stability operations in the African region; or

(ii) the United States industrial base; and

(B) in the case of air transportation, an air carrier holding a certificate under section 41102 of title 49, United States Code, is not reasonably available to provide the required air transportation.

(c) DEFINITIONS.—In this section:

(1) COVERED ACTIVITIES.—The term ''covered activities'' means Department of Defense activities in the African region or a regional neighbor.

(2) COVERED AFRICAN COUNTRY.—The term ''covered African country'' means a country in Africa that has signed a long-term agreement with the United States related to the basing or operational needs of the United States Armed Forces.

(3) HOST NATION.—The term ''host nation'' means a nation which allows the armed forces and supplies of the United States to be located on, to operate in, or to be transported through its territory.

(4) PRODUCTS AND SERVICES OF A COVERED AFRICAN COUNTRY.—For purposes of this section:

(A) A product is from a covered African country if it is wholly grown, mined, manufac-

tured, or produced in the covered African country.

(B) A service is from a covered African country if it is performed by a person or entity that is properly licensed or registered by authorities of a covered African country and—

(i) is operating primarily in the covered African country; or

(ii) is making a significant contribution to the economy of the covered African country through payment of taxes or use of products, materials, or labor of the covered African country.

(d) CONFORMING AMENDMENT.—Section 1263 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3581) is repealed.

SEC. 886. MAINTENANCE OF PROHIBITION ON PROCUREMENT BY DEPARTMENT OF DEFENSE OF PEOPLE'S REPUBLIC OF CHINA-ORIGIN ITEMS THAT MEET THE DEFINITION OF GOODS AND SERVICES CONTROLLED AS MUNITIONS ITEMS WHEN MOVED TO THE "600 SERIES" OF THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Section 1211 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b), by inserting ''or in the 600 series of the control list of the Export Administration Regulations'' after ''in Arms Regulations''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(3) The term '600 series of the control list of the Export Administration Regulations' means the 600 series of the Commerce Control List contained in Supplement No. 1 to part 774 of subtitle B of title 15 of the Code of Federal Regulations.''.

(b) TECHNICAL CORRECTIONS TO ITAR REFERENCES.—Such section is further amended by striking ''Trafficking'' both places it appears and inserting ''Traffic''.

Subtitle H—Other Matters

SEC. 891. CONTRACTOR BUSINESS SYSTEM REQUIREMENTS.

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2338. Contractor business system requirements

''(a) IMPROVEMENT PROGRAM.—The Secretary of Defense shall develop and initiate a program for the improvement of contractor business systems to ensure that such systems provide timely, reliable information for the management of Department of Defense programs by the contractor and by the Department at reduced burden and price to the Government and contractor.

''(b) APPROVAL OR DISAPPROVAL OF BUSINESS SYSTEMS.—The program developed pursuant to subsection (a) shall—

''(1) include system requirements for each type of contractor business system covered by the program;

''(2) establish a process for reviewing contractor business systems and identifying significant deficiencies in such systems;

"(3) identify officials of the Department of Defense who are responsible for the approval or disapproval of contractor business systems;

"(4) provide for the approval or conditional approval of any contractor business system that does not have a significant deficiency; and

"(5) provide for—

"(A) the disapproval of any contractor business system that has a significant deficiency; and

"(B) reduced reliance on, and enhanced and effective analysis of, data provided by a contractor business system that has been disapproved.

"(c) EARNED VALUE MANAGEMENT SYSTEM.—The program developed pursuant to subsection (a) shall not require the use of earned value management systems on other than non-firm fixed-price contracts above the regulatory dollar threshold that have discrete, schedulable, and measurable work scope.

"(d) REMEDIAL ACTIONS.—The program developed pursuant to subsection (a) shall provide the following:

"(1) In the event a contractor business system is conditionally approved or disapproved pursuant to subsection (b)(5), appropriate officials of the De-

partment of Defense will be available to work with the contractor to develop a corrective action plan defining specific actions to be taken to address the significant deficiencies identified in the system and a schedule for the implementation of such actions.

"(2) An appropriate official of the Department of Defense may withhold a percentage, but no more than 10 percent, of progress payments, performance-based payments, and interim payments under covered contracts from a covered contractor, as needed to protect the interests of the Department and ensure compliance, if one or more of the contractor business systems of the contractor has been conditionally approved or disapproved pursuant to subsection (b)(5) and has not subsequently received approval. Such percentage shall be established in agreement with the contractor at time of contract award or modification.

"(3) The amount of funds to be withheld under paragraph (2) shall be reduced if a contractor adopts an effective corrective action plan pursuant to paragraph (1) and is effectively implementing such plan.

"(e) GUIDANCE AND TRAINING.—The program developed pursuant to subsection (a) shall provide guidance and

1 training to appropriate government officials on the data
2 that is produced by contractor business systems and the
3 manner in which such data should be used to effectively
4 manage Department of Defense programs.

5 "(f) RESTRICTIONS ON REVIEW OF NON-COVERED
6 CONTRACTOR BUSINESS SYSTEMS.—

7 "(1) IN GENERAL.—Unless a specific deter-
8 mination in writing has been made by the Milestone
9 Decision Authority, the Department of Defense may
10 only review the contractor business system of a non-
11 covered contractor if the contractor has a cost-type
12 contract with the Department of Defense. Any such
13 review shall be limited to confirming that the con-
14 tractor uses the same contract business system for
15 its government and commercial work and that the
16 outputs of the contract business system based on
17 statistical sampling are reasonable.

18 "(2) THIRD-PARTY REVIEW.—Any review con-
19 ducted under this subsection shall be conducted by
20 a third party commercial auditing firm.

21 "(g) DEFINITIONS.—In this section:

22 "(1) The term 'contractor business system'
23 means an accounting system, estimating system,
24 purchasing system, earned value management sys-

tem, material management and accounting system, or property management system of a contractor.

"(2) The term 'covered contractor' means a contractor that—

"(A) has contracts with the United States Government accounting for not less than 30 percent of its total commercial sales; and

"(B) has cost-type contracts with the United States Government accounting for not less than 1 percent of its total commercial sales.

"(3) The term 'covered contract' means a contract that is subject to the cost accounting standards promulgated pursuant to section 1502 of title 41, United States Code, that could be affected if the data produced by a contractor business system has a significant deficiency.

"(4) The term 'significant deficiency', in the case of a contractor business system, means a shortcoming in the system that materially affects the ability of officials of the Department of Defense and the contractor to rely upon information produced by the system that is needed for management purposes.".

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

"2338. Contractor business system requirements.".

(b) PROHIBITION ON APPLYING CERTAIN CONTRACTOR BUSINESS SYSTEM REQUIREMENTS TO NON-COVERED CONTRACTORS.—The Secretary of Defense may not apply any requirement implemented pursuant to section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 2302 note) or any regulation prescribed pursuant to such section to any contractor that is not a covered contractor (as defined in section 2338 of title 10, as added by subsection (a)).

SEC. 892. AUTHORITY TO PROVIDE REIMBURSABLE AUDITING SERVICES TO CERTAIN NON-DEFENSE AGENCIES.

Section 893(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2313 note) is amended—

(1) in paragraph (1), by inserting ''except as provided in paragraph (2),'' after ''this Act,''; and

(2) by amending paragraph (2) to read as follows:

''(2) EXCEPTION FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.—Notwithstanding paragraph (1), the Defense Contract Audit Agency may provide audit support on a reimbursable basis for the National Nuclear Security Administration.''.

SEC. 893. IMPROVED MANAGEMENT PRACTICES TO REDUCE COST AND IMPROVE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE ORGANIZATIONS.

(a) IN GENERAL.—Beginning not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall designate units, subunits, or entities of the Department of Defense, other than Centers of Industrial and Technical Excellence designated pursuant to section 2474 of title 10, United States Code, that conduct work that is commercial in nature or is not inherently governmental to prioritize efforts to conduct business operations in a manner that uses modern, commercial management practices and principles to reduce the costs and improve the performance of such organizations.

(b) ADOPTION OF MODERN BUSINESS PRACTICES.—The Secretary shall ensure that each such unit, subunit, or entity of the Department described in subsection (a) is authorized to adopt and implement best commercial and business management practices to achieve the goals described in such subsection.

(c) WAIVERS.—The Secretary shall authorize waivers of Department of Defense, military service, and Defense Agency regulations, as appropriate, to achieve the goals in subsection (a), including in the following areas:

(1) Financial management.

(2) Human resources.

(3) Facility and plant management.

(4) Acquisition and contracting.

(5) Partnerships with the private sector.

(6) Other business and management areas as identified by the Secretary.

(d) GOALS.—The Secretary of Defense shall identify savings goals to be achieved through the implementation of the commercial and business management practices adopted under subsection (b), and establish a schedule for achieving the savings.

(e) BUDGET ADJUSTMENT.—The Secretary shall establish policies to adjust organizational budget allocations, at the Secretary's discretion, for purposes of—

(1) using savings derived from implementation of best commercial and business management practices for high priority military missions of the Department of Defense;

(2) creating incentives for the most efficient and effective development and adoption of new commercial and business management practices by organizations; and

(3) investing in the development of new commercial and business management practices that will

result in further savings to the Department of Defense.

(f) BUDGET BASELINES.—Beginning not later than one year after the date of the enactment of this Act, each such unit, subunit, or entity of the Department described in subsection (a) shall, in accordance with such guidance as the Secretary of Defense shall establish for purposes of this section—

(1) establish an annual baseline cost estimate of its operations; and

(2) certify that costs estimated pursuant to paragraph (1) are wholly accounted for and presented in a format that is comparable to the format for the presentation of such costs for other elements of the Department or consistent with best commercial practices.

SEC. 894. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.

(a) DEVELOPMENTAL TESTING DUTIES.—

(1) IN GENERAL.—Section 139 of title 10, United States Code, is amended—

(A) by striking subsection (d);

(B) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively; and

(C) by inserting after subsection (g), as redesignated by subparagraph (B), the following new subsection:

"(h) The Director shall be the principal advisor to the Secretary of Defense on developmental test and evaluation in the Department of Defense and shall—

"(1) develop policies and guidance for—

"(A) the conduct of developmental test and evaluation in the military departments and other elements of the Department of Defense (including integration and developmental testing of software);

"(B) the integration of developmental test and evaluation with operational test and evaluation; and

"(C) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

"(2) review the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

"(3) monitor and review the developmental test and evaluation activities of the major defense acquisition programs in order to advise relevant technical

authorities for such programs on the incorporation of best practices for developmental test from across the Department;

''(4) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation; and

''(5) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title.''.

(b) SUPERVISION OF THE DIRECTOR OF THE TEST RESOURCE MANAGEMENT CENTER.—Section 196(g) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''UNDER SECRETARY'' and inserting ''DIRECTOR OF OPERATIONAL TEST AND EVALUATION''; and

(2) by striking ''subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics. The Director shall report directly to the Under Secretary'' and inserting ''subject to the supervision of the Director of Operational

Test and Evaluation. The Director of the Center shall report directly to the Director of Operational Test and Evaluation''.

(c) SERVICE CHIEFS AND SECRETARIES.—The Secretary of Defense shall ensure that the Chiefs of Services and the Secretaries of the military departments—

(1) may inform the Secretary of Defense of concerns over the testing of a major defense acquisition program or a major system; and

(2) are provided a process to request waivers from the Secretary from performing additional testing beyond the program Test and Evaluation Master Plan to reflect cost, schedule, risk, and expected operational use of a program.

SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL PLANNING AND INVESTMENT CONTROL FOR INFORMATION TECHNOLOGY EQUIPMENT INCLUDED AS INTEGRAL PART OF A WEAPON OR WEAPON SYSTEM.

(a) WAIVER AUTHORITY.—Notwithstanding subsection (c)(2) of section 11103 of title 40, United States Code, a national security system described in subsection (a)(1)(D) of such section shall not be subject to the requirements of paragraphs (2) through (5) of section 11312(b) of such title unless the milestone decision au-

thority determines in writing that application of such requirements is appropriate and in the best interests of the Department of Defense.

(b) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term ''milestone decision authority'' has the meaning given the term in section 2366a(d)(7) of title 10, United States Code.

SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR STREAMLINING AWARDS FOR INNOVATIVE TECHNOLOGY PROJECTS.

Section 873 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2306a note) is amended—

(1) in subsection (a)(2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(2) in subsection (b)—

(A) by inserting ''subparagraphs (A), (B), and (C) of section 2313(a)(2) of title 10, United States Code, and'' before ''subsection (b) of section 2313''; and

(B) in paragraph (2), by inserting '', and if such performance audit is initiated within 18 months of the contract completion'' before the period at the end;

(3) by redesignating subsections (c), (d), and (e) as subsections (f), (g), and (h), respectively; and

(4) by inserting after subsection (b) the following new subsections:

''(c) TREATMENT AS COMPETITIVE PROCEDURES.—Use of a technical, merit-based selection procedure or the Small Business Innovation Research Program or Small Business Technology Transfer Program for the pilot program under this section shall be considered to be use of competitive procedures for purposes of chapter 137 of title 10, United States Code.

''(d) DISCRETION TO USE NON-CERTIFIED ACCOUNTING SYSTEMS.—In executing programs under this pilot program, the Secretary of Defense shall establish procedures under which a small business or nontraditional contractor may engage an independent certified public accountant for the review and certification of its accounting system for the purposes of any audits required by regulation, unless the head of the agency determines that this is not appropriate based on past performance of the specific small business or nontraditional defense contractor, or based on analysis of other information specific to the award.

''(e) GUIDANCE AND TRAINING.—The Secretary of Defense shall ensure that acquisition officials are provided

guidance and training on the flexible use and tailoring of authorities under the pilot program to maximize efficiency and effectiveness.''.

SEC. 897. ENHANCEMENT OF ELECTRONIC WARFARE CAPABILITIES.

(a) FIELDING OF ELECTROMAGNETIC SPECTRUM WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPABILITIES.—Funds authorized to be appropriated for electromagnetic spectrum warfare systems and electronic warfare may be used for the development and fielding of electromagnetic spectrum warfare systems and electronic warfare capabilities.

(b) INCLUSION OF ELECTRONIC WARFARE PROGRAMS IN THE RAPID ACQUISITION AUTHORITY PROGRAM.—

(1) IN GENERAL.—Section 806(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2302 note) is amended by adding at the end the following new subparagraph:

''(D)(i) In the case of any supplies and associated support services that, as determined in writing by the Secretary of Defense without delegation, are urgently needed to eliminate a deficiency in electronic warfare that if left unfilled is likely to result

in critical mission failure, the loss of life, property destruction, or economic effects, the Secretary may use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of needed offensive or defensive electronic warfare capabilities, supplies, and associated support services.

"(ii) The Secretary of Defense shall ensure, to the extent practicable, that for the purposes of electronic warfare acquisition, the Department of Defense shall consider use of the following procedures:

"(I) The rapid acquisition authority provided under this section.

"(II) Use of other transactions authority provided under section 2371 of title 10, United States Code.

"(III) The acquisition of commercial items using simplified acquisition procedures.

"(IV) The authority for procurement for experimental purposes provided under section 2373 of title 10, United States Code.

"(V) The rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for

Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note).

''(iii) In this subparagraph, the term 'electronic warfare' means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.''.

(2) CONFORMING AMENDMENTS.—Section 2373 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''and aeronautical supplies'' and inserting '', aeronautical supplies, and electronic warfare''; and

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

''(c) ELECTRONIC WARFARE DEFINED.—The term 'electronic warfare' means military action involving the use of electromagnetic and directed energy to control the electromagnetic spectrum or to attack the enemy, and includes electromagnetic spectrum warfare, which encompasses military communications and sensing operations that occur in the electromagnetic operational domain.''.

(c) ELECTRONIC WARFARE EXECUTIVE COMMITTEE REPORTS TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Electronic Warfare Executive Committee shall submit to the congressional defense committees a strategic plan with measurable and timely objectives to achieve its mission according to the following metrics:

(1) Progress on intra-service ground and air interoperabilities.

(2) Progress in streamlining the requirements, acquisition, and budget process to further a rapid electronic warfare acquisition process.

(3) The efficiency and effectiveness of the acquisition process for priority electronic warfare items.

(4) The training methods and requirements of the military services for training in contested electronic warfare environments.

(5) Capability gaps with respect to near-peer adversaries identified pursuant to a capability gap assessment.

(6) A joint strategy on achieving near real-time system adaption to rapidly advancing modern digital electronics.

(7) Progress on increasing innovative electromagnetic spectrum warfighting methods and operational concepts that provide advantages within the electromagnetic spectrum operational domain.

SEC. 898. IMPROVED TRANSPARENCY AND OVERSIGHT OVER DEPARTMENT OF DEFENSE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION EFFORTS AND PROCUREMENT ACTIVITIES RELATED TO MEDICAL RESEARCH.

The Secretary of Defense may not enter into a contract, grant, or cooperative agreement for congressional special interest medical research programs under the congressionally directed medical research program of the Department of Defense unless the contract, grant, or cooperative agreement meets the following conditions:

(1) Compliance with the cost and price data requirements under section 2306a of title 10, United States Code.

(2) Compliance with the cost accounting standards under section 1502 of title 41, United States Code.

(3) Compliance with requirements for full and open competition under section 2304 of title 10, United States Code, without reliance on one of the exceptions set forth in subsection (c) of such section.

(4) Prior to obligation of any funds, review by and certification from the Defense Contract Audit Agency regarding the adequacy of the accounting systems of the proposed awardee, including a forward pricing review of the awardee's proposal.

(5) Prior to any payment on the contract, grant, or cooperative agreement, performance by the Defense Contract Audit Agency of an incurred cost audit.

(6) Agreement that the United States Government will have the same rights to the technical data to an item or process developed under the contract, grant, or cooperative agreement as applicable under section 2320(a)(2)(A) of title 10, United States Code, to items and processes developed exclusively with Federal funds where the medical research results in medicines and other treatments that will be procured or otherwise paid for by the Federal Government through the Department of Defense, the Department of Veterans Affairs, Medicare, Medicaid, or other Federal Government health programs.

SEC. 899. EXTENSION OF ENHANCED TRANSFER AUTHORITY FOR TECHNOLOGY DEVELOPED AT DEPARTMENT OF DEFENSE LABORATORIES.

Section 801 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2514 note) is amended by striking ''2017'' and inserting ''2020''.

SEC. 899A. RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.

Section 804(d) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading, by striking ''FUND'' and inserting ''FUNDS'';

(2) by striking ''IN GENERAL.—The Secretary'' and inserting the following: ''DEPARTMENT OF DEFENSE RAPID PROTOTYPING FUND.—

''(A) IN GENERAL.—The Secretary'';

(3) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively, and moving such subparagraphs, as so redesignated, two ems to the right;

(4) in subparagraph (B), as redesignated by paragraph (3), by striking ''this subsection'' and inserting ''this paragraph''; and

(5) by inserting after paragraph (1) the following new paragraph:

''(2) RAPID PROTOTYPING FUNDS FOR THE MILITARY SERVICES.—The Secretary of the Army, Navy, and Air Force may each establish service specific funds (and, in the case of the Secretary of Navy, including the Marine Corps) to provide funds, in addition to other funds that may be available for acquisition programs under the rapid fielding and prototyping pathways established pursuant to this section. The service specific funds shall consist of amounts appropriated to the funds.''.

SEC. 899B. DEFENSE MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 2216 of title 10, United States Code, is amended—

(1) in subsection (b)(1), by striking ''commencing'';

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking ''or the Secretary of Defense with respect to Defense-wide appropriations accounts'' and inserting '', or the Secretary of Defense with respect to Defense-wide appropriations accounts,'';

(B) in paragraph (2), by striking ''if—'' and all that follows through ''(B) the balance of funds'' and inserting ''if the balance of funds'';

(C) in paragraph (3)—

(i) by striking ''credited to'' both places it appears and inserting ''deposited in''; and

(ii) by inserting ''and obligation'' after ''available for transfer''; and

(D) by striking paragraph (4);

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''commencing''; and

(ii) by striking ''Secretary of Defense'' and inserting ''Secretary concerned'';

(B) in paragraph (2), by striking ''procurement program'' and inserting ''major system program'';

(C) in paragraph (3), by striking ''modernization of an existing system or of a system being procured under an ongoing procurement program'' and inserting ''paying costs of unforeseen contingencies that could prevent an ongoing major system program from meeting crit-

ical schedule or performance requirements''; and

(D) by inserting at the end the following new paragraph:

''(4) For paying costs of changes to program requirements or system configuration that are approved by the configuration steering board for a major defense acquisition program.'';

(4) in subsection (e)(1), by striking ''procurement program'' both places it appears and inserting ''weapon system program'';

(5) in subsection (f)(1), by striking ''Secretary of Defense'' and inserting ''Secretary of a military department, or the Secretary of Defense with respect to Defense-wide appropriations accounts'';

(6) in subsection (g)—

(A) by striking ''in accordance with the provisions of appropriations Acts''; and

(B) by adding at the end the following: ''Funds deposited in the Defense Modernization Account shall remain available for obligation until the end of the third fiscal year that follows the fiscal year in which the amounts are deposited in the account.'';

(7) in subsection (h)(2)—

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (C)(ii), by striking the period at the end and inserting ''; and''; and

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

''(D) apportionment of amounts deposited in the Fund on a pro rate basis consistent with each military department's deposits in the Fund.'';

(8) in subsection (i)—

(A) by striking paragraph (1);

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

(C) by inserting before paragraph (3), as redesignated by subparagraph (B), the following new paragraphs:

''(1) The term 'major defense acquisition program' has the meaning given the term in section 2430(a) of this title.

''(2) The term 'major system' has the meaning given the term in section 2302(5) of this title.''; and

(9) in subsection (j)(1), by striking ''terminates at the close of September 30, 2006'' and inserting ''terminates at the close of September 30, 2022''.

(b) APPLICABILITY.—The authority under section 2216(c) of title 10, United States Code, as amended by subsection (a), applies to funds appropriated for fiscal years after fiscal year 2016.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

SEC. 901. UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING AND RELATED ACQUISITION POSITION IN THE OFFICE OF THE SECRETARY OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by striking section 133 and inserting the following new section 133:

"§ 133. Under Secretary of Defense for Research and Engineering

"(a) UNDER SECRETARY OF DEFENSE.—

"(1) IN GENERAL.—There is an Under Secretary of Defense for Research and Engineering, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(2) INDIVIDUALS QUALIFIED FOR APPOINTMENT.—The Under Secretary shall be appointed from among persons who have an extensive management background and experience with managing complex or advanced technological programs.

"(3) LIMITATION ON APPOINTMENT.—A person may not be appointed as Under Secretary of Defense for Research and Engineering within seven years after relief from active duty as a commissioned officer of a regular component of an armed force.

"(b) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary shall perform such duties and exercise such powers as the Secretary may prescribe, including by—

"(1) serving as the chief technology officer and the chief acquisition officer of the Department of Defense with the primary mission of defense technology innovation;

"(2) overseeing, and serving as principal advisor to the Secretary on, all defense research, development, prototyping, and experimentation activities and programs, and unifying the efforts of defense laboratories and the rapid capabilities offices of the military departments;

"(3) establishing policies, and serving as principal advisor to the Secretary, for all elements of the Department of Defense relating to acquisition and the oversight of, access to, and maintenance of the defense industrial base;

"(4) overseeing the modernization of nuclear forces and the development of capabilities to counter weapons of mass destruction, and serving as the chair of the Nuclear Weapons Council;

"(5) serving as the Defense Acquisition Executive for purposes of regulations and procedures of the Department of Defense providing for a Defense Acquisition Executive; and

"(6) exercising advisory authority over national security acquisition programs of the armed forces for which the Service Acquisition Executive is the Milestone Decision Authority.

"(c) REPORTING.—The following officials shall report directly to the Under Secretary:

"(1) The Assistant Secretary of Defense for Acquisition Policy and Oversight.

"(2) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense.

"(3) The Director of the Defense Advanced Research Projects Agency.

"(4) The Director of the Missile Defense Agency.

"(5) The Director of the Strategic Capabilities Office (or any successor organization).

"(6) The Director of the Defense Threat Reduction Agency.

"(7) The Director of the Defense Acquisition University.

"(8) The head of any office or agency of the Department of Defense with the primary mission of defense technology innovation that is specified by the Secretary of Defense for purposes of this subsection.

"(d) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

"(1) PRECEDENCE IN MATTERS OF RESPONSIBILITY.—With regard to all matters for which the Under Secretary has responsibility by the direction of the Secretary of Defense or by law, the Under Secretary takes precedence in the Department of Defense after the Secretary and the Deputy Secretary of Defense.

"(2) PRECEDENCE IN OTHER MATTERS.—With regard to all matters other than the matters for which the Under Secretary has responsibility by the direction of the Secretary or by law, the Under Sec-

retary takes precedence in the Department of Defense after the Secretary, the Deputy Secretary, and the Secretaries of the military departments.''.

(2) REPEAL OR SUPERSEDED PENDING AMENDMENT.—Effective as of the date of the enactment of this Act, subparagraph (A) of section 901(j)(2) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3462) is repealed, and the amendment otherwise to be made by such subparagraph shall not be made or go into effect.

(b) REPEAL AND REDESIGNATION OF CERTAIN DIRECTOR POSITIONS.—Chapter 4 of title 10, United States Code, is further amended—

(1) by striking sections 139b and 139c; and

(2) by redesignating sections 139 and 139a as sections 139a and 139b, respectively.

(c) REPEAL OF CERTAIN ASD POSITIONS AND ESTABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE FOR ACQUISITION POLICY AND OVERSIGHT.—Chapter 4 of title 10, United States Code, is further amended—

(1) in section 138(b)—

(A) by striking paragraphs (6), (7), (8), and (9);

(B) by inserting after paragraph (5) the following new paragraph (6):

''(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition Policy and Oversight, as provided for in section 139 of this title.''; and

(C) by redesignating paragraph (10) as paragraph (7); and

(2) by inserting after section 138, as so amended, the following new section 139:

''§ 139. Assistant Secretary of Defense for Acquisition Policy and Oversight

''(a) ASSISTANT SECRETARY OF DEFENSE.—

''(1) IN GENERAL.—There is an Assistant Secretary of Defense for Acquisition Policy and Oversight, appointed as provided in section 138(a)(2) of this title.

''(2) INDIVIDUALS QUALIFIED FOR APPOINTMENT.—The Assistant Secretary shall be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with an extensive management background and experience in acquisition, industrial incentives, and contracting.

"(b) REPORTING.—The Assistant Secretary shall report to the Under Secretary of Defense for Research and Engineering.

"(c) DUTIES AND POWERS.—Subject to the authority, direction, and control of the Secretary of Defense and the Under Secretary of Defense for Research and Engineering, the Assistant Secretary shall perform such duties and exercise such powers relating to defense acquisition as the Secretary and the Under Secretary may prescribe, including—

"(1) overseeing, and advising the Secretary and the Under Secretary on, matters relating to the acquisition of Department of Defense national security capabilities;

"(2) establishing acquisition policy for the Department of Defense, including development, production, procurement, testing, logistics, maintenance, contracting support, and other life-cycle considerations for all acquisition activities of the Department;

"(3) establishing policies of the Department of Defense for overseeing, accessing, and maintaining the defense industrial base of the United States and its allies, including industrial restructuring, tech-

nology release and protection, and intellectual property matters;

"(4) exercising advisory authority on behalf of the Under Secretary over national security acquisition programs of the armed forces for which the Service Acquisition Executive is the Milestone Decision Authority;

"(5) serving as the senior procurement executive for the Department of Defense for the purposes of section 1702(c) of title 41; and

"(6) exercising overall supervision of all military and civilian personnel in the Office of the Secretary of Defense, unless otherwise provided by law, with regard to matters for which the Assistant Secretary has responsibility.

"(d) DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR LOGISTICS AND SUSTAINMENT.—

"(1) IN GENERAL.—There is a Deputy Assistant Secretary of Defense for Logistics and Sustainment. The Deputy Assistant Secretary shall be appointed by the Secretary of Defense from among individuals who have extensive experience in military logistics, maintenance, and sustainment support.

"(2) DUTIES.—The Deputy Assistant Secretary shall assist the Assistant Secretary by overseeing logistics, maintenance, and sustainment support for elements of the Department, including the following:

"(A) Management and sustainment of weapon systems.

"(B) Readiness and sustainment support for the combatant commands.

"(C) Sustainment and readiness of the organic industrial base.

"(D) Development, management, integration, and innovation of and within the life cycle management and supply chain of weapon systems.

"(3) DISCHARGE OF DUTIES.—Subject to the authority, direction, and control of the Assistant Secretary, in carrying out such duties, the Deputy Assistant Secretary shall work closely with the following:

"(A) The Under Secretary of Defense for Management and Support and the Director of the Defense Logistics Agency.

"(B) Acquisition personnel of the armed forces, the Department of Defense, and the military departments.".

(d) MATTERS RELATING TO UNDER SECRETARY OF DEFENSE FOR BUSINESS MANAGEMENT AND INFORMATION.—

(1) REDESIGNATION AS UNDER SECRETARY OF DEFENSE FOR MANAGEMENT AND SUPPORT.—Section 132a of title 10, United States Code, is amended by striking ''Under Secretary of Defense for Business Management and Information'' each place it appears and inserting ''Under Secretary of Defense for Management and Support''.

(2) ENHANCEMENT OF AUTHORITIES.—Such section is further is amended—

(A) in subsection (c), by adding at the end the following new paragraphs:

''(7) Overseeing, supervising, and directing the activities of Defense Agencies responsible for the execution of policies and practices relating to the purchase of consumable goods, spare parts, services, and utilities, the execution of audits, contract administration, real property and installation support, procurement on behalf of other nations, and logistics, maintenance, and sustainment support for elements of the Department of Defense.

''(8) Subject to subsection (e), ensuring that audit and oversight of contractor activities are co-

ordinated and executed in a manner to prevent duplication by different elements of the Department of Defense, and providing for coordination of the annual plans developed by each such element for the conduct of audit and oversight functions within each contracting activity.''; and

(B) by striking subsection (d) and insert the following new subsections:

''(d) REPORTING.—The following officials shall report directly to the Under Secretary:

''(1) The Director of the Defense Logistics Agency.

''(2) The Director of the Defense Contract Management Agency.

''(3) The Director of the Defense Contract Audit Agency.

''(4) The Administrator of the Defense Technical Information Center.

''(5) The Director of the Office of Economic Adjustment.

''(6) The Director of the Defense Commissary Agency.

''(7) The Director of the Defense Finance and Accounting Service.

"(8) The Director of Washington Headquarters Services.

"(9) The Director of the Pentagon Force Protection Agency.

"(10) The head of any agency of the Department of Defense with a business management mission that is specified by the Secretary of Defense for purposes of this subsection.

"(e) AUDITING AND OVERSIGHT OF CONTRACTOR ACTIVITIES.—

"(1) CONSULTATION.—In carrying out subsection (c)(8), the Under Secretary shall consult with the Inspector General of the Department of Defense.

"(2) CONSTRUCTION WITH CERTAIN OTHER AUTHORITY.—Nothing in this section shall affect the authority of the Inspector General of the Department of Defense to establish audit policy for the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App.) and otherwise to carry out the functions of the Inspector General under that Act.".

(3) CONFORMING AMENDMENTS.—The following provisions of law are each amended by striking "Under Secretary of Defense for Business Man-

agement and Information'' and inserting ''Under Secretary of Defense for Management and Support'';

(A) Section 134(c) of title 10, United States Code.

(B) Section 2222 of title 10, United States Code.

(C) Section 5313 of title 5, United States Code

(D) Section 901(n)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015.

(4) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 132a of title 10, United States Code, is amended to read as follows:

''§ 132a. Under Secretary of Defense for Management and Support''.

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

''132a. Under Secretary of Defense for Management and Support.''.

(5) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on February 1, 2017, immediately after the coming into effect of the

amendments made by subsection (a)(1), and related provisions, of section 901 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015, to which the amendments made by this subsection relate.

(e) OFFICE OF THE SECRETARY OF DEFENSE ORGANIZATION.—

(1) PLACEMENT OF USD FOR RESEARCH AND ENGINEERING.—Subparagraph (A) of section 131(b)(2) of title 10, United States Code, is amended to read as follows:

''(A) The Under Secretary of Defense for Research and Engineering.''.

(2) ADDITIONAL CONFORMING AMENDMENT RELATING TO PLACEMENT OF LATER ESTABLISHED USD FOR BUSINESS MANAGEMENT AND SUPPORT.—Paragraph (2) of section 901(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is amended to read as follows:

''(2) PLACEMENT IN THE OFFICE OF THE SECRETARY OF DEFENSE.—Effective on the effective date specified in paragraph (1), section 131(b)(2) of such title is amended—

"(A) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

"(B) by inserting after subparagraph (A) by the following new subparagraph (B):

"'(B) The Under Secretary of Defense for Management and Support.'.".

(f) ADDITIONAL CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of title 10, United States Code, is amended—

(1) by striking the item relating to section 133 and inserting the following new item:

"133. Under Secretary of Defense for Research and Engineering."; and

(2) by striking the items relating to sections 139, 139a, 139b, and 139c and inserting the following new items:

"139. Assistant Secretary of Defense for Acquisition Policy and Oversight.
"139a. Director of Operational Test and Evaluation.
"139b. Director of Cost Assessment and Program Evaluation.".

(g) EXECUTIVE SCHEDULE LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Under Secretary of Defense for Acquisition, Technology, and Logistics and inserting the following new item:

"Under Secretary of Defense for Research and Engineering.".

(h) IMPLEMENTATION.—

(1) COMMENCEMENT.—Except as otherwise provided in this section, the Secretary of Defense shall commence implementation of this section and the amendments made by this section on the date of the enactment of this Act.

(2) NOMINATIONS.—Any individual nominated by the President who takes office in 2017 to a position under section 133 or 139 of title 10, United States Code (as amended by this section), shall meet the qualifications and other requirements of such position as specified in such section.

(3) IMPLEMENTATION PLAN.—Not later than March 1, 2017, the Secretary of Defense shall submit to the congressional defense committees the following:

(A) A plan for the full implementation of this section and the amendments made by this section.

(B) A report that describes the concerns, if any, that the Secretary has with the requirements of this section and the amendments made by this section, and recommendations for such legislative action to address such concerns as the Secretary considers appropriate.

(4) COMPLETION.—The Secretary shall complete the implementation of this section and the amendments made by this section not later than January 20, 2018.

(i) INCUMBENTS.—

(1) RETENTION OF INCUMBENTS.—The incumbent in each position under a provision of law repealed or superseded by a provision of this section as of the day before the date of the enactment of this Act may, at the election of the Secretary of Defense, remain in such position after the date of the enactment of this Act in accordance with the terms of the provision so repealed or superseded as in effect on the day before the date of the enactment of this Act.

(2) RATE OF PAY.—The rate of pay payable under title 5, United States Code, to an incumbent covered by paragraph (1) for service in the applicable position after the date of the enactment of this Act shall be the rate of pay payable for such position under chapter 53 of title 5, United States Code, as of the day before the date of the enactment of this Act.

(j) REFERENCES.—

(1) USD FOR ATL.—Any reference to the Under Secretary of Defense for Acquisition, Technology, and Logistics in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(2) ASD FOR ACQUISITION.—Any reference to the Assistant Secretary of Defense for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to a position designated by the Assistant Secretary of Defense for Acquisition Policy and Oversight.

(3) ASD FOR LOGISTICS AND MATERIEL READINESS.—Any reference to the Assistant Secretary of Defense for Logistics and Materiel Readiness in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(4) ASD FOR RESEARCH AND ENGINEERING.—Any reference to the Assistant Secretary of Defense for Research and Engineering in any law, regulation, map, document, record, or other paper of the United

States shall be deemed to be a reference to the Under Secretary of Defense for Research and Engineering.

(5) ASD FOR ENERGY, INSTALLATIONS, AND THE ENVIRONMENT.—Any reference to the Assistant Secretary of Defense for Energy, Installations, and the Environment in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the position designated by the Secretary for purposes of this paragraph.

(k) REPORT ON ADDITIONAL CONFORMING AND OTHER AMENDMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting for comprehensive recommendations for such conforming and other amendments to law as the Secretary considers appropriate in light of this section and the amendments made by this section.

SEC. 902. QUALIFICATIONS FOR APPOINTMENT OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.

(a) SECRETARY OF THE ARMY.—Section 3013(a)(1) of title 10, United States Code, is amended by inserting

after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

(b) SECRETARY OF THE NAVY.—Section 5013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

(c) SECRETARY OF THE AIR FORCE.—Section 8013(a)(1) of such title is amended by inserting after the first sentence the following new sentence: ''The Secretary shall, to the greatest extent practicable, be appointed from among persons most highly qualified for the position by reason of background and experience, including persons with appropriate management experience of a large complex organization''.

SEC. 903. ESTABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE FOR INFORMATION (CHIEF INFORMATION OFFICER) IN OFFICE OF SECRETARY OF DEFENSE.

(a) IN GENERAL.—Paragraph (8) of section 138(b) of title 10, United States Code, is amended to read as follows:

''(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Information (Chief Information Officer), who shall report to the Secretary and the Deputy Secretary of Defense. The Assistant Secretary shall be the principal advisor to the Secretary and have responsibility for all defense cyber and space policy, information network defense, policies and standards governing information technology systems, and related information security activities of the Department, including oversight of the Defense Information Systems Agency or any successor organization.''.

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Subsection (b) of section 132a of such title is amended to read as follows:

''(b) The Under Secretary also serves as the Performance Improvement Officer of the Department of Defense.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on February 1,

2017, immediately after the coming into effect of the amendment made by section 901(a)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 35462), to which the amendment made by paragraph (1) relates.

SEC. 904. REDUCTION IN MAXIMUM NUMBER OF PERSONNEL IN OFFICE OF THE SECRETARY OF DEFENSE AND OTHER DEPARTMENT OF DEFENSE HEADQUARTERS OFFICES.

(a) OFFICE OF THE SECRETARY OF DEFENSE.—Section 143(b) of title 10, United States Code, is amended by striking ''and civilian personnel'' and inserting '', civilian, and detailed personnel''.

(b) LIMITATIONS ON PERSONNEL FOR THE JOINT STAFF.—Section 155 of such title is amended by adding at the end the following new subsection:

''(h) PERSONNEL LIMITATIONS.—(1) The total number of members of the armed forces and civilian employees assigned or detailed to permanent duty for the Joint Staff may not exceed 1,930.

''(2) Not more than 1,500 members of the armed forces on the active-duty list may be assigned or detailed to permanent duty for the Joint Staff.

"(3) The limitations in paragraphs (1) and (2) do not apply in time of war.

"(4) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.".

(c) OFFICE OF THE SECRETARY OF THE ARMY.—Section 3014(f) of such title is amended—

(1) in paragraph (3), by striking "67" and inserting "50";

(2) in paragraph (4), by striking "time of war" and all that follows and inserting "time of war."; and

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

"(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.".

(d) OFFICE OF THE SECRETARY OF THE NAVY.—Section 5014(f) of such title is amended—

(1) in paragraph (3), by striking "74" and inserting "56";

(2) in paragraph (4), by striking "time of war" and all that follows and inserting "time of war."; and

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

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(e) OFFICE OF THE SECRETARY OF THE AIR FORCE.—Section 8014(f) of such title is amended—

(1) in paragraph (3), by striking ''60'' and inserting ''45'';

(2) in paragraph (4), by striking ''time of war'' and all that follows and inserting ''time of war.''; and

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

''(5) Each limitation in paragraphs (1) and (2) may be exceeded by a number equal to 15 percent of such limitation in time of national emergency.''.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2019.

SEC. 905. LIMITATIONS ON FUNDS USED FOR STAFF AUGMENTATION CONTRACTS AT MANAGEMENT HEADQUARTERS OF THE DEPARTMENT OF DEFENSE AND THE MILITARY DEPARTMENTS.

(a) LIMITATIONS.—

(1) FOR FISCAL YEARS 2017 AND 2018.—The total amount obligated by the Department of Defense for fiscal year 2017 or 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to the aggregate amount expended by the Department for contract services for staff augmentation contracts at management headquarters of the Department and the military departments in fiscal year 2016 adjusted for net transfers from funding for overseas contingency operations (in this subsection referred to as the ''fiscal year 2016 staff augmentation contracts funding amount'').

(2) FOR FISCAL YEARS AFTER FISCAL YEAR 2018.—The total amount obligated by the Department for any fiscal year after fiscal year 2018 for contract services for staff augmentation contracts at management headquarters of the Department and the military departments may not exceed an amount equal to 75 percent of the fiscal year 2016 staff augmentation contracts funding amount.

(b) DEFINITIONS.—In this section:

(1) The term ''contract services'' has the meaning given that term in section 235 of title 10, United States Code.

(2) The term ''staff augmentation contracts'' means contracts for personnel who are subject to the direction of a Government official other than the contracting officer for the contract, including contractor personnel who perform personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

SEC. 906. UNIT WITHIN THE OFFICE OF THE SECRETARY OF DEFENSE SUPPORTING ACHIEVEMENT OF RESULTS IN DEPARTMENT OF DEFENSE MANAGEMENT REFORM AND BUSINESS TRANSFORMATION EFFORTS.

(a) IN GENERAL.—The Secretary of Defense serving in that position as of February 1, 2017, may establish within the Office of the Secretary of Defense on that date a unit of personnel that shall be responsible for providing expertise and support throughout the Department of Defense in efforts of the Department relating to management reform and business transformation. The unit may be known as the ''delivery unit'' for Department efforts on management reform and business transformation.

(b) COMPOSITION.—The unit established under subsection (a) shall consist of not more than 30 individuals selected by the Secretary primarily from among individuals outside the Government who have significant experience and expertise in management consulting, organization transformation, or data analytics.

(c) DUTIES.—

(1) IN GENERAL.—The unit established under subsection (a) shall have the duties as follows:

(A) To assist senior managers in developing and implementing roadmaps to achieve targets in management reform and business transformation for the Department of Defense established by Secretary of Defense referred to in subsection (a).

(B) To assist that Secretary and the Deputy Secretary of Defense in monitoring the progress of management reform and business transformation in the Department, and to assist that Secretary and the Deputy Secretary in providing for corrections in actions based on data-driven decision-making that will expedite the business processes of the Department.

(2) CONSULTATION WITH PRIVATE SECTOR.—In carrying out the duties specified in paragraph

(1), the unit shall seek to leverage the expertise available to the Department through current exchange programs of the Department with the private sector in order to obtain and deploy proven data analytics and management consulting practices.

(d) TERMINATION.—The unit established under subsection (a) shall cease to exist on January 31, 2021.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2017 for the Department of Defense and available for the Office of the Secretary of Defense, up to $30,000,000 may be available for activities of the unit established under subsection (a). Such amount may not be obligated or expended for that purpose until the date on which the unit is established.

Subtitle B—Combatant Command Matters

SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBATANT COMMAND MATTERS.

(a) FUNCTIONS OF JOINT CHIEFS OF STAFF.—

(1) CONSULTATION BY CHAIRMAN.—Subsection (c)(1) of section 151 of title 10, United States Code, is amended by striking ''as he considers appropriate'' and inserting ''as necessary''.

(2) REPEAL OF ADVICE ON REQUEST.—Such section is further amended—

(A) in subsection (b)(2), by striking ''subsections (d) and (e)'' and inserting ''subsection (d)'';

(B) by striking subsection (e); and

(C) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) CHAIRMAN OF THE JOINT CHIEFS OF STAFF MATTERS.—

(1) TERM OF SERVICE.—Subsection (a) of section 152 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''two years, beginning on October 1 of odd-numbered years'' and all that follows and inserting ''four years, beginning on October 1 of an odd-numbered year.''; and

(B) in paragraph (3), by—

(i) by striking the first sentence;

(ii) by striking ''However, the President'' and inserting ''The President'';

(iii) by striking ''combined''; and

(iv) by striking ''in such positions'' and inserting ''as Chairman or Vice Chairman''.

(2) REQUIREMENT FOR APPOINTMENT.—Subsection (b)(1) of such section is amended—

(A) by striking subparagraph (A); and

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

(c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF STAFF.—The text of section 153 of title 10, United States Code, is amended to read as follows:

''(a) RESPONSIBILITIES.—The Chairman of the Joint Chiefs of Staff is responsible for ensuring that the President and the Secretary of Defense receive military advice on the comprehensive organization, training, equipping, and employment of the armed forces.

''(b) PRIMARY FOCUS.—Subject to the authority, direction, and control of the President and the Secretary of Defense, the primary focus of the Chairman of the Joint Chiefs of Staff shall be the development of the military elements of national security and defense strategy, assisting the President and the Secretary in the integration of military operations and activities worldwide, and advocating for military requirements of the present and future joint force of the United States, including as follows:

"(1) STRATEGY DEVELOPMENT AND OPERATIONAL PLANNING.—In matters relating to strategy development and operational planning:

"(A) Developing strategic frameworks and directing planning, as required, to guide the use and employment of military force and related activities across all geographic regions and military functions and domains, and to sustain military efforts over different durations of time, as necessary.

"(B) Advising the Secretary on the production of the national defense strategy required by section 118 of this title and the national security strategy required by section 108 of the National Security Act of 1947 (50 U.S.C. 3043).

"(C) Providing advice to the President and the Secretary on daily and ongoing military operations.

"(D) Preparing alternative military analysis, options, and plans, as the Chairman considers appropriate, to recommend to the Secretary.

"(E) Preparing joint logistic, mobility, and operational energy plans to support the national defense strategy and recommending the assign-

ment of responsibilities to the armed forces in accordance with these plans.

"(F) Providing for the preparation and review of contingency plans which conform to policy guidance from the President and the Secretary.

"(2) GLOBAL MILITARY INTEGRATION.—In matters relating to global military integration:

"(A) Advising the Secretary on the need for the transfer of forces to address transregional, multi-domain, and multifunctional threats, or multiple threats with overlapping timeframes.

"(B) To the extent authorized by the Secretary pursuant to a delegation of authority under section 113(g)(4) of this title, directing the transfer of limited forces on a temporary basis.

"(3) COMPREHENSIVE JOINT READINESS.—In matters relating to comprehensive joint readiness:

"(A) Evaluating the overall preparedness of the joint force to perform the responsibilities of that force under the national defense strategy and to respond to significant contingencies worldwide.

"(B) Assessing the risks to United States missions, strategies, and military personnel that stem from shortfalls in military readiness across the armed forces, and producing comprehensive plans to reduce such risks.

"(C) Identifying the support functions that are likely to require contractor performance under current defense strategies, and the risks associated with the assignment of such functions to contractors.

"(D) Advising the Secretary on critical deficiencies and strengths in force capabilities (including manpower, logistic, and mobility support) identified during the preparation and review of the national defense strategy and contingency plans and assessing the effect of such deficiencies and strengths on meeting national security objectives and policy and on strategic plans.

"(E) Recommending to the Secretary, in accordance with section 166 of this title, a budget proposal for activities of each unified and specified combatant command.

"(F) Establishing and maintaining, after consultation with the commanders of the uni-

fied and specified combatant commands, a uniform system of evaluating the preparedness of each such command, and groups of commands collectively, to carry out missions assigned to the command or commands.

"(G) Advising the Secretary on the extent to which the major programs and policies of the armed forces in the area of manpower and contractor support conform with the national defense strategy and the requirements of contingency plans produced by the commanders of the combatant commands, and on the ways to improve and enhance operational contract support for the armed forces.

"(4) JOINT CAPABILITY DEVELOPMENT.—In matters relating to joint capability development:

"(A) Identifying innovative and experimental new technologies to maintain the military technological advantage of the armed forces, and recommending investments in such technologies to the Secretary.

"(B) Performing net assessments of the capabilities of the armed forces of the United States and its allies in comparison with the capabilities of potential adversaries.

"(C) Advising the Secretary under section 163(b)(2) of this title on the priorities of the requirements identified by the commanders of the unified and specified combatant commands.

"(D) Advising the Secretary on the extent to which the program recommendations and budget proposals of the military departments and other components of the Department of Defense for a fiscal year conform with the priorities established in the national defense strategy and with the priorities established for the requirements of the unified and specified combatant commands.

"(E) Submitting to the Secretary alternative program recommendations and budget proposals, within projected resource levels and guidance provided by the Secretary, in order to achieve greater conformance with the priorities referred to in subparagraph (D).

"(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the national defense strategy.

"(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost,

schedule, performance, and procurement quantity objectives in the acquisition of materiel and equipment to support the strategic and contingency plans required by this subsection in the most effective and efficient manner.

''(5) JOINT FORCE DEVELOPMENT ACTIVITIES.—In matters relating to joint force development activities:

''(A) Developing doctrine for the joint employment of the armed forces.

''(B) Formulating policies and technical standards, and executing actions, for the joint training of the armed forces.

''(C) Formulating policies for coordinating the military education of members of the armed forces.

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

''(E) Formulating policies for gathering, developing, and disseminating joint lessons learned for the armed forces.

''(F) Advising the Secretary on development of joint command, control, communications, and cyber capability, including integra-

tion and interoperability of such capability, through requirements, integrated architectures, data standards, and assessments.

''(6) OTHER MATTERS.—In other matters:

''(A) Providing for representation of the United States on the Military Staff Committee of the United Nations in accordance with the Charter of the United Nations.

''(B) Performing such other duties as may be prescribed by law or by the President or the Secretary of Defense.

''(c) NATIONAL MILITARY STRATEGY.—

''(1) NATIONAL MILITARY STRATEGY.—

''(A) IN GENERAL.—The Chairman shall determine each even-numbered year whether to prepare a new national military strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this paragraph. The Chairman shall provide such national military strategy or update to the Secretary of Defense in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary under paragraph (4).

"(B) SCOPE.—Each national military strategy or update under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands. Each update shall address only those parts of the most recent national military strategy for which the Chairman determines, on the basis of the review under subparagraph (A), that a modification is needed.

"(C) BASIS.—Each national military strategy or update submitted under this paragraph shall describe how the military will achieve support the objectives of the United States as articulated in—

"(i) the most recent national security strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 3043);

"(ii) the most recent annual report of the Secretary submitted to the President and Congress pursuant to section 113 of this title;

"(iii) the most recent national defense strategy presented by the Secretary of Defense pursuant to section 118 of this title; and

"(iv) any other national security or defense strategic guidance issued by the President or the Secretary.

"(D) ELEMENTS.—At a minimum, each national military strategy or update submitted under this paragraph shall—

"(i) assess the strategic environment, threats, opportunities, and challenges that affect the national security of the United States;

"(ii) develop military ends, ways, and means to support the objectives referred to in subparagraph (C);

"(iii) provide the framework for the assessment by the Chairman of strategic and military risks pursuant to paragraph (2), and developing risk mitigation options;

"(iv) establish a strategic framework for the development of operational and contingency plans;

"(v) identify the priority of joint force capabilities, capacities, and resources; and

"(vi) establish military guidance for the development of the joint force.

"(2) RISK ASSESSMENT.—

"(A) IN GENERAL.—The Chairman shall prepare each year an assessment of the risks associated with the most current national military strategy or update under paragraph (1). The risk assessment shall be known as the 'Risk Assessment of the Chairman of the Joint Chiefs of Staff'. The Chairman shall complete preparation of the risk assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion in the report, if any, of the Secretary of Defense under paragraph (4).

"(B) OBJECTIVES.—Each risk assessment shall do the following:

"(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions that informed the

national military strategy or update under paragraph (1).

"(ii) Identify and define the strategic risks to United States interests and the military risks in executing the national military strategy or update.

"(iii) Identify and define levels of risk, including an identification of what constitutes 'significant' risk in the judgment of the Chairman.

"(iv) Identify and assess risk in the national military strategy or update by category and level, including how risk is projected to increase, decrease, or remain stable over time.

"(v) For each category of risk identified pursuant to clause (iv), assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

"(vi) Identify and assess risk associated with the assumptions or plans of the national military strategy or update about the contributions or support of—

"(I) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and

"(II) any other external support, as appropriate.

"(vii) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the national military strategy or update.

"(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

"(A) NATIONAL MILITARY STRATEGY.—Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees

on Armed Services of the Senate and the House of Representatives a report on the national military strategy or update, if any, prepared under paragraph (1) in such year.

"(B) RISK ASSESSMENT.—Not later than February 15 each year, the Chairman shall, through the Secretary, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the risk assessment prepared under paragraph (2) in such year.

"(C) FORM.—The reports submitted under this subsection shall be classified in form, but shall include an unclassified summary.

"(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—

"(A) IN GENERAL.—In transmitting a national military strategy or update, or a risk assessment, to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

"(B) ADDITIONAL ELEMENTS WITH RISK ASSESSMENT.—If a risk assessment transmitted

under paragraph (3) in a year includes an assessment that a risk or risks associated with the national military strategy or update are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vii), the Secretary shall include in the transmittal of the risk assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

"(i) address the risk assumed in the national military strategy or update concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

"(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.".

(d) VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

(1) TERM OF SERVICE.—Paragraph (3) of section 154(a) of title 10, United States Code, is

amended is amended by striking ''two years'' and inserting ''four years''.

(2) INELIGIBILITY FOR SERVICE AS CHAIRMAN OR ANY OTHER POSITION IN THE ARMED FORCES.—Such section is further amended by adding at the end the following new paragraph:

''(4) The Vice Chairman shall not be eligible for promotion to the position of Chairman or any other position in the armed forces. The term of the Vice Chairman shall be established so as not to begin in the same year as the term of the Chairman.''.

(e) RESPONSIBILITIES OF COMMANDERS OF THE COMBATANT COMMANDS.—Section 164(b) of title 10, United States Code, is amended—

(1) in paragraph (2)(A), by inserting ''and in consultation with the Chairman of the Joint Chiefs of Staff'' before the semicolon; and

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

''(3) Among the full range of command responsibilities specified in subsection (c) and as provided for in section 161 of this title, the primary duties of the commander of a combatant command shall be as follows:

''(A) To produce plans for the employment of the armed forces to execute the national defense

strategy and respond to significant military contingencies.

"(B) To take actions necessary to deter conflict.

"(C) To command United States armed forces in conflict, if directed by the Secretary of Defense and approved by the President.".

(f) COMBATANT COMMANDERS COUNCIL.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 163 the following new section:

"§ 163a. Combatant Commanders Council

"(a) IN GENERAL.—There is in the Department of Defense a council to be known as the 'Combatant Commanders Council' (in this section referred to as 'the Council').

"(b) COMPOSITION.—The Council shall consist of the following:

"(1) The Secretary of Defense, who shall head the Council.

"(2) The Chairman of the Joint Chiefs of Staff.

"(3) The Vice Chairman of the Joint Chiefs of Staff.

"(4) The commanders of the combatant commands.

"(c) CONVENING AUTHORITY.—The Secretary of Defense shall convene regular meetings of the Council as the Secretary determines necessary. The Secretary may delegate the authority to convene meetings of the Council to the Chairman, in which case the Secretary may designate a representative to attend the meeting in the Secretary's place.

"(d) DUTIES.—The responsibilities of the Council are as follows:

"(1) To inform the requirements, production, and periodic review of the national defense strategy required by section 118 of this title.

"(2) To advise the commanders of the combatant commands of their roles and responsibilities in executing the national defense strategy.

"(3) To oversee and guide the implementation of the national defense strategy.

"(4) To support the Secretary of Defense and the Chairman in providing for the effective global integration of all military operations and activities across the combatant commands in furtherance of the current national defense strategy and the guidance of the President and the Secretary of Defense.

"(5) Such other responsibilities as the Secretary may prescribe.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 163 the following new item:

"163a. Combatant Commanders Council.".

SEC. 922. DELEGATION TO CHAIRMAN OF JOINT CHIEFS OF STAFF OF AUTHORITY TO DIRECT TRANSFER OF FORCES.

Section 113(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4)(A) The Secretary of Defense may, in the Secretary's discretion, delegate to the Chairman of the Joint Chiefs of Staff the authority to direct the transfer of forces on behalf of the Secretary. Any such delegation shall, at a minimum, specify the following:

"(i) The threats, areas, and missions for which the Chairman of the Joint Chiefs of Staff is authorized to direct the transfer of forces.

"(ii) The categories and quantities of forces that are covered by the authorization.

"(iii) The duration of the transfer.

"(B) Any delegation under this paragraph shall require the Chairman of the Joint Chiefs of Staff to notify the Secretary of any decision to direct the deployment of forces pursuant to the delegation as soon as possible.

"(C) A delegation under this paragraph shall be for a period of not more than one year, and may be renewed.".

SEC. 923. ORGANIZATION OF THE DEPARTMENT OF DEFENSE FOR MANAGEMENT OF SPECIAL OPERATIONS FORCES AND SPECIAL OPERATIONS.

(a) RESPONSIBILITY OF ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.—Section 138(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: "Subject to the authority, direction, and control of the Secretary of Defense, the Assistant Secretary shall do the following:

"(A) Exercise authority, direction, and control of all administrative matters relating to the organization, training, and equipping of special operations forces.

"(B) Assist the Secretary and the Under Secretary of Defense for Policy in the development and supervision of policy, program planning and execution, and allocation and use of resources for the activities of the Department of Defense for the following:

"(i) Irregular warfare, combating terrorism, countering the proliferation of weapons of mass destruction, and the special operations

activities specified by section 167(k) of this title.

"(ii) Integrating the functional activities of the headquarters of the Department to most efficiently and effectively provide the capabilities required for special operations missions.".

(b) SPECIAL OPERATIONS FUNCTIONAL INTEGRATION AND OVERSIGHT TEAM.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b, as redesignated by section 901(b)(2) of this Act, the following new section:

"§ 139c. Special Operations Functional Integration and Oversight Team

"(a) IN GENERAL.—In order to fulfill the responsibilities specified in section 138(b)(4) of this title, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall establish and lead a team to be known as the 'Special Operations Functional Integration and Oversight Team' (in this section referred to as the 'Team').

"(b) PURPOSE.—The purpose of the Team is to integrate the functional activities of the headquarters of the Department of Defense in order to most efficiently and effectively provide the capabilities required for special op-

erations missions. In fulfilling this purpose, the Team shall develop and continuously improve policy, joint processes, and procedures that facilitate the development, acquisition, integration, employment, and sustainment of special operations capabilities.

"(c) MEMBERSHIP.—The Team shall include the following:

"(1) The Assistant Secretary, who shall act as leader of the Team.

"(2) Appropriate senior representatives of each of the following:

"(A) The Under Secretary of Defense for Research and Engineering.

"(B) The Under Secretary of Defense for Management and Support.

"(C) The Under Secretary of Defense (Comptroller).

"(D) The Under Secretary of Defense for Personnel and Readiness.

"(E) The Under Secretary of Defense for Intelligence.

"(F) The other Assistant Secretaries of Defense under the Under Secretary of Defense for Policy.

"(G) The military departments.

"(H) The Joint Staff.

"(I) The United States Special Operations Command.

"(J) Such other officials or Agencies, elements, or components of the Department of Defense as the Secretary of Defense considers appropriate

"(d) OPERATION.—The Team shall operate continuously.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section 901(f)(2) of this Act, is further amended by inserting after the item relating to section 139b the following new item:

"139c. Special Operations Functional Integration and Oversight Team.".

(c) US SPECIAL OPERATIONS COMMAND MATTERS.—

(1) AUTHORITY OF COMMANDER.—Subsection (e)(2) of section 167 of title 10, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking "The commander" and inserting "Subject to the authority, direction, and control of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, the commander"; and

(B) by striking subparagraph (J) and inserting the following new subparagraph (J):

''(J) Monitoring the promotions of special operations forces and coordinating with the military departments regarding the assignment, retention, training, professional military education, and special and incentive pays of special operations forces.''.

(2) ADMINISTRATIVE CHAIN OF COMMAND.—Such section is further amended—

(A) by redesignating subsections (f) through (k) as subsections (g), through (l), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

''(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1) Unless otherwise directed by the President, the administrative chain of command to the special operations command runs—

''(A) from the President to the Secretary of Defense;

''(B) from the Secretary of Defense to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; and

"(C) from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the commander of the special operations command.

"(2) For purposes of this subsection, administrative chain of command refers to the exercise of authority, direction and control with respect to the administration and support of the special operations command, including the readiness and organization of special operations forces, special operations-peculiar resources and equipment, and civilian personnel. It does not refer to the exercise of authority, direction, and control of operational matters that are subject to the operational chain of command of the commanders of combatant commands or the exercise of authority, direction, and control of personnel, resources, equipment, and other matters that are not special operations-peculiar that are the purview of the armed forces. In addition, the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is subordinate to the Under Secretary of Defense for Policy in all matters of policy related to special operations activities and low intensity conflict activities of the Department of Defense.".

SEC. 924. PILOT PROGRAM ON ORGANIZATION OF SUBORDINATE COMMANDS OF A UNIFIED COMBATANT COMMAND AS JOINT TASK FORCES.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program on organizing the subordinate commands of a unified combatant command in the form of joint task forces.

(b) COVERED COMMANDS.—The Secretary shall carry out the pilot program in at least one unified combatant command designated by the Secretary for purposes of this section.

(c) PLAN.—

(1) IN GENERAL.—In carrying out the pilot program, the Secretary shall develop, for each combatant command participating in the pilot program, a plan to—

(A) disestablish, and prohibit the reestablishment of, any subordinate command of such combatant command that is organized by a service of the Armed Forces;

(B) identify the major missions and contingencies in the area of responsibility of such combatant command that would require a military response;

(C) establish subordinate commands for such combatant command in the form of joint task forces, as described in subsection (d);

(D) select a commander of an appropriate grade to lead each joint task force so established based on the scale and complexity of the mission that such task force must perform; and

(E) describe any additional authorities, specialized training, or other organizational elements that such joint task forces may require to meet the objectives of the plan.

(2) OBJECTIVES.—The objectives of each plan under this subsection shall be—

(A) to provide for a greater emphasis on operational military missions;

(B) to improve the effectiveness and efficiency of the combatant command concerned in performing the missions of the combatant command through better integration of functional components and capabilities, both from within the combatant command and across the Department of Defense;

(C) to create more flexible and responsive subordinate commands that can be established, grown, reduced, altered, or disestablished based

on the changing nature of threats and contingencies in the area of responsibility of the combatant command concerned;

(D) to devolve responsibility and initiative, to the greatest extent practicable, to lower levels in the combatant command concerned, eliminating unnecessary layers of management and headquarters staff, and reducing the cost and time to perform mission critical tasks;

(E) to enhance the ability of the combatant command concerned to execute global defense strategies and address threats that span multiple regions, functions, and domains, involve different durations of time, and lack clearly defined phases of conflict; and

(F) to enable the commander of the combatant command concerned to integrate the activities of the combatant command across wider spans of control with fewer personnel and resources, and to focus more consistently on the strategic missions of the combatant command, including coordination with other combatant commands and engagement with key foreign partners.

(3) PROBLEMS TO OVERCOME.—The problems that each plan under this subsection shall seek to overcome are—

(A) deficiencies in the current organization of the unified combatant commands that have led senior leaders over many years to rely increasingly on the establishment of ad hoc joint task forces to meet critical emergent requirements for the combatant commands;

(B) dramatic growth in the size of staffs of the unified combatant commands that inhibit an effective and efficient performance of missions, lead to duplication of effort, and draw limited vital resources away from operational units and toward bureaucratic staffing functions;

(C) hierarchal, time-intensive, and resource-intensive planning and decision-making processes that are required to compensate for, and attempt to achieve integration among, functional command structures oriented around separate Armed Forces;

(D) antiquated approaches to persistent, trans-regional, cross-functional, and multi-domain threats that cannot be addressed through

discrete and isolated operational plans based on a clear commencement of hostilities leading to combat operations; and

(E) misaligned priorities that result in unified combatant commands being overly focused on mission support activities (such as intelligence analysis and regional theater engagement) and insufficiently focused on the operational missions of the combatant commands.

(4) PREPARATION.—Each plan under this subsection shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the commander of the combatant command concerned.

(5) DEADLINE FOR DEVELOPMENT.—Any plan to be developed under this subsection shall be completed by not later than March 1, 2017.

(6) SUBMITTAL TO CONGRESS.—Upon completion of the development of a plan under this subsection, the Secretary shall submit such plan to the congressional defense committees.

(7) IMPLEMENTATION.—The Secretary shall commence implementation of each plan developed under this subsection for purposes of the pilot program by not later than September 1, 2017.

(d) JOINT TASK FORCES.—

(1) IN GENERAL.—Each joint task force established for purposes of the pilot program pursuant to a plan under subsection (c) shall be—

(A) established and organized as a cross-functional team with the primary purpose of performing an identified mission or providing essential support and enabling capabilities to task forces performing such missions;

(B) assigned the necessary number and mixture of Armed Forces personnel and related capabilities to perform the mission of such task force;

(C) organized and sized in a manner that best reflects the scope, scale, complexity, and priority of the mission that such task force is required to perform or support;

(D) comprised of representatives from each functional component from across the Department of Defense that is relevant to the performance of the mission of such task force, including the Armed Forces, other unified combatant commands, other joint task forces that are subordinate to the same or another unified combatant command, defense intelligence agen-

cies, other combat support agencies, and acquisition offices; and

(E) commanded by a military officer of appropriate grade who would be selected as prescribed by section 164(e) of title 10, United States Code, and overseen by the commander of the combatant command as prescribed by section 164(d) of such title were such joint task force the subordinate command of a unified combatant command.

(2) PURPOSES.—The purpose of each joint task force established pursuant to this subsection shall be to achieve the operational military mission of such task force, including by—

(A) integrating all the functional components within such task force into joint efforts;

(B) producing integrated operational plans, consistent with the orders of the commander of the combatant command concerned and the defense strategy of the Department of Defense;

(C) recommending to the commander of the combatant command concerned any additional resources and capabilities that the commander of such joint task force determines necessary to achieve the mission of such task force;

(D) providing better alignment and unity of effort with other joint task forces within the combatant command concerned or other unified combatant commands that are performing related missions or addressing similar threats;

(E) conducting engagements with foreign partners from the area of responsibility of such task force that are necessary to achieving the military mission of such task force; and

(F) experimenting with new operational concepts and developmental capabilities that the commander of such task force considers essential to the mission of such task force.

(e) REPORT.—Not later than September 1, 2018, the Secretary shall submit to the congressional defense committees a report that includes, for each plan developed under subsection (c) for purposes of the pilot program, the following:

(1) A description of such plan.

(2) An assessment of the positive and negative effects of such plan.

(3) A description of key factors that contributed to the success or failure of such plan.

(4) Recommendations on whether, and in what manner, to apply such plan to unified combatant commands not covered by the pilot program.

SEC. 925. EXPANSION OF ELIGIBILITY FOR DEPUTY COMMANDER OF COMBATANT COMMAND HAVING UNITED STATES AMONG GEOGRAPHIC AREA OF RESPONSIBILITY TO INCLUDE OFFICERS OF THE RESERVES.

Section 164(e)(4) of title 10, United States Code, is amended—

(1) by striking ''the National Guard'' and inserting ''a reserve component of the armed forces''; and

(2) by striking ''a National Guard officer'' and inserting ''a reserve component officer''.

Subtitle C—Organization and Management of Other Department of Defense Offices and Elements

SEC. 941. ORGANIZATIONAL STRATEGY FOR THE DEPARTMENT OF DEFENSE.

(a) ORGANIZATIONAL STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than July 20, 2017, the Secretary of Defense shall formulate and issue to the Department of Defense an organizational strategy for the Department that—

(A) identifies the most important missions and other organizational outputs for the Department, including the manner in which capabilities for such missions will be generated and objectives for such outputs will be achieved;

(B) reforms the Office of the Secretary of Defense and the manner in which it operates to support the Secretary;

(C) improves management of relationships and processes involving the Office of the Secretary of Defense, the Joint Chiefs of Staff, the combatant commands, the military departments, and the Defense Agencies;

(D) improves and professionalizes the supervision of the Defense Agencies; and

(E) improves support to the President and the National Security Council in interagency processes and deliberations.

(2) OBJECTIVES.—The objectives of the strategy shall be as follows:

(A) To enable the Department to integrate the expertise and capacities of the components of the Department for effective and efficient achievement of the missions of the Department.

(B) To enable the Department to focus on critical missions that span multiple functional issues, to frame competing and alternative courses of action, and to make clear and effective strategic choices in a timely manner to achieve such missions.

(C) To clarify responsibility and accountability in the decision-making processes in the Department.

(D) To enable the Department to anticipate, adapt, and innovate rapidly to changes in the threats facing the United States, and to exploit the opportunities to counter such threats offered by technological and organizational advances.

(E) To improve the ability of the Department to work effectively in interagency processes in order to better serve the President and the National Security Council and to better contribute to national security missions.

(F) To achieve an organizational structure with fewer layers of management and reduced levels of staffing that performs better than the current organizational structure of the Department.

(3) IMPEDIMENTS TO BE ADDRESSED.—The strategy shall address, and seek to overcome, the following:

(A) Sequential, hierarchical planning and decision-making processes oriented around functional bureaucratic structures that are excessively parochial, duplicative, resistant to integration, and result in unclear, consensus-based outcomes that often constrain the ability of the Department to achieve core missions effectively and efficiently.

(B) Layering of management structures and processes that result in decisions being made by higher levels of management where the authority for cross-functional integration exists but detailed substantive expertise is often lacking or being reduced to lowest common denominator recommendations to senior leaders that suppress rather than resolve disputes across functional organizations.

(C) Weak leadership skills and culture in the Office of the Secretary of Defense.

(D) Misaligned incentives and a culture that rewards bureaucratic parochialism and in-

ertia, risk avoidance, and the deferral or delay of decisions.

(4) CAUSES OF IMPEDIMENTS TO BE ELIMINATED.—In connection with the impediments specified in paragraph (3), the strategy shall address, and seek to eliminate, the following:

(A) A noncollaborative culture within the Department that lacks shared purpose and values.

(B) Risk aversion arising from fear of the consequences of real or perceived failure, or from the absence of positive or negative incentives to reduce such risk aversion.

(C) Lack of viable alternative mechanisms for achieving the integration of the functional components of the Department and for aligning expertise and decision-making authority at the most efficient levels of management.

(5) SOLUTIONS.—In connection with the impediments specified in paragraph (3) and the causes of such impediments specified in paragraph (4), the strategy shall specify, and seek to achieve, the following:

(A) Cross-functional teams to manage the major missions and other high-priority outputs

of the Department that inherently cross functional boundaries (in this section referred to as ''mission teams'').

(B) A collaborative, team-oriented, results-driven, and innovative culture within the Department that fosters an open debate of ideas and alternative courses of action.

(C) A simplified organizational structure for the Department with reduced layers of management and increased spans of control.

(D) Streamlined processes designed to produce improved performance in less time.

(b) ACTION IN SUPPORT OF STRATEGY.—During the period between the date of the enactment of this Act and the appointment of the Secretary of Defense first appointed in 2017, the current Secretary of Defense shall take appropriate actions to assist the individual so appointed as Secretary of Defense in the development and issuance of the organizational strategy required by subsection (a).

(c) MISSION TEAMS.—

(1) IN GENERAL.—Not later than April 20, 2017, the Secretary of Defense shall identify the missions, other high-priority outputs, and important activities of the Department of Defense for which

mission teams and sub-teams shall be established in the Department.

(2) PURPOSES.—The purposes of each mission team established pursuant to this subsection shall be as follows:

(A) To produce comprehensive and fully integrated policies, strategies, plans, resourcing, and oversight for the mission or other priority output such team is assigned to support, drawing upon the expertise and capacities of all relevant functional components of the Department.

(B) To supervise the implementation of approved strategies with respect to such mission or other output.

(3) DIRECTIVE ON TEAMS.—Not later than May 20, 2017, the Secretary shall issue a directive—

(A) on the role, authorities, reporting relationships, resourcing, manning, and operations of mission teams established pursuant to this subsection, which directive shall specify that the mission teams are decision-making organizations rather than advisory bodies; and

(B) that provides clear direction that the leaders of functional components of the Department that provide personnel to such mission teams—

(i) may not interfere in the activities of the mission team;

(ii) shall instruct personnel assigned to teams to faithfully represent the views and expertise of their functional components while contributing to the best of their ability to the success of the mission team concerned; and

(iii) shall be assessed for performance review purposes according to their support to and cooperation with mission teams interacting with their components.

(4) ESTABLISHMENT.—The Secretary shall establish mission teams, and any applicable subteams, to be established pursuant to this subsection as follows:

(A) The first three teams, by not later than July 20, 2017.

(B) The second three teams, by not later than October 20, 2017.

(C) Any remaining teams, by not later than January 20, 2018.

(5) FUNCTIONS CONSIDERED.—In establishing a mission team pursuant to this subsection, the Secretary shall consider representatives from the Office of the Secretary of Defense, the Joint Staff, the military departments, and the Defense Agencies in the functional areas of policy, strategy, intelligence, budget, research and engineering, procurement and services, manpower, logistics, cost assessment and program evaluation, test and evaluation, legislative affairs, public affairs, and any other functional area the Secretary considers appropriate.

(6) TEAM PERSONNEL.—For each team established pursuant to this subsection, the Secretary shall—

(A) designate as leader of such team a qualified and experienced individual in a general or flag officer grade, or a member of the Senior Executive Service, who shall report directly to the Secretary regarding the activities of such team;

(B) delegate to the team leader designated pursuant to subparagraph (A) authority to select members of such team from among civilian

employees of the Department and members of the Armed Forces in any grade recommended for membership on such team by the head of a functional component of the Department within the Office of the Secretary of Defense, the Joint Staff, and the military departments, by the commander of a combatant command, or the director of a Defense Agency;

(C) provide that the team leader has the authority to obtain full-time support from team members, and to co-locate all members of such team, as the team leader considers appropriate;

(D) ensure that team members are properly trained in teamwork, collaboration, conflict resolution, and appropriately represent the views of their functional components without inappropriately pursuing the interests of their functional components; and

(E) make the team leader available to the congressional defense committees to provide periodic updates on the progress of such mission team.

(7) TEAM STRATEGIES AND DECISION-MAKING AUTHORITY.—

(A) IN GENERAL.—Each mission team established pursuant to this subsection shall issue a charter and strategy for such team to achieve objectives of such team specified by the Secretary, for team training, to specify metrics for evaluation of the achievement of such objectives by such team, and to specify incentives for the team and its members for the achievement of such objectives by such team. The charter and strategy shall not go into effect until approved by the Secretary.

(B) DELEGATION OF AUTHORITY.—In approving the charter and strategy of a mission team, the Secretary shall delegate to the team such decision-making authority as the Secretary considers appropriate in order to permit the team to execute the strategy. The delegation shall also specify the decision-making authority with respect to the team and the strategy that shall be retained by the Secretary.

(C) SCOPE OF DELEGATION.—Within the delegation provided for pursuant to subparagraph (B), the leader of a mission team shall have authority to draw upon the resources of the functional components of the Department

and make decisions affecting such functional components.

(D) REVIEW.—The head of a functional component of the Department may seek the review and modification by the Secretary of any determination pursuant to subparagraph (C) considered by the head of the functional component to have, or have the potential to have, an adverse impact on missions or capabilities of the functional component.

(8) REVIEW OF MISSION TEAMS.—Not later than 120 days after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall complete an analysis, with support from external experts in organizational and management sciences, of successes and failures of mission teams and determine how to apply the lessons learned from that analysis.

(d) COLLABORATIVE CULTURE WITHIN OSD.—

(1) DIRECTIVE ON PURPOSES, VALUES, AND PRINCIPLES.—Not later than April 20, 2017, the Secretary of Defense shall issue a directive on shared purposes, values, and principles for the operation of the Office of the Secretary of Defense that sets forth a team-oriented, results-driven culture

within the Office to support missions and objectives of the Department of Defense and cross-boundary collaboration within the Department.

(2) DIRECTIVE ON COLLABORATIVE BEHAVIOR.—Not later than May 20, 2017, the Secretary shall issue a directive specifying the collaborative behavior required of personnel of the Office of the Secretary of Defense, including the prevailing behaviors that the Secretary expects to be sustained and the behaviors that the Secretary seeks to eliminate.

(3) DIRECTIVE AND OTHER ACTIONS ON COLLABORATION.—Not later than July 20, 2017, the Secretary shall—

(A) issue a directive describing the methods and means to achieve a high degree of collaboration within and between the Office of the Secretary of Defense and the Joint Staff;

(B) require that cross-boundary collaboration constitute 50 percent of the performance review criteria for each official in such leadership positions as the Secretary shall specify, including leaders of mission teams and heads of functional components of the Department within the Office of the Secretary of Defense that

provide personnel or other support to the mission teams;

(C) for purposes of this subsection, provide for a course of instruction in leadership, modern organizational practice, collaboration, and the functioning of mission teams described in subsection (c) for personnel in the Office of the Secretary of Defense who serve in positions in the Office pursuant to an appointment by and with the advice and consent of the Senate; and

(D) issue policy requiring successful service as leader or a member of a mission team as a condition for promotion in the Senior Executive Service above such level as the Secretary shall specify in the directive.

(e) STREAMLINING OF ORGANIZATIONAL STRUCTURE AND PROCESSES OF OSD.—

(1) IN GENERAL.—Not later than one year after the date of the appointment of the Secretary of Defense first appointed in 2017, the Secretary of Defense shall take such actions as the Secretary considers appropriate to streamline the organizational structure and processes of the Office of the Secretary of Defense in order to increase spans of control, achieve a reduction in layers of manage-

ment, eliminate unnecessary duplication between the Office and the Joint Staff, and reduce the time required to complete standard processes and activities.

(2) CONSULTATION AND SUPPORT.—In carrying out this subsection, the Secretary shall consult with the Defense Business Board, and shall enter into contracts with individuals and entities outside Government with expertise in cross-functional teams, organizational science, and private-sector best practices to obtain advice regarding collaboration across functional boundaries to achieve critical organizational objectives.

(3) REPORT.—Not later than the date on which the Secretary commences actions under this subsection, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report setting forth a description of the actions the Secretary proposes to take under this subsection. If legislative action is required in connection with the taking of any such action, the report shall include recommendations for such legislative action.

(f) TRAINING FOR INDIVIDUALS NOMINATED FOR APPOINTMENT FOR OSD POSITIONS CONFIRMED BY SENATE.—

(1) IN GENERAL.—An individual may not be nominated to a position in the Office of the Secretary of Defense appointable by and with the advice and consent of the Senate unless the individual has successfully completed a course of instruction in leadership, modern organizational practice, collaboration, and the operation of mission teams described in subsection (c).

(2) WAIVER.—The President may waive the limitation in paragraph (1) with respect to an individual if the Secretary of Defense determines in writing that the individual possesses, through training and experience, the skill and knowledge otherwise to be provided through a course of instruction as described in that paragraph.

(g) COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENTS.—

(1) BIANNUAL REPORT ON ASSESSMENTS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter through December 31, 2019, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive assessment of the actions taken

under this section during the six-month period ending on the date of such report and cumulatively since the date of the enactment of this Act.

(2) ASSESSMENT TEAM.—The Comptroller General may establish within the Government Accountability Office a team of analysts to assist the Comptroller General in the performance assessments required by this subsection.

SEC. 942. DEPARTMENT OF DEFENSE MANAGEMENT OVERVIEW BY THE SECRETARY OF DEFENSE.

(a) IN GENERAL.—A Secretary of Defense serving in that position pursuant to an appointment to that position after January 20, 2017, shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than each of the deadlines provided in subsection (b), a report on the management of the Department of Defense that includes, current as of the date of such report, the following:

(1) HUMAN CAPITAL STRATEGY.—A human capital strategy to address the manner in which the Department of Defense civilian workforce is to be managed during the five-year period beginning on the date of the report, including an assessment of the mix of military, civilian, and contractor personnel required across the Department by function.

(2) PERSONNEL COST SAVINGS TARGETS.—In coordination with the Secretaries of the military departments, savings targets for personnel costs during the period of the most current future-years defense program under section 221 of title 10, United States Code, which targets—

(A) shall be applied across the entire Department based on individual mission requirements, and may not be percentage targets for each organization within the Department;

(B) shall use cost and function as barometers of cost savings targets, and may not achieve cost savings by billets or raw numbers of personnel in an attempt to manage and optimize a functional mix of senior, mid-career, and entry-level personnel rather than preserve an unbalanced and top-heavy upper-echelon staff based upon tenure alone.

(3) ELIMINATION OF FUNCTIONS.—A plan to eliminate unnecessary or redundant functions within each component of the Department.

(4) FORCE MANAGEMENT AUTHORITIES.—Recommendations for legislative actions for force management and shaping authorities to achieve the savings targets specified pursuant to paragraph (3) and

the elimination of functions planned pursuant to paragraph (4), which authorities shall focus on rewarding talent, managing, hiring, and divestiture of employees, and professional development of employees.

(5) DELAYERING ORGANIZATIONS.—A process for delayering headquarters organizations across the Department, beginning with the Office of the Secretary of Defense and the Joint Staff and subsequently including the Defense Agencies, the combatant commands, and the Armed Forces, which process shall include—

(A) a description of low-priority or redundant functions to be eliminated and of any organizations to be consolidated;

(B) appropriate plans and charts for the reorganization of such headquarters that reflect and depict the new headquarters structure as a result of the process; and

(C) plans and mechanisms to oversee, incentivize, and reward cross-functional teams.

(b) DEADLINES.—The deadlines for the submittal of reports under subsection (a) are December 1, 2017, and December 1 of each year thereafter though 2022.

SEC. 943. MODIFICATION OF COMPOSITION AND MISSION OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—The text of section 181 of title 10, United States Code, is amended to read as follows:

"(a) IN GENERAL.—There is a Joint Requirements Oversight Council in the Department of Defense.

"(b) MISSION.—The Joint Requirements Oversight Council shall—

"(1) assist the Chairman of the Joint Chiefs of Staff—

"(A) in assessing joint military capabilities to meet applicable requirements in the national defense strategy under section 118 of this title;

"(B) in identifying gaps in joint military capabilities, including gaps that could be filled by force-specific military capabilities or the modification of force-specific military capabilities;

"(C) in establishing requirements for new joint military capabilities based on advances in technology and concepts of operation;

"(D) in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities

needed to address gaps in joint military capabilities;

"(E) in validating proposed materiel capabilities, non-materiel capabilities, or both to fulfill approved joint military capability requirements;

"(F) in ensuring interoperability, where appropriate, of joint military capabilities and between and among joint military capabilities and force-specific military capabilities; and

"(G) in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, performance objectives, and procurement quantity objectives in the establishment and approval of joint military capability requirements in consultation with the advisors specified in subsection (d);

"(2) assist the Chairman, in consultation with the advisors to the Council under subsection (d), in reviewing the estimated level of resources required in to fulfill each approved joint military capability requirement and in ensuring that the total cost of such resources is consistent with the level of priority assigned to such requirement;

"(3) assist acquisition officials in identifying alternatives to any acquisition program that meets approved joint military capability requirements for the purposes of sections 2366a(b), 2366b(a)(4), and 2433(e)(2) of this title; and

"(4) assist the Chairman, in consultation with the commanders of the combatant commands and the Under Secretary of Defense for Research and Engineering, in establishing an objective for the overall period of time within which an initial operational capability should be delivered to meet each approved joint military capability requirement.

"(c) COMPOSITION.—

"(1) IN GENERAL.—The Joint Requirements Oversight Council is composed of the following:

"(A) The Vice Chairman of the Joint Chiefs of Staff, who is the Chair of the Council and is the principal adviser to the Chairman of the Joint Chiefs for making recommendations about joint military capabilities or the modification of force-specific military capabilities to meet joint military capability requirements.

"(B) An Army officer in the grade of general.

"(C) A Navy officer in the grade of admiral.

"(D) An Air Force officer in the grade of general.

"(E) A Marine Corps officer in the grade of general.

"(2) RECOMMENDATIONS.—In making any recommendation to the Chairman as described in paragraph (1)(A), the Vice Chairman shall provide the Chairman any dissenting view of members of the Council under paragraph (1) with respect to such recommendation.

"(d) ADVISORS.—

"(1) IN GENERAL.—The following officials of the Department of Defense shall serve as advisors to the Joint Requirements Oversight Council on matters within their authority and expertise:

"(A) The Under Secretary of Defense for Policy.

"(B) The Under Secretary of Defense for Intelligence.

"(C) The Under Secretary of Defense for Research and Engineering.

"(D) The Director of Cost Assessment and Program Evaluation.

"(E) The Director of Operational Test and Evaluation.

"(F) The commander of a combatant command when matters related to the area of responsibility or functions of that command are under consideration by the Council.

"(2) INPUT FROM COMBATANT COMMANDS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (g).

"(3) INPUT FROM CHIEFS OF STAFF.—The Council shall seek, and strongly consider, the views of the Chiefs of Staff of the armed forces, in their roles as customers of the acquisition system, on matters pertaining to trade-offs among cost, schedule, technical feasibility, and performance in approving and prioritizing joint military capability requirements or the modification of force-specific military capabilities under subsection (b)(1)(D) and in the balancing of resources with priorities pursuant to subsection (b)(2).

"(e) FORCE-SPECIFIC MILITARY CAPABILITY REQUIREMENTS.—

"(1) REQUIREMENTS AS RESPONSIBILITY OF ARMED FORCE.—The Chief of Staff of an armed force is responsible for all force-specific military capability requirements for that armed force. Except as provided pursuant to paragraph (2), a force-specific military capability requirement does not need to be validated by the Joint Requirements Oversight Council before an acquisition program to meet such requirement may commence.

"(2) EXCEPTION.—The following force-specific military capability requirements shall be subject to oversight by the Council:

"(A) A force-specific military capability requirement designated by the Chairman of the Joint Chiefs of Staff for purposes of this paragraph, after a review conducted by the Chairman for purposes of this subsection.

"(B) A force-specific military capability requirement described by subparagraph (B), (C), or (F) of subsection (b)(1).

"(C) A force-specific military capability requirement that is addressed by a major defense acquisition program.

"(f) ANALYTIC SUPPORT FROM DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—The Director

of Cost Assessment and Program Evaluation shall provide resources and expertise in operations research and systems analysis, and cost estimation, to the Joint Requirements Oversight Council to assist the Council in assessing trade-offs between cost, schedule, performance, and procurement quantity in the identification, establishment, and approval of joint military capability requirements.

''(g) PERIODIC REVIEWS OF CORE MISSIONS OF DOD.—The Joint Requirements Oversight Council shall conduct periodic reviews of joint military capability requirements within a core mission area of the Department of Defense. In any such review of a core mission area, the officer or official assigned to lead the review shall have a deputy from a different military department.

''(h) AVAILABILITY OF OVERSIGHT INFORMATION TO CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary of Defense shall ensure that, in the case of a recommendation by the Chairman of the Joint Chiefs of Staff to the Secretary that is approved by the Secretary, oversight information with respect to such recommendation that is produced as a result of the activities of the Joint Requirements Oversight Council is made available in a timely fashion to the congressional defense committees.

''(i) DEFINITIONS.—In this section:

"(1) The term 'military capability requirement' means a materiel or non-materiel capability necessary to fulfill a gap in joint or force-specific military capabilities in support of the national defense strategy.

"(2) The term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.

"(3) The term 'oversight information' means information and materials comprising analysis and justification that are prepared to support a recommendation that is made to, and approved by, the Secretary of Defense.".

(b) MILESTONE APPROVALS.—

(1) MILESTONE A.—Section 2366a of title 10, United States Code, is amended—

(A) in subsection (b), in the subsection heading, by striking "WRITTEN" and inserting "MILESTONE DECISION AUTHORITY WRITTEN";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

"(c) CHAIRMAN OF THE JOINT CHIEFS OF STAFF WRITTEN DETERMINATION REQUIRED.—A major defense acquisition program or subprogram may not receive Milestone A approval or otherwise be initiated prior to Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program or subprogram—

"(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

"(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.".

(2) MILESTONE B.—Section 2366b of title 10, United States Code, is amended—

(A) by redesignating subsections (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection:

"(g) CHAIRMAN OF THE JOINT CHIEFS OF STAFF WRITTEN DETERMINATION REQUIRED.—A major defense acquisition program may not receive Milestone B approval until the Chairman of the Joint Chiefs of Staff determines in writing that the program—

"(1) complies with applicable interoperability requirements established pursuant to section 181(b)(1)(F) of this title; and

"(2) is an appropriate use of resources that will effectively meet the future needs of the commanders of the combatant commands.".

SEC. 944. ENHANCED PERSONNEL MANAGEMENT AUTHORITIES FOR THE CHIEF OF THE NATIONAL GUARD BUREAU.

Section 10508 of title 10, United States Code, is amended—

(1) by inserting "(a) MANPOWER REQUIREMENTS OF NATIONAL GUARD BUREAU.—" before "The manpower requirements"; and

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

"(b) PERSONNEL FOR FUNCTIONS OF NATIONAL GUARD BUREAU.—

"(1) IN GENERAL.—The Chief of the National Guard Bureau may program for, appoint, employ, administer, detail, and assign persons under sections 2103, 2105, and 3101 of title 5, or section 328 of title 32, within the National Guard Bureau and the National Guard of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and

the Virgin Islands to execute the functions of the National Guard Bureau and the missions of the National Guard, and missions as assigned by the Chief of the National Guard Bureau.

"(2) ADMINISTRATION THROUGH ADJUTANTS GENERAL.—The Chief of the National Guard Bureau may designate the adjutants general referred to in section 314 of title 32 to appoint, employ, and administer the National Guard employees authorized by this subsection.

"(3) ADMINISTRATIVE ACTIONS.—Notwithstanding the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and under regulations prescribed by the Chief of the National Guard Bureau, all personnel actions or conditions of employment, including adverse actions under title 5, pertaining to a person appointed, employed, or administered by an adjutant general under this subsection shall be accomplished by the adjutant general of the jurisdiction concerned. For purposes of any administrative complaint, grievance, claim, or action arising from, or relating to, such a personnel action or condition of employment:

"(A) The adjutant general of the jurisdiction concerned shall be considered the head of

the agency and the National Guard of the jurisdiction concerned shall be considered the employing agency of the individual and the sole defendant or respondent in any administrative action.

''(B) The National Guard of the jurisdiction concerned shall defend any administrative complaint, grievance, claim, or action, and shall promptly implement all aspects of any final administrative order, judgment, or decision.

''(C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.

''(D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).

''(E) Any settlement, judgment, or costs arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.''.

SEC. 945. MANAGEMENT OF DEFENSE CLANDESTINE HUMAN INTELLIGENCE COLLECTION.

(a) ACTIONS SUPPORTING DECISION ON MANAGEMENT OF CLANDESTINE HUMAN INTELLIGENCE COLLECTION.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of National Intelligence, undertake actions to support a decision on whether—

(A) to maintain a separate clandestine human intelligence (HUMINT) collection capability within the Defense Intelligence Agency; or

(B) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

(2) PARTICULAR ACTIONS.—These actions undertaken under paragraph (1) shall include the pilot program required by subsection (b) and the assessment required by subsection (c).

(b) PILOT PROGRAM ON MILITARY DIVISION WITHIN DIRECTORATE OF OPERATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of National Intelligence and the Director of the Central Intelligence Agency, carry out a pilot program to assess the feasability and advisability of establishing a mili-

tary division within the Directorate of Operations of the Central Intelligence Agency.

(2) ELEMENTS.—

(A) IN GENERAL.—The pilot program shall consist of the following elements:

(i) Members of the Armed Forces and civilian employees of the Department of Defense who are trained to be human intelligence case officers (in this paragraph referred to as ''Department of Defense case officers'') shall be detailed to, and supported by, the Directorate of Operations.

(ii) An officer of the Armed Forces shall serve as the deputy director of the Director of Operations for the military division under the pilot program, in which capacity the officer shall direct the activities of the Department of Defense case officers and rate their performance.

(iii) The Department of Defense case officers, and any support personnel, detailed under the pilot program shall be drawn from the available pool of Defense Clandestine Service military and civilian

billets and personnel for fiscal year 2017 or 2018, as applicable, and shall not be in addition to any personnel planned for the Defense Clandestine Service in the budget of the President for such fiscal year submitted to Congress pursuant to section 1105 of title 31, United States Code.

(iv) The Department of Defense case officers detailed under the pilot program shall be primarily assigned to collect human intelligence in support of Department of Defense requirements, with particular focus on collection on intelligence relating to science and technology.

(v) The information collected by the Department of Defense case officers detailed under the pilot program in support of Department requirements shall be made promptly and directly available to the Department.

(B) DURATION.—The pilot program shall run for such period as the Secretary considers appropriate, but less than three years.

(c) ASSESSMENT OF PILOT PROGRAM.—The Secretary of Defense and the Director of National Intelligence

shall jointly conduct an assessment of the pilot program under subsection (b). The assessment shall address the following:

(1) Whether institutional and procedural safeguards are available to ensure that the Department of Defense can rely on the Directorate of Operations of the Central Intelligence Agency to support the human intelligence collection requirements of the Department.

(2) Whether a high ratio of support personnel to deployed case officers in the Directorate of Operations translates into more productive collection of human intelligence when compared with a model of a lower ratio of support personnel to deployed case officers (as proposed by the Director of the Defense Intelligence Agency for the Defense Clandestine Service).

(3) Whether a consolidated clandestine human intelligence collection organization charged with meeting the needs of the Department and the intelligence community provides a more effective and efficient solution than two organizations, one serving within the Department and the other serving within the Central Intelligence Agency.

(4) Whether it is more effective and efficient to provide support and perform oversight of the consolidated organization described in paragraph (3) through the Directorate of Operations or the Defense Intelligence Agency.

(5) Whether a permanent military division within the Directorate of Operations should be funded within the Military Intelligence Program (MIP) or the National Intelligence Program (NIP).

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a report on the actions taken to implement the pilot program required by subsection (b).

(2) FINAL REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary and the Director shall jointly submit to the appropriate committees of Congress a report on the actions taken under this section. The report shall include the following:

(A) A description of the pilot program under subsection (b).

(B) The elements of the assessment under subsection (c).

(C) The joint decision of the Secretary and the Director under subsection (a) on whether—

(i) to maintain a separate clandestine human intelligence collection capability within the Defense Intelligence Agency; or

(ii) to consolidate clandestine human intelligence collection within the Directorate of Operations of the Central Intelligence Agency.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 946. REPEAL OF FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.

(a) REPEAL.—Section 185 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 185.

SEC. 947. REORGANIZATION AND REDESIGNATION OF OFFICE OF FAMILY POLICY AND OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) OFFICE OF FAMILY POLICY.—

(1) REDESIGNATION AS OFFICE OF MILITARY FAMILY READINESS POLICY.—Section 1781(a) of title 10, United States Code, is amended—

(A) by striking ''Office of Family Policy'' and inserting ''Office of Military Family Readiness Policy''; and

(B) by striking ''Director of Family Policy'' and inserting ''Director of Military Family Readiness Policy''.

(2) REQUIREMENT FOR DIRECTOR TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by adding at the end the following new sentence: ''The Director shall be a member of the Senior Executive Service or a general officer or flag officer.''.

(3) INCLUSION OF DIRECTOR ON MILITARY FAMILY READINESS COUNCIL.—Subsection (b)(1)(E)

of section 1781a of such title is amended by striking ''Office of Community Support for Military Families with Special Needs'' and inserting ''Office of Military Family Readiness Policy''.

(4) CONFORMING AMENDMENT.—Section 131(b)(7)(F) of such title is amended by striking ''Director of Family Policy'' and inserting ''Director of Military Family Readiness Policy''.

(5) HEADING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 1781 of such title is amended to read as follows:

''§ 1781. Office of Military Family Readiness Policy''.

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781 and inserting the following new item:

''1781. Office of Military Family Readiness Policy.''.

(b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) REDESIGNATION AS OFFICE OF SPECIAL NEEDS.—Subsection (a) of section 1781c of title 10, United States Code, is amended by striking ''Office of Community Support for Military Families with

Special Needs'' and inserting ''Office of Special Needs''.

(2) REORGANIZATION UNDER OFFICE OF MILITARY FAMILY READINESS POLICY.—Such subsection is further amended by striking ''Office of the Under Secretary of Defense for Personnel and Readiness'' and inserting ''Office of Military Family Readiness Policy''.

(3) REPEAL OF REQUIREMENT FOR HEAD OF OFFICE TO BE MEMBER OF SENIOR EXECUTIVE SERVICE OR GENERAL OR FLAG OFFICER.—Such section is further amended by striking subsection (c).

(4) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively;

(B) by striking ''subsection (e)'' each place it appears and inserting ''subsection (d)'';

(C) in subsection (c), as so redesignated, by striking ''subsection (f)'' in paragraph (2) and inserting ''subsection (e)''; and

(D) in subsection (g), as so redesignated—

(i) in paragraph (2)(A), by striking "subsection (d)(3)" and inserting "subsection (c)(3)"; and

(ii) in paragraph (2)(B), by striking "subsection (d)(4)" and inserting "subsection (c)(4)".

(5) HEADING AND CLERICAL AMENDMENTS.—

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

"§ 1781c. Office of Special Needs".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 88 of such title is amended by striking the item relating to section 1781c and inserting the following new item:

"1781c. Office of Special Needs.".

SEC. 948. PILOT PROGRAMS ON WAIVER OF APPLICABILITY OF RULES AND REGULATIONS TO DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES AND DARPA TO IMPROVE OPERATIONS AND PERSONNEL MANAGEMENT.

(a) PILOT PROGRAMS AUTHORIZED.—The director of a Department of Defense science and technology reinvention laboratory and the Director of the Defense Advanced Research Projects Agency may carry out a pilot program

to assess the feasability and advisability of enhancing operations and personnel management of such laboratory or Agency through the waiver of one or more regulations, instructions, publications, policies, or procedures of the Department of Defense or a military department otherwise applicable to such laboratory or the Defense Advanced Research Projects Agency. A provision of statutory law may not be waived under such a pilot program.

(b) PRIORITY IN WAIVER OF RULES AND REGULATIONS ON OPERATIONS AND PERSONNEL MANAGEMENT.—In carrying out a pilot program under subsection (a), the director of a Department of Defense science and technology reinvention laboratory or the Director of the Defense Advanced Research Projects Agency shall place priority on the waiver of regulations, instructions, publications, policies, or procedures relating to the operations and personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable, including regulations, instructions, publications, policies, or procedures relating to the following:

(1) Facilities management, construction, and repair.

(2) Business operations.

(3) Human resources.

(4) Public outreach.

(c) WAIVER JUSTIFICATION.—

(1) DOD LABORATORIES.—The director of a Department of Defense science and technology laboratory proposing to grant a waiver under a pilot program under subsection (a) shall submit to the Secretary of the military department concerned and the General Counsel of that military department a justification for the waiver, including the matters specified in paragraph (3).

(2) DARPA.—The Director of the Defense Advanced Research Projects Agency shall submit to the Chief Management Officer of the Department of Defense and the General Counsel of the Department of Defense a justification for each waiver proposed to be issued by the Director under a pilot program under subsection (a), including the matters specified in paragraph (3).

(3) WAIVER JUSTIFICATION MATTERS.—The matters to be included in the justification for a waiver under this subsection are the following:

(A) The regulation, instruction, publication, policy, or procedure to be waived.

(B) The unit or activity to be affected by the waiver.

(C) The anticipated duration of the waiver.

(D) An assessment of the anticipated monetary or operational benefits of the waiver.

(E) A legal review of the waiver by—

(i) in the case of a waiver covered by paragraph (1), a senior legal officer of the laboratory concerned; or

(ii) in the case of a waiver covered by paragraph (2), a senior legal officer of the Defense Advanced Research Projects Agency.

(d) WAIVER EFFECTIVENESS.—

(1) DOD LABORATORIES.—A waiver proposed for a Department of Defense science and technology laboratory under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Secretary of the military department concerned of the justification for the waiver under subsection (c)(1), unless the Secretary disapproves the waiver during that period. The Secretaries of the military departments shall have sole discretion to disapprove waivers for purposes of pilot programs under subsection (a), subject to the direction of the Secretary of Defense.

(2) DARPA.—A waiver proposed for the Defense Advanced Research Projects Agency under a pilot program under subsection (a) shall go into effect at the end of the 30-day period beginning on the date of the receipt by the Chief Management Officer of the Department of Defense of the justification for the waiver under subsection (c)(2), unless the Chief Management Officer, in the Chief Management Officer's sole discretion, disapproves the waiver during that period.

(3) CONSIDERATIONS.—In considering whether or not to disapprove a waiver pursuant to this subsection, the Secretaries of the military departments and the Chief Management Officer shall take into account whether the waiver will enhance the operations or personnel management of the laboratory concerned or the Defense Advanced Research Projects Agency, as applicable.

(e) DEPARTMENT OF DEFENSE SCIENCE AND TECHNOLOGY REINVENTION LABORATORY DEFINED.—In this section, the term ''Department of Defense science and technology reinvention laboratory'' means a laboratory specified in section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

(f) TERMINATION.—

(1) IN GENERAL.—The authority to grant waivers under subsection (a) shall expire on December 31, 2023.

(2) CONTINUATION OF PRIOR WAIVERS.—Nothing in paragraph (1) shall act to terminate a waiver granted under subsection (a) before the date specified in paragraph (1). Any such waiver may continue according to its terms unless otherwise terminated by the Secretary of the military department concerned or the Chief Management Officer of the Department of Defense, as applicable.

SEC. 949. REDESIGNATION OF ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION AS ASSISTANT SECRETARY OF THE AIR FORCE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.

(a) REDESIGNATION.—Section 8016(b)(4)(A) of title 10, United States Code, is amended—

(1) by striking ''Assistant Secretary of the Air Force for Acquisition'' and inserting ''Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics''; and

(2) by inserting '', technology, and logistics'' after ''acquisition''.

(b) REFERENCES.—Any reference to the Assistant Secretary of the Air Force for Acquisition in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Assistant Secretary of the Air Force for Acquisition, Technology, and Logistics.

Subtitle D—Whistleblower Protections for Members of the Armed Forces

SEC. 961. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION PROCEDURES.

(a) ACTIONS TREATABLE AS PROHIBITED PERSONNEL ACTIONS.—Paragraph (2) of subsection (b) of section 1034 of title 10, United States Code, is amended to read as follows:

''(2)(A) The actions considered for purposes of this section to be a personnel action prohibited by this subsection shall include any action prohibited by paragraph (1), including the threat to take any unfavorable action, the withholding or threat to withhold any favorable action, making or threatening to make a significant change in the duties or responsibilities of a member of the armed forces not commensurate with the member's grade, a retaliatory investigation, and the failure of a superior to respond to retaliatory action or harassment by one or more subordi-

nates taken against a member of which the superior knew or should have known.

"(B) In this paragraph, the term 'retaliatory investigation' means an investigation requested, directed, initiated, or conducted for the primary purpose of punishing, harassing, or ostracizing a member for making a protected communication.

"(C) Nothing in this paragraph shall be construed to limit the ability of a commander to consult with a superior in the chain of command, an inspector general, or a judge advocate general on the disposition of a complaint against a member of the armed forces for an allegation of collateral misconduct or for a matter unrelated to a protected communication. Such consultation shall provide an affirmative defense against an allegation that a member requested, directed, initiated, or conducted a retaliatory investigation under this section.".

(b) ACTION IN RESPONSE TO HARDSHIP IN CONNECTION WITH PERSONNEL ACTIONS.—

(1) IN GENERAL.—Subsection (c)(4) of such section is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph (E):

"(E) If the Inspector General makes a preliminary determination in an investigation under subparagraph (D) that there are reasonable grounds to believe that a personnel action prohibited by subsection (b) has occurred and the personnel action will result in an immediate hardship to the member alleging the personnel action, the Inspector General shall promptly notify the Secretary of the military department concerned or the Secretary of Homeland Security, as applicable, of the hardship, and such Secretary shall take such action as such Secretary considers appropriate.".

(2) CONFORMING AMENDMENT.—Subsection (e)(1) of such section is amended by striking "subsection (c)(4)(E)" and inserting "subsection (c)(4)(F)".

(c) PERIODIC NOTICE TO MEMBERS ON PROGRESS OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph (3) of subsection (e) of such section is amended to read as follows:

"(3)(A) Not later than 180 days after the commencement of an investigation of an allegation under subsection (c)(4), and every 180 days thereafter until the transmission of the report on the investigation under paragraph (1) to the member concerned, the Inspector General con-

ducting the investigation shall submit a notice on the investigation described in subparagraph (B) to the following:

"(i) The member.

"(ii) The Secretary of Defense.

"(iii) The Secretary of the military department concerned, or the Secretary of Homeland Security in the case of a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(B) Each notice on an investigation under subparagraph (A) shall include the following:

"(i) A description of the current progress of the investigation.

"(ii) An estimate of the time remaining until the completion of the investigation and the transmittal of the report required by paragraph (1) to the member concerned.".

(d) CORRECTION OF RECORDS.—Paragraph (2) of subsection (g) of such section is amended to read as follows:

"(2) In resolving an application described in paragraph (1) for which there is a report of the Inspector General under subsection (e)(1), a correction board—

"(A) shall review the report of the Inspector General;

"(B) may request the Inspector General to gather further evidence;

"(C) may receive oral argument, examine and cross-examine witnesses, and take depositions; and

"(D) shall consider a request by a member or former member in determining whether to hold an evidentiary hearing.".

(e) UNIFORM STANDARDS FOR INSPECTOR GENERAL INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS AND OTHER MATTERS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall prescribe uniform standards for the following:

(A) The investigation of allegations of prohibited personnel actions under section 1034 of title 10, United States Code (as amended by this section), by the Inspector General and the Inspectors General of the military departments.

(B) The training of the staffs of the Inspectors General referred to in subparagraph (A) on the conduct of investigations described in that subparagraph.

(2) USE.—Commencing 180 days after prescription of the standards required by paragraph

(1), the Inspectors General referred to in that paragraph shall comply with such standards in the conduct of investigations described in that paragraph and in the training of the staffs of such Inspectors General in the conduct of such investigations.

SEC. 962. MODIFICATION OF WHISTLEBLOWER PROTECTION AUTHORITIES TO RESTRICT CONTRARY FINDINGS OF PROHIBITED PERSONNEL ACTION BY THE SECRETARY CONCERNED.

(a) IN GENERAL.—Section 1034(f) of title 10, United States Code, is amended—

(1) in the subsection heading, by striking ''VIOLATIONS'' and inserting ''SUBSTANTIATED VIOLATIONS''; and

(2) in paragraph (1), by striking ''there is sufficient basis'' and all that follows and inserting ''corrective or disciplinary action should be taken. If the Secretary concerned determines that corrective or disciplinary action should be taken, the Secretary shall take appropriate corrective or disciplinary action.''.

(b) ACTIONS FOLLOWING DETERMINATIONS.—Paragraph (2) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''the Secretary concerned determines under paragraph (1)'' and inserting ''the Inspector General determines''; and

(B) by striking ''the Secretary shall'' and inserting ''the Secretary concerned shall'';

(2) in subparagraph (A), by inserting '', including referring the report to the appropriate board for the correction of military records'' before the semicolon; and

(3) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) submit to the Inspector General a report on the actions taken by the Secretary pursuant to this paragraph, and provide for the inclusion of a summary of the report under this subparagraph (with any personally identifiable information redacted) in the semiannual report to Congress of the Inspector General of the Department of Defense or the Inspector General of the Department of Homeland Security, as applicable, under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports received by the Secretaries of the military departments and the

Secretary of Homeland Security under section 1034(e) of title 10,United States Code, on or after that date.

SEC. 963. IMPROVEMENTS TO AUTHORITIES AND PROCEDURES FOR THE CORRECTION OF MILITARY RECORDS.

(a) PROCEDURES OF BOARDS.—Paragraph (3) of section 1552(a) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)''; and

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

''(B) If a board makes a preliminary determination that a claim under this section lacks sufficient information or documents to support the claim, the board shall notify the claimant, in writing, indicating the specific information or documents necessary to make the claim complete and reviewable by the board.

''(C) If a claimant is unable to provide military personnel or medical records applicable to a claim under this section, the board shall make reasonable efforts to obtain the records. A claimant shall provide the board with documentary evidence of the efforts of the claimant to obtain such records. The board shall inform the claimant of the results of the board's efforts, and shall provide the claim-

ant copies of any records so obtained upon request of the claimant.

''(D) Any request for reconsideration of a determination of a board under this section, no matter when filed, shall be reconsidered by a board under this section if supported by materials not previously presented to or considered by the board in making such determination.''.

(b) JUDICIAL REVIEW OF DETERMINATIONS OF BOARDS.—Paragraph (4) of such section is amended—

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

(2) in subparagraph (A), as so designated, by inserting ''or subject to review or appeal as described in subparagraph (B)'' after ''Except when procured by fraud''; and

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

''(B) A claimant may seek judicial review of a determination of a board under this section in an appropriate court of the United States. The scope of judicial review under this subparagraph shall be as specified in section 706 of title 5.''.

(c) PUBLICATION OF FINAL DECISIONS OF BOARDS.—Such section is further amended by adding at the end the following new paragraph:

"(5) Each final decision of a board under this subsection shall be made available to the public in electronic form on a centralized Internet website. In any decision so made available to the public there shall be redacted all personally identifiable information.".

(d) TRAINING OF MEMBERS OF BOARDS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall develop and implement a comprehensive training curriculum for members of boards for the correction of military records under the jurisdiction of such Secretary in the duties of such boards under section 1552 of title 10, United States Code. The curriculum shall address all areas of administrative law applicable to the duties of such boards.

(2) UNIFORM CURRICULA.—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the curricula developed and implemented pursuant to this subsection are, to the extent practicable, uniform.

(3) TRAINING.—

(A) IN GENERAL.—Each member of a board for the correction of military records shall undergo retraining (consistent with the

curriculum developed and implemented pursuant to this subsection) regarding the duties of boards for the correction of military records under section 1552 of title 10, United States Code, at least once every five years during the member's tenure on the board.

(B) CURRENT MEMBERS.—Each member of a board for the correction of military records as of the date of the implementation of the curriculum required by paragraph (1) (in this paragraph referred to as the ''curriculum implementation date'') shall undergo training described in subparagraph (A) not later than 90 days after the curriculum implementation date.

(C) NEW MEMBERS.—Each individual who becomes a member of a board for the correction of military records after the curriculum implementation date shall undergo training described in subparagraph (A) by not later than 90 days after the date on which such individual becomes a member of the board.

(4) REPORTS.—Not later than 18 months after the date of the enactment of this Act, each Secretary concerned shall submit to Congress a report setting forth the following:

(A) A description and assessment of the progress made by such Secretary in implementing training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(B) A detailed description of the training curriculum required of such Secretary by paragraph (1).

(C) A description and assessment of any impediments to the implementation of training requirements for members of boards for the correction of military records under the jurisdiction of such Secretary.

(5) SECRETARY CONCERNED DEFINED.—In this subsection, the term ''Secretary concerned'' means a ''Secretary concerned'' as that term is used in section 1552 of title 10, United States Code.

SEC. 964. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF INTEGRITY OF DEPARTMENT OF DEFENSE WHISTLEBLOWER PROGRAM.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the

House of Representatives a report setting forth a review of the integrity of the Department of Defense whistleblower program.

(b) ELEMENTS.—The review for purposes of the report required by subsection (a) shall include the following elements:

(1) An assessment of the extent to which the Department of Defense whistleblower program meets Executive branch policies and goals for whistleblower protections.

(2) An assessment of the adequacy of procedures to handle and address complaints submitted by employees in the Office of the Inspector General of the Department of Defense to ensure that such employees themselves are able to disclose a suspected violation of law, rule, or regulation without fear of reprisal.

(3) An assessment of the extent to which there have been violations of standards used in regard to the protection of confidentiality provided to whistleblowers by the Inspector General of the Department of Defense.

(4) An assessment of the extent to which there have been incidents of retaliatory investigations

against whistleblowers within the Office of the Inspector General.

(5) An assessment of the extent to which the Inspector General of the Department of Defense has thoroughly investigated and substantiated allegations within the past 10 years against civilian officials of the Department of Defense appointed to their positions by and with the advice and consent of the Senate, and whether Congress has been notified of the results of such investigations.

(6) An assessment of the ability of the Inspector General of the Department of Defense and the Inspectors General of the military departments to access agency information necessary to the execution of their duties, including classified and other sensitive information, and an assessment of the adequacy of security procedures to safeguard such classified or sensitive information when so accessed.

Subtitle E—Other Matters

SEC. 971. MODIFICATION OF REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

(a) LIMITATION OF DPAA TO MISSING PERSONS FROM PAST CONFLICTS.—Section 1501(a) of title 10, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''from past conflicts'' after ''matters relating to missing persons'';

(2) in paragraph (2)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (A), (B), (C), (D), and (E), respectively; and

(C) by inserting ''from past conflicts'' after ''missing persons'' each place it appears;

(3) in paragraph (4)—

(A) by striking ''for personal recovery (including search, rescue, escape, and evasion) and''; and

(B) by inserting ''from past conflicts'' after ''missing persons''; and

(4) by striking paragraph (5).

(b) ACTION UPON DISCOVERY OR RECEIPT OF INFORMATION.—Section 1505(c) of such title is amended in paragraphs (1), (2), and (3) by striking ''designated Agency Director'' and inserting ''Secretary of Defense''.

(c) DEFINITION OF ''ACCOUNTED FOR''.—Section 1513(3)(B) of such title is amended by inserting ''to the extent practicable'' after ''are recovered''.

SEC. 972. MODIFICATION OF AUTHORITY OF THE SECRETARY OF DEFENSE RELATING TO PROTECTION OF THE PENTAGON RESERVATION AND OTHER DEPARTMENT OF DEFENSE FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) LAW ENFORCEMENT AUTHORITY.—Subsection (b) of section 2674 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (5); and

(2) by striking the matter in such subsection preceding such paragraph and inserting the following:

''(b)(1) The Secretary shall protect the buildings, grounds, and property located in the National Capital Region that are occupied by, or under the jurisdiction, custody, or control of, the Department of Defense, and the persons on that property.

1 "(2) The Secretary may designate military or civilian
2 personnel to perform law enforcement functions and mili-
3 tary, civilian, or contract personnel to perform security
4 functions for such buildings, grounds, property, and per-
5 sons, including, with regard to civilian personnel des-
6 ignated under this section, duty in areas outside the prop-
7 erty referred to in paragraph (1) to the extent necessary
8 to protect that property and persons on that property.
9 Subject to the authorization of the Secretary, any such
10 military or civilian personnel so designated may exercise
11 the authorities listed in paragraphs (1) through (5) of sec-
12 tion 2672(c) of this title.

13 "(3) The powers granted under paragraph (2) to
14 military and civilian personnel designated under that para-
15 graph shall be exercised in accordance with guidelines pre-
16 scribed by the Secretary and approved by the Attorney
17 General.

18 "(4) Nothing in this subsection shall be construed
19 to—

20 "(A) preclude or limit the authority of any De-
21 fense Criminal Investigative Organization or any
22 other Federal law enforcement agency;

23 "(B) restrict the authority of the Secretary of
24 Homeland Security under the Homeland Security
25 Act of 2002 (6 U.S.C. 101 et seq.) or the authority

of the Administrator of General Services, including the authority to promulgate regulations affecting property under the custody and control of that Secretary or the Administrator, respectively;

''(C) expand or limit section 21 of the Internal Security Act of 1950 (50 U.S.C. 797);

''(D) affect chapter 47 of this title (the Uniform Code of Military Justice);

''(E) restrict any other authority of the Secretary of Defense or the Secretary of a military department; or

''(F) restrict the authority of the Director of the National Security Agency under section 11 of the National Security Agency Act of 1959 (50 U.S.C. 3609).''.

(b) RATES OF BASIC PAY FOR CIVILIAN LAW ENFORCEMENT PERSONNEL.—Paragraph (5) of such subsection, as redesignated by subsection (a)(1) of this section, is amended by inserting '', whichever is greater'' before the period at the end.

(c) CODIFICATION OF AUTHORITY TO PROVIDE PHYSICAL PROTECTION AND PERSONAL SECURITY WITHIN UNITED STATES TO CERTAIN SENIOR LEADERS IN DOD AND OTHER SPECIFIED PERSONS.—

(1) IN GENERAL.—Chapter 41 of title 10, United States Code, is amended by inserting after section 713 a new section 714 consisting of—

(A) a heading as follows:

"§ 714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States"; and

(B) a text consisting of the text of subsections (a) through (d) of section 1074 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 113 note).

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

"714. Senior leaders of the Department of Defense and other specified persons: authority to provide protection within the United States.".

(3) REPEAL OF CODIFIED PROVISION.—Section 1074 of the National Defense Authorization Act for Fiscal Year 2008 is repealed.

(4) CONFORMING AND STYLISTIC AMENDMENTS DUE TO CODIFICATION.—Section 714 of title 10, United States Code, as added by paragraph (1), is amended—

(A) in subsections (a), (b)(1), and (d)(1), by striking ''Armed Forces'' and inserting ''armed forces'';

(B) in subsection (c)—

(i) by striking ''section:'' and all that follows through ''Forces' and'' and inserting ''section, the terms 'qualified members of the armed forces' and''; and

(ii) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively, and realigning the left margin of such paragraphs, as so redesignated, two ems to the left; and

(C) in subsection (d)(2), by striking '', United States Code''.

(5) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such section is further amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking ''Chiefs of the Services'' and inserting ''Members of the Joint Chiefs of Staff in addition to the Chairman and Vice Chairman'';

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(B) in subsection (b)(1), by striking ''through (8)'' and inserting ''through (7)''.

(6) AMENDMENTS FOR CONSISTENCY WITH TITLE 10 USAGE AS TO ''MILITARY MEMBER''.—Subsection (b)(2)(A) of such section is amended—

(A) by striking '', military member,''; and

(B) by inserting after ''of the Department of Defense'' the following: ''or member of the armed forces''.

SEC. 973. ENHANCED SECURITY PROGRAMS FOR DEPARTMENT OF DEFENSE PERSONNEL AND INNOVATION INITIATIVES.

(a) ENHANCEMENT OF SECURITY PROGRAMS GENERALLY.—

(1) PERSONNEL BACKGROUND AND SECURITY INVESTIGATIONS REQUIRED.—The Secretary of Defense shall take such actions as may be necessary for the Defense Security Service to conduct, before October 1, 2017, background investigations for personnel of the Department of Defense whose investigations are adjudicated by the Consolidated Adjudication Facility of the Department.

(2) TRANSFER OF INVESTIGATIVE PERSONNEL TO DEPARTMENT OF DEFENSE.—Not later than October 1, 2017, the Secretary and the Director of the Office of Personnel Management shall develop and carry out a plan to transfer Government investigative personnel and contracted resources to the Department in proportion to the background and security investigative workload to be assumed by the Department.

(3) REPORT.—Not later than August 15, 2016, the Secretary shall submit to the congressional defense committees a report on the number of full-time equivalent employees of the management headquarters of the Department that will be required by the Defense Security Service to carry out this section.

(4) COLLECTION, STORAGE, AND RETENTION OF INFORMATION BY INSIDER THREAT PROGRAMS.—In order to enable detection and mitigation of potential insider threats, the Secretary shall ensure that insider threat programs of the Department of Defense collect, store, and retain information from the following:

(A) Personnel security.

(B) Physical security.

(C) Information security.

(D) Law enforcement.

(E) Counterintelligence.

(F) User activity monitoring.

(G) Information assurance.

(H) Such other data sources as the Secretary considers necessary and appropriate.

(b) ESTABLISHMENT OF ENHANCED SECURITY PROGRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVATION INITIATIVE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a personnel security program, and take such other actions as the Secretary deems appropriate, to support the Innovation Initiative of the Department to better leverage commercial technology.

(2) POLICIES AND PROCEDURES.—In establishing the program required by paragraph (1), the Secretary shall develop policies and procedures to rapidly and inexpensively investigate and adjudicate security clearances for personnel from commercial companies with innovative technologies and solutions to enable such companies to receive relevant threat

reporting and to propose solutions for a broader set of Department requirements.

(3) ACCESS TO CLASSIFIED INFORMATION.—The Secretary shall ensure that access to classified information under the program required by paragraph (1) is not contingent on a company already being under contract with the Department.

(4) AWARD OF SECURITY CLEARANCES.—The Secretary may award secret clearances under the program required by paragraph (1) for limited purposes and periods relating to the acquisition or modification of capabilities and services.

(c) RECIPROCITY FOR SENSITIVE NATIONAL SECURITY POSITIONS.—

(1) RECIPROCITY DIRECTIVE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall coordinate with the Security Executive Agent, in consultation with the Suitability Executive Agent, to issue an updated reciprocity directive that accounts for security policy changes associated with new position designation regulations under section 1400 of title 5, Code of Federal Regulations, new continuous evaluation policies, and new Federal investigative standards.

(2) IMPLEMENTATION DIRECTIVES.—The Secretary of Defense, working with the Security Executive Agent and the Suitability Executive Agent, shall jointly develop and issue directives on—

(A) completing the implementation of the National Security Sensitive Position designations required by section 1400 of title 5, Code of Federal Regulations; and

(B) aligning to the maximum practical extent the investigative and adjudicative standards and criteria for positions requiring access to classified information and national security sensitive positions not requiring access to classified information to ensure effective and efficient reciprocity and consistent designation of like-positions across the Federal Government.

(d) INSIDER THREAT DEFINED.—In this section, the term ''insider threat'' means, with respect to the Department, a threat presented by a person who—

(1) has, or once had, authorized access to information, a facility, a network, a person, or a resource of the Department; and

(2) wittingly, or unwittingly, commits—

(A) an act in contravention of law or policy that resulted in, or might result in, harm

through the loss or degradation of government or company information, resources, or capabilities; or

(B) a destructive act, which may include physical harm to another in the workplace.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A trans-

fer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCREASED USE OF COMMERCIAL DATA INTEGRATION AND ANALYSIS PRODUCTS FOR THE PURPOSE OF PREPARING FINANCIAL STATEMENT AUDITS.

(a) DEPLOYMENT OF DATA ANALYTICS CAPABILITIES.—The Secretary of Defense shall use competitive procedures under chapter 137 of title 10, United States Code, to procure as soon as practicable information technology services, including non-relational database, data analysis, and data integration platforms, to improve preparation of auditable financial statements for the Department of Defense.

(b) USE OF FUNDING AND RESOURCES.—The Secretary of Defense shall use science and technology funding, prototypes, and test and evaluation resources as appropriate in support of this deployment.

(c) REPORT ON PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chief Financial Officer and the Chief Management Officer of the Department of Defense, shall submit to the congressional defense committees a report on the capabilities procured pursuant to subsection (a), including the results of using such capabilities in connection with auditing a financial statement of the Department of Defense.

SEC. 1003. SENSE OF SENATE ON SEQUESTRATION.

It is the sense of the Senate that—

(1) the fiscal challenges of the Nation are a top priority for Congress, and sequestration—nonstrategic, across-the-board budget cuts—remains an unreasonable and inadequate budgeting tool to address the deficits and debt of the United States;

(2) sequestration relief must be accomplished for fiscal years 2018 through 2021, the remaining years of the discretionary spending caps under the Budget Control Act of 2011;

(3) sequestration relief should include both defense and nondefense relief; and

(4) sequestration relief should be offset through targeted changes in mandatory and discretionary spending and revenues.

Subtitle B—Counter-Drug Activities

SEC. 1006. CODIFICATION AND MODIFICATION OF AUTHORITY TO PROVIDE SUPPORT FOR COUNTER-DRUG ACTIVITIES AND ACTIVITIES TO COUNTER TRANSNATIONAL ORGANIZED CRIME OF CIVILIAN LAW ENFORCEMENT AGENCIES.

(a) CODIFICATION AND MODIFICATION.—

(1) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 384. Support for counter-drug activities and activities to counter transnational organized crime

"(a) SUPPORT TO OTHER AGENCIES.—The Secretary of Defense may provide support for the counter-drug activities or activities to counter transnational organized crime of any other department or agency of the Federal Government or of any State, local, tribal, or foreign law enforcement agency for any of the purposes set forth in subsection (b) or (c), as applicable, if—

"(1) in the case of support described in subsection (b), such support is requested—

"(A) by the official who has responsibility for the counterdrug activities or activities to counter transnational organized crime of the department or agency of the Federal Government, in the case of support for other departments or agencies of the Federal Government; or

"(B) by the appropriate official of a State, local, or tribal government, in the case of sup-

port for State, local, or tribal law enforcement agencies; or

"(2) in the case of support described in subsection (c), such support is requested by an appropriate official of a department or agency of the Federal Government that has counter-drug responsibilities or responsibilities for countering transnational organized crime.

"(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED STATES.—The purposes for which the Secretary may provide support under subsection (a) for other departments or agencies of the Federal Government or a State, local, or tribal law enforcement agencies, are the following:

"(1) The maintenance and repair of equipment that has been made available to any department or agency of the Federal Government or to any State, local, or tribal government by the Department of Defense for the purposes of—

"(A) preserving the potential future utility of such equipment for the Department of Defense; and

"(B) upgrading such equipment to ensure compatibility of that equipment with other equipment used by the Department.

"(2) The maintenance, repair, or upgrading of equipment (including computer software), other than equipment referred to in paragraph (1) for the purpose of—

"(A) ensuring that the equipment being maintained or repaired is compatible with equipment used by the Department of Defense; and

"(B) upgrading such equipment to ensure the compatibility of that equipment with equipment used by the Department.

"(3) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

"(4) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of the Department of Defense or any Federal, State,

local, or tribal law enforcement agency within or outside the United States.

"(5) Counter-drug or counter-transnational organized crime related training of law enforcement personnel of the Federal Government, of State, local, and tribal governments, including associated support expenses for trainees and the provision of materials necessary to carry out such training.

"(6) The detection, monitoring, and communication of the movement of—

"(A) air and sea traffic within 25 miles of and outside the geographic boundaries of the United States; and

"(B) surface traffic outside the geographic boundary of the United States and within the United States not to exceed 25 miles of the boundary if the initial detection occurred outside of the boundary.

"(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

"(8) Establishment of command, control, communications, and computer networks for improved

integration of law enforcement, active military, and National Guard activities.

"(9) The provision of linguist and intelligence analysis services.

"(10) Aerial and ground reconnaissance.

"(c) TYPES OF SUPPORT FOR FOREIGN LAW ENFORCEMENT AGENCIES.—The purposes for which the Secretary may provide support under subsection (a) for foreign law enforcement agencies are the following:

"(1) The transportation of personnel of the United States and foreign countries (including per diem expenses associated with such transportation), and the transportation of supplies and equipment, for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime within or outside the United States.

"(2) The establishment (including an unspecified minor military construction project) and operation of bases of operations or training facilities for the purpose of facilitating counter-drug activities or activities to counter transnational organized crime of a foreign law enforcement agency outside the United States.

"(d) LIMITATION ON COUNTER-DRUG REQUIREMENTS.—The Secretary may not limit the requirements

for which support may be provided under subsection (a) only to critical, emergent, or unanticipated requirements.

"(e) CONTRACT AUTHORITY.—In carrying out subsection (a), the Secretary may acquire services or equipment by contract for support provided under that subsection if the Department of Defense would normally acquire such services or equipment by contract for the purpose of conducting a similar activity for the Department.

"(f) LIMITED WAIVER OF PROHIBITION.—Notwithstanding section 376 of this title, the Secretary may provide support pursuant to subsection (a) in any case in which the Secretary determines that the provision of such support would adversely affect the military preparedness of the United States in the short term if the Secretary determines that the importance of providing such support outweighs such short-term adverse effect.

"(g) CONDUCT OF TRAINING OR OPERATION TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations (including training exercises undertaken pursuant to section 1206(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1564) for the purpose of aiding civilian law enforcement agencies.

"(h) RELATIONSHIP TO OTHER SUPPORT AUTHORITIES.—

"(1) ADDITIONAL AUTHORITY.—The authority provided in this section for the support of counter-drug activities or activities to counter transnational organized crime by the Department of Defense is in addition to, and except as provided in paragraph (2), not subject to the other requirements of this chapter.

"(2) EXCEPTION.—Support under this section shall be subject to the provisions of section 375 and, except as provided in subsection (e), section 376 of this title.

"(i) CONGRESSIONAL NOTIFICATION OF FACILITIES PROJECTS.—

"(1) IN GENERAL.—When a decision is made to carry out a military construction project described in paragraph (2), the Secretary shall submit to the congressional defense committees written notice of the decision, including the justification for the project and the estimated cost of the project. The project may be commenced only after the end of the 21-day period beginning on the date on which the written notice is received by Congress.

"(2) COVERED PROJECTS.—Paragraph (1) applies to an unspecified minor military construction project that—

"(A) is intended for the construction, modification, or repair of any facility for the purposes set forth in subsection (b)(4) or (c)(2); and

"(B) has an estimated cost of more than $250,000.

"(3) CONSTRUCTION OF NOTICE REQUIREMENT.—This subsection may not be construed as an authorization for the use of funds for any military construction project that would exceed the approved cost limitations of an unspecified minor military construction project under section 2805(a)(2) of this title.

"(j) DEFINITIONS.—In this section:

"(1) The term 'Indian tribe' means a Federally recognized Indian tribe.

"(2) The term 'tribal government' means the governing body of an Indian tribe, the status of whose land is 'Indian country' as defined in section 1151 of title 18 or held in trust by the United States for the benefit of the Indian tribe.

"(3) The term 'tribal law enforcement agency' means the law enforcement agency of a tribal government.

"(4) The term 'transnational organized crime' means self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, monetary, or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organization structure and the exploitation of transnational commerce or communication mechanisms.".

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

"384. Support for counter-drug activities and activities to counter transnational organized crime.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is repealed.

SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law

108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962), is further amended—

(1) in subsection (a)(1), by striking ''2017'' and inserting ''2021''; and

(2) in subsection (c), by striking ''2017'' and inserting ''2021''.

Subtitle C—Naval Vessels and Shipyards

SEC. 1011. AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF CRUISERS OR DOCK LANDING SHIPS.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Except as provided in subsections (b) through (g), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 may be obligated or expended to retire, prepare to retire, or inactivate a TICONDEROGA–class cruiser, WHIDBEY ISLAND–class dock landing ship, or HARPERS FERRY–class dock landing ship.

(b) CERTIFICATION OF REQUIREMENT FOR OPERATIONAL CRUISERS AND DOCK LANDING SHIPS.—The Chief of Naval Operations shall certify to the congressional defense committees the Navy requirement for oper-

ational cruisers and dock landing ships, as provided under subsection (d)(1), from fiscal year 2017 through fiscal year 2030. The certification shall also state the requirement for basic (BMD 3.X), intermediate (BMD 4.X), and advanced (BMD 5.X) ballistic missile defense capability on operational cruisers from fiscal year 2017 through fiscal year 2030.

(c) SHIP MODERNIZATION, OPERATIONS, AND SUSTAINMENT FUND (SMOSF).—Funds within the Ship Modernization, Operations, and Sustainment Fund (SMOSF) shall only be used for 11 TICONDEROGA-class cruisers (CG–63 through CG–73) and 3 WHIDBEY ISLAND-class dock landing ships (LSD–41, LSD–42, and LSD–46).

(d) PHASED MODERNIZATION.—The Secretary of the Navy shall retain the current inventory of 22 TICONDEROGA-class cruisers and 12 WHIDBEY ISLAND- or HARPERS FERRY-class dock landing ships until the end of their service lives, as follows:

(1) OPERATIONAL FORCES.—Through fiscal year 2030, the Navy shall maintain not less than the Chief of Naval Operations' requirement for operational cruisers certified under subsection (b) or 11 operational cruisers, whichever is greater. The Navy shall maintain no less than the Chief of Naval Oper-

ations' requirement for dock landing ships certified under subsection (b) or 9 operational dock landing ships, whichever is greater.

(2) PHASED MODERNIZATION.—The Navy is authorized to conduct phased modernization of not more than 11 cruisers and 3 dock landing ships. During the phased modernization period, the Navy may reduce manning on these ships to the minimal level necessary to ensure safety and security of the ship and to retain critical skills. Only the ships listed in subsection (c) may undergo phased modernization. Ships undergoing phased modernization shall comply with subsection (e).

(3) TRANSITION FROM PHASED MODERNIZATION TO OPERATIONAL FORCES.—Each of the cruisers described under paragraph (1) may be decommissioned at the end of its service life concurrent with being replaced by a cruiser that completes phased modernization pursuant to paragraph (2). After being reintroduced into the operational fleet, each of the cruisers modernized pursuant to paragraph (2) may be decommissioned upon reaching its expected service life.

(4) AVAILABILITY FOR WORLDWIDE DEPLOYMENT.—For purposes of this subsection, an oper-

ational cruiser or dock landing ship is available for worldwide deployment other than during routine or scheduled maintenance or repair.

(e) REQUIREMENTS AND LIMITATIONS ON PHASED MODERNIZATION.—

(1) IN GENERAL.—During the period of phased modernization authorized under subsection (d), the Secretary of the Navy shall—

(A) continue to maintain the ships in a manner that will ensure the ability of the ships to re-enter the operational fleet in accordance with paragraph (3) of such subsection;

(B) conduct planning activities to ensure scheduled and deferred maintenance and modernization work items are identified and included in maintenance availability work packages;

(C) conduct hull, mechanical, and electrical (HM&E) and combat system modernization necessary to achieve a service life of 40 years;

(D) conduct basic (BMD 3.X), intermediate (BMD 4.X), and advanced (BMD 5.X) ballistic missile defense capability upgrades to meet or exceed the Chief of Naval Operations' requirement certified under subsection (b); and

(E) complete maintenance and modernization of the cruisers, including required testing and crew training, to allow for a one-for-one replacement of operational cruisers in accordance with subsection (d)(3).

(2) RESTRICTED ACTIVITIES.—During the period of phased modernization authorized under subsection (d), the Secretary of the Navy may not—

(A) permit removal or cannibalization of equipment or systems, unless planned for full replacement or upgrade during phased modernization, other than equipment or systems explicitly identified as—

(i) rotatable pool equipment; or

(ii) necessary to support urgent operational requirements approved by the Secretary of Defense;

(B) make any irreversible modifications that will prohibit the ship from re-entering the operational fleet;

(C) through fiscal year 2030, reduce the quantity of operational cruisers below the number certified to be required by the Chief of Naval Operations under subsection (b) or 11 operational cruisers, whichever is greater;

(D) through fiscal year 2030, reduce the quantity of operational dock landing ships below the number certified to be required by the Chief of Naval Operations under subsection (b) or 9 operational dock landing ships, whichever is greater; and

(E) through fiscal year 2030, reduce the basic, intermediate, or advanced ballistic missile defense capability on operational cruisers below the quantities certified to be required by the Chief of Naval Operations under subsection (b).

(f) REPORT REQUIRED.—The Secretary of the Navy shall submit to the congressional defense committees an annual report on the status of the phased modernization program. This report shall accompany the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code. The report shall include, with respect to the ships undergoing phased modernization pursuant to subsection (d)(2), the following information:

(1) The status of modernization efforts, by vessel, including availability schedules, equipment procurement schedules, and annual funding requirements from the fiscal year of induction into the phased modernization program through the fiscal year of planned re-entry into the operational fleet.

(2) Each vessel's current readiness, operational, and manning status.

(3) An assessment of each vessel's current materiel condition.

(4) A list of rotatable pool equipment that is identified across the classes of cruisers and dock landing ships as necessary to support operations on a continuing basis.

(5) A list of equipment, other than rotatable pool equipment, removed from each vessel, including a justification for the removal, the disposition of the equipment, and plan for restoration of the equipment.

(6) A list of planned obligations and expenditures, by vessel, for the fiscal year of the budget of the President submitted to Congress.

(g) NOTIFICATION REQUIRED.—The Secretary of the Navy shall notify the congressional defense committees in writing 30 days prior to executing any deviations to the plans provided pursuant to paragraphs (1) and (6) of subsection (f) of the most recent report required under such subsection.

SEC. 1012. PROHIBITION ON USE OF FUNDS FOR RETIREMENT OF LEGACY MARITIME MINE COUNTERMEASURES PLATFORMS.

(a) PROHIBITIONS.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy may be obligated or expended to—

(1) retire, prepare to retire, transfer, or place in storage any AVENGER-class mine countermeasures ship or associated equipment;

(2) retire, prepare to retire, transfer, or place in storage any SEA DRAGON (MH–53) helicopter or associated equipment;

(3) make any reductions to manning levels with respect to any AVENGER-class mine countermeasures ship; or

(4) make any reductions to manning levels with respect to any SEA DRAGON (MH–53) helicopter squadron or detachment.

(b) WAIVER.—The Secretary of the Navy may waive the limitations under subsection (a) if the Secretary certifies to the congressional defense committees that the Secretary has—

(1) identified a replacement capability and the necessary quantity of such systems to meet all combatant commander mine countermeasures oper-

ational requirements that are currently being met by the AVENGER-class ships and SEA DRAGON helicopters to be retired, transferred, or placed in storage;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the AVENGER-class ships and SEA DRAGON helicopters.

Subtitle D—Counterterrorism

SEC. 1021. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.

Section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1022. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1032(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1022A. PROHIBITION ON REPROGRAMMING REQUESTS FOR FUNDS FOR TRANSFER OR RELEASE, OR CONSTRUCTION FOR TRANSFER OR RELEASE, OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

While the prohibitions in sections 1031 and 1032 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) are in effect, the Department of Defense may not submit to Congress a reprogramming request for funds to carry out any action prohibited by either such section.

SEC. 1023. DESIGNING AND PLANNING RELATED TO CONSTRUCTION OF CERTAIN FACILITIES IN THE UNITED STATES.

(a) DESIGNING AND PLANNING AUTHORIZED.—Notwithstanding any provision of law limiting the use of funds

for the construction or modification of facilities in the United States or its territories or possessions to house individuals detained at Guantanamo, the Secretary of Defense may use amounts authorized to be appropriated or otherwise made available for the Department of Defense for designing and planning related to the construction or modification of such facilities.

(b) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

SEC. 1024. AUTHORITY TO TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.

(a) TEMPORARY TRANSFER FOR MEDICAL TREATMENT.—Notwithstanding section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968), or any similar provision of law enacted after September 30, 2015, the Secretary of Defense may, after consultation with the Secretary of Homeland Security, temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary of Defense determines that—

(1) the medical treatment of the individual is necessary to prevent death or imminent significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which

the individual is temporarily in the United States under this section.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or another official of the Department of Defense at the level of Under Secretary of Defense or higher.

(c) CONDITIONS OF TRANSFER.—An individual who is temporarily transferred under the authority in subsection (a) shall—

(1) while in the United States, remain in the custody and control of the Secretary of Defense at all times; and

(2) be returned to United States Naval Station, Guantanamo Bay, Cuba, as soon as feasible after a Department of Defense physician determines, in consultation with the Commander, Joint Task Force-Guantanamo Bay, Cuba, that any necessary follow-up medical care may reasonably be provided the individual at United States Naval Station, Guantanamo Bay.

(d) STATUS WHILE IN UNITED STATES.—An individual who is temporarily transferred under the authority in subsection (a), while in the United States—

(1) shall be deemed at all times and in all respects to be in the uninterrupted custody of the Secretary of Defense, as though the individual remained physically at United States Naval Station, Guantanamo Bay, Cuba;

(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;

(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to individuals detained at United States Naval Station, Guantanamo Bay; and

(4) shall not, as a result of such transfer, have a change in any designation that may have attached to that detainee while detained at United States Naval Station, Guantanamo Bay, pursuant to the Authorization for Use of Military Force (Public Law 107–40), as determined in accordance with applicable law and regulations.

(e) NO CAUSE OF ACTION.—Any decision to transfer or not to transfer an individual made under the authority in subsection (a) shall not give rise to any claim or cause of action.

(f) LIMITATION ON JUDICIAL REVIEW.—

(1) LIMITATION.—Except as provided in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any claim or action against the United States or its departments, agencies, officers, employees, or agents arising from or relating to any aspect of the detention, transfer, treatment, or conditions of confinement of an individual transferred under this section.

(2) EXCEPTION FOR HABEAS CORPUS.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to consider an application for writ of habeas corpus seeking release from custody filed by or on behalf of an individual who is in the United States pursuant to a temporary transfer under the authority in subsection (a). Such jurisdiction shall be limited to that required by the Constitution, and relief shall be only as provided in paragraph (3). In such a proceeding the court may not review, halt, or stay the return of the individual who is the object of the application to

United States Naval Station, Guantanamo Bay, Cuba, pursuant to subsection (c).

(3) RELIEF.—A court order in a proceeding covered by paragraph (2)—

(A) may not order the release of the individual within the United States; and

(B) shall be limited to an order of release from custody which, when final, the Secretary of Defense shall implement in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016.

(g) NOTIFICATION.—Whenever a temporary transfer of an individual detained at Guantanamo is made under the authority of subsection (a), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of the transfer not later than five days after the date on which the transfer is made.

(h) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term ''individual detained at Guantanamo'' means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration

and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

(i) APPLICABILITY.—This section shall apply to an individual temporarily transferred under the authority in subsection (a) regardless of the status of any pending or completed proceeding or detention on the date of the enactment of this Act.

SEC. 1025. AUTHORITY FOR ARTICLE III JUDGES TO TAKE CERTAIN ACTIONS RELATING TO INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) USE OF VIDEO TELECONFERENCING.—A judge of a United States District Court shall have jurisdiction to take any of the following actions by video teleconferencing with respect to an individual detained at Guantanamo:

(1) Arraign the individual for a charge under the laws of the United States.

(2) Accept a plea to a charge under the laws of the United States.

(3) Enter a judgment of conviction and sentence the individual for a charge upon which the individual is convicted as a result of such a plea.

An action specified in paragraph (1), (2), or (3) may be taken by video teleconferencing only with the consent of the individual.

(b) VENUE.—A judge of a United States District Court may act by video teleconferencing under subsection (a) only where such District Court maintains venue concerning the offense alleged.

(c) TRANSFER TO SERVE SENTENCE OF IMPRISONMENT.—The Attorney General may transfer to a foreign country an offender who is convicted of an offense by reason of a plea entered into as described in subsection (a) and who is under a sentence of imprisonment resulting from such conviction. Any such transfer shall be made for the purpose of the offender serving the sentence imposed on him, and shall be made under chapter 306 of title 18, United States Code, without regard to the provisions of section 4107 and subsections (a) and (b) of section 4100 of that title.

(d) DEFINITIONS.—In this section:

(1) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay.

(2) The terms ''imprisonment'', ''offender'', ''sentence'', and ''transfer'' have the meanings given those terms in section 4101 of title 18, United States Code.

SEC. 1026. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE TO CERTAIN COUNTRIES OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1033 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1027. MATTERS ON MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES AND GOVERNMENTS OF RECEIVING FOREIGN COUNTRIES AND ENTITIES IN CERTIFICATIONS ON TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1034(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 969; 10 U.S.C. 801 note) is amended—

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

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

''(4) both—

''(A) the United States Government, on the one hand, and the government of the for-

eign country or the recognized leadership of the foreign entity, on the other hand, have entered into a written memorandum of understanding (MOU) regarding the transfer of the individual; and

"(B) the memorandum of understanding—

"(i) has been transmitted to the appropriate committees of Congress, in classified form (if necessary); and

"(ii) includes an assessment, whether in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or foreign entity, as the case may be, with respect to the matters certified by the Secretary pursuant to paragraphs (2) and (3);".

SEC. 1028. LIMITATION ON TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, PENDING A REPORT ON THEIR TERRORIST ACTIONS AND AFFILIATIONS.

(a) LIMITATION.—No amounts authorized to be appropriated or otherwise made available for fiscal year 2017 for the Department of Defense may be used to transfer,

release, or assist in the transfer or release to any foreign government or foreign entity of an individual detained at Guantanamo until the Secretary of Defense submits to the appropriate committees of Congress a report on the individual that includes the following:

(1) A description of the individual's previous terrorist activities.

(2) A description of the individual's previous memberships in or affiliations or associations with terrorist organizations.

(3) A description of the individual's support for or participation in attacks against the United States or United States allies.

(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, and may not include a classified annex as a means of conveying any information of material significance to such report.

(c) CONSTRUCTION WITH OTHER PROHIBITIONS AND LIMITATIONS.—The limitation in subsection (a) is in addition to any prohibition or other limitation on the transfer or release of individuals detained at Guantanamo under any other provision of law, including the provisions of subtitle D of title X of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968).

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''individual detained at Guantanamo'' means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1029. PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO COUNTRIES COVERED BY DEPARTMENT OF STATE TRAVEL WARNINGS.

(a) FINDING.—The Senate makes the following findings:

(1) The Department of State issues travel warnings regarding travel to foreign countries for reasons that include ''unstable government, civil war, ongoing intense crime or violence, or frequent terrorist attacks''.

(2) These travel warnings are issued to highlight the ''risks of traveling'' to particular countries and are left in place until the situation in the country concerned improves.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) countries that pose such a significant travel threat to United States citizens that the Department of State feels obliged to issue a travel warning should not be considered an appropriate recipient of any detainee transferred from United States Naval Station, Guantanamo Bay, Cuba; and

(2) if a country is subject to a Department of State travel warning, it is highly unlikely that the government of the country can provide the United States Government appropriate security and assurances regarding the prevention of the recidivism of any detainee so transferred.

(c) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraphs and (2) and (3), no amounts authorized to be appropriated by this Act or otherwise available for the Department of Defense may be used, during the period beginning on the date of the enactment of this Act and ending on December 31, 2017, to transfer, release, or assist in the transfer or release of any individual detained in the custody or under the control of the Department of Defense at United States Naval Station, Guantanamo Bay to the custody or control of any country subject to a Department of State travel warning at the time the transfer or release would otherwise occur.

(2) EXCEPTION FOR CERTAIN WARNINGS.—Paragraph (1) shall not apply with respect to any country subject to a travel warning described in that paragraph that is issued solely on the basis of one or more of the following:

(A) Medical deficiencies, infectious disease outbreaks, or other health-related concerns.

(B) A natural disaster.

(C) Criminal activity.

(3) EXCEPTION FOR CERTAIN COUNTRY.—Paragraph (1) shall not apply with respect to the Kingdom of Saudi Arabia.

SEC. 1030. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR REALIGNMENT OF FORCES AT OR CLOSURE OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Section 1036(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 972) is amended by inserting ''or 2017'' after ''fiscal year 2016''.

Subtitle E—Assured Access to Space

SEC. 1036. RESTRICTIONS ON USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR SPACE LAUNCH OF NATIONAL SECURITY SATELLITES.

(a) IN GENERAL.—Except as provided by section 1608(c) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on Decem-

ber 1, 2015), the Secretary of Defense may not, on or after the date of the enactment of this Act—

(1) launch any national security satellite on a space launch vehicle with a rocket engine designed or manufactured in the Russian Federation; or

(2) certify any entity to bid for the award or renewal of a contract for the procurement of property or services for space launch activities for the evolved expendable launch vehicle program if, in carrying out such space launch activities, the entity would use a rocket engine designed or manufactured in the Russian Federation.

(b) NATIONAL SECURITY SATELLITE DEFINED.—In this section, the term ''national security satellite'' is a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

SEC. 1037. LIMITATION ON USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION TO ACHIEVE ASSURED ACCESS TO SPACE.

Section 2273 of title 10, United States Code, is amended—

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

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

''(c) LIMITATION ON USE OF RUSSIAN ROCKET ENGINES.—Except as provided by section 1608(c) of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on December 1, 2015), rocket engines designed or manufactured in the Russian Federation may not be used to pursue the attainment of the capabilities described in subsection (a).''.

SEC. 1038. REPEAL OF PROVISION PERMITTING THE USE OF ROCKET ENGINES FROM THE RUSSIAN FEDERATION FOR THE EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

Section 8048 of the Department of Defense Appropriations Act, 2016 (division C of Public Law 114–113; 129 Stat. 2363) is repealed.

Subtitle F—Miscellaneous Authorities and Limitations

SEC. 1041. ASSIGNED FORCES OF THE COMBATANT COMMANDS.

Section 162(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''Except as provided in paragraph (2)'' and inserting ''As directed by the Secretary of Defense'';

(B) by striking ''all forces'' and inserting ''specified forces''; and

(C) by striking the second sentence;

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

''(2) A force not assigned to a combatant command or to the United States element of the North American Aerospace Defense Command under paragraph (1) shall remain assigned to the military department concerned for carrying out the responsibilities of the Secretary of the military department concerned as specified in section 3013, 5013, or 8013 of this title, as applicable.''; and

(3) in paragraph (4)—

(A) by striking ''operating with the geographic area'' and

(B) by striking ''assigned to, and''.

SEC. 1042. QUADRENNIAL INDEPENDENT REVIEW OF UNITED STATES MILITARY STRATEGY AND FORCE POSTURE IN THE UNITED STATES PACIFIC COMMAND AREA OF RESPONSIBILITY.

(a) INDEPENDENT REVIEW.—

(1) IN GENERAL.—Beginning in fiscal year 2018 and occurring every four years thereafter, the Secretary of Defense shall commission an independent review of United States policy in the Indo-Asia-Pacific region, with a focus on issues expected to be critical during the ten-year period beginning on the date of such review, including the national security interests and military strategy of the United States in the Indo-Asia-Pacific region.

(2) CONDUCT OF REVIEW.—The review conducted pursuant to paragraph (1) shall be conducted by an independent organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States and from the Indo-Asia-Pacific region.

(3) ELEMENTS.—Each review conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of the risks to United States national security interests in the United States Pacific Command area of responsibility during the ten-year period beginning on the

date of such review as a result of changes in the security environment.

(B) An assessment of the current and planned United States force posture adjustments with respect to the Indo-Asia-Pacific region.

(C) An evaluation of any key capability gaps and shortfalls of the United States in the Indo-Asia-Pacific region, including undersea warfare (including submarines), naval and maritime, ballistic missile defense, cyber, munitions, anti-access area denial, land-force power projection, and intelligence, surveillance, and reconnaissance capabilities.

(D) An analysis of the willingness and capacity of allies, partners, and regional organizations to contribute to the security and stability of the Indo-Asia-Pacific region, including potential required adjustments to United States military strategy based on that analysis.

(E) An appraisal of the Arctic ambitions of actors in the Indo-Asia-Pacific region in the context of current and projected capabilities, including an analysis of the adequacy and rel-

evance of the Arctic Roadmap prepared by the Navy.

(F) An evaluation of theater security cooperation efforts of the United States Pacific Command in the context of current and projected threats, and desired capabilities and priorities of the United States and its allies and partners.

(G) An evaluation of the seams between United States Pacific Command and adjacent geographic combatant commands and recommendations to mitigate the effects of those seams.

(H) The views of noted policy leaders and regional experts, including military commanders, in the Indo-Asia-Pacific region.

(b) REPORT.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after commencing a review pursuant to subsection (a), the independent organization conducting the review shall submit to the Secretary of Defense a report containing the findings of the review. The report shall be submitted in unclassified form, but may contain an classified annex.

(2) SUBMITTAL TO CONGRESS.—Not later than 90 days after the date of receipt of a report required by paragraph (1), the Secretary shall submit to the congressional defense committees the report, together with any comments on the report that the Secretary considers appropriate.

SEC. 1043. DESIGNATION OF A DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORT.

(a) ARCTIC DEFINED.—In this section, the term ''Arctic'' has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report assessing the future security requirements for one or more strategic ports in the Arctic.

(c) REQUIREMENTS.—Consistent with the Department of Defense Arctic Strategy set forth pursuant to section 1068 of the National Defense Authorization Act for

Fiscal Year 2017 (Public Law 114–92; 129 Stat. 992), the assessment in subsection (b) shall include—

(1) the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, or a national security cutter or a heavy polar ice breaker of the Coast Guard;

(2) the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

(A) aerospace warning;

(B) maritime surface and subsurface warning;

(C) maritime control and defense;

(D) maritime domain awareness;

(E) homeland defense;

(F) defense support to civil authorities;

(G) humanitarian relief;

(H) search and rescue;

(I) disaster relief;

(J) oil spill response;

(K) medical stabilization and evacuation; and

(L) meteorological measurements and forecasting;

(3) an identification of proximity and road access to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in subsection (c)(2); and

(4) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations designated in subsection (c)(2).

(d) DESIGNATION.—Upon completion of the report in subsection (b), the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, the Administrator of the Maritime Administration, shall establish the designation criteria for a Department of Defense ''Strategic Arctic Port'' and shall submit recommendations for the designation of one or more Strategic Arctic Ports within eighteen months. The recommendations shall include an

estimated cost for sufficient construction necessary to initiate and sustain expected operations.

(e) CONSTRUCTION.—Nothing in this section may be construed to authorize any additional Department of Defense appropriations for the establishment of a port recommended pursuant to this section.

SEC. 1044. MODIFICATION OF REQUIREMENTS REGARDING NOTIFICATIONS TO CONGRESS ON SENSITIVE MILITARY OPERATIONS.

(a) TIMING OF NOTIFICATION REQUIREMENT.—Subsection (a) of section 130f of title 10, United States Code, is amended by inserting ''not later than 36 hours'' before ''following such operation''.

(b) PROCEDURES.—Subsection (b) of such section is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''The Secretary shall promptly notify the congressional defense committees in writing of any changes to such procedures.''; and

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

''(3) In the event of an unauthorized disclosure described in paragraph (2), the Secretary shall ensure, to the maximum extent practicable, that the congressional

defense committees are notified immediately of the sensitive military operation concerned.''.

(c) BRIEFING REQUIREMENTS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence; and

(2) in subsection (c), by inserting before the period at the end the following: '', including Department of Defense support to operations conducted under the National Security Act of 1947 (50 U.S.C. 3001 et seq.)''.

(d) DEFINITION.—Subsection (d) of such section is amended by striking ''means'' and all that follows and inserting ''means the following:

''(1) A lethal operation or capture operation conducted by the armed forces outside the United States that targets a specific individual or individuals.

''(2) An operation conducted by the armed forces outside a theater of major hostilities in self-defense or in defense of foreign partners.''.

(e) REPEAL OF EXCEPTION TO NOTIFICATION REQUIREMENT.—Such section is further amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) CONFORMING AMENDMENTS.—

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

"§ 130f. Notification requirements for sensitive military operations".

(2) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130f and insert the following new item:

"130f. Notification requirements for sensitive military operations.".

SEC. 1045. RECONNAISSANCE STRIKE GROUP MATTERS.

(a) MODELING OF ALTERNATIVE ARMY DESIGN AND OPERATIONAL CONCEPT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, provide for and oversee the modeling of an alternative Army design and operational concept for the Reconnaissance Strike Group (RSG).

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the alternative design and operational con-

cept modeled as described in paragraph (1). The report shall include an assessment of the feasibility and advisability of a follow-on pilot program to test force designs and concepts of operation developed pursuant to the modeling.

(b) TEST, EVALUATION, DEVELOPMENT, AND VALIDATION.—

(1) OFFICE REQUIRED.—Commencing not later than 60 days after the date of the enactment of this Act, the commander of a combatant command designated by the Secretary for purposes of this subsection shall establish within that combatant command an office to carry out testing, evaluation, development and validation of the joint warfighting concepts, and required platforms and structure, of the Reconnaissance Strike Group.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and periodically thereafter, the commander of the combatant command designated pursuant to paragraph (1) shall submit to the committees of Congress referred to in subsection (a)(2) a report on the office required pursuant to paragraph (1), including the structure of the office, the programmatic goals of

the office, and the funding required by the office to carry out the activities specified in paragraph (1).

SEC. 1046. TRANSITION OF AIR FORCE TO OPERATION OF REMOTELY PILOTED AIRCRAFT BY ENLISTED PERSONNEL.

(a) IN GENERAL.—Not later than September 30, 2019, the Air Force shall fully transition to an organizational model for all Air Force remotely piloted aircraft (RPA) that uses enlisted personnel as operators of such aircraft rather than officers as the preponderance of operators of such aircraft.

(b) TRANSITION MATTERS.—The transition required by subsection (a) shall account for the following:

(1) Training infrastructure for enlisted personnel operating Air Force remotely piloted aircraft.

(2) Supervisory roles for officers and senior enlisted personnel for enlisted personnel operating Air Force remotely piloted aircraft.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than March 1, 2017, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report that sets forth a detailed description of the plan for the transition required by subsection (a), including the following:

(A) The objectives of the transition.

(B) The timeline of the transition.

(C) The resources required to implement the transition.

(D) Recommendations for any legislation action required to implement the transition.

(2) REPORTS ON PROGRESS IN IMPLEMENTATION.—Not later than each of March 1, 2018, and March 1, 2019, the Secretary shall submit to the committees referred to in paragraph (1) a report on the progress of the Air Force in implementing the plan required under that paragraph, and in achieving the transition required by subsection (a), by not later than September 30, 2019.

SEC. 1047. PROHIBITION ON DIVESTMENT OF MARINE CORPS SEARCH AND RESCUE UNITS.

None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2017 for the Navy or the Marine Corps may be obligated or expended—

(1) to retire, prepare to retire, transfer, or place in storage any Marine Corps Search and Rescue Unit (SRU) aircraft; or

(2) to make any change or revision to manning levels with respect to any Marine Corps Search and Rescue Unit squadron.

SEC. 1048. MODIFICATION OF REQUIREMENTS RELATING TO MANAGEMENT OF MILITARY TECHNICIANS.

(a) CONVERSION OF CERTAIN MILITARY TECHNICIAN (DUAL STATUS) POSITIONS.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10 U.S.C. 10216 note) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

''(1) IN GENERAL.—By not later than October 1, 2017, the Secretary of Defense shall convert not fewer than 20 percent of all military technician positions to positions filled by individuals who are employed under section 3101 of title 5, United States Code, or section 1601 of title 10, United States Code, or serving under section 328 of title 32, United States Code, and are not military technicians. The positions to be converted are described in paragraph (2).'';

(2) in paragraph (2), by striking ''the report'' and all that follows and inserting ''by the Army Re-

serve, the Air Force Reserve, the National Guard Bureau, and the State adjutants general in the course of reviewing all military technician positions for purposes of implementing this section.''; and

(3) in paragraph (3), by striking ''may fill'' and inserting ''shall fill''.

(b) CONVERSION OF ARMY RESERVE, AIR FORCE RESERVE, AND NATIONAL GUARD NON-DUAL STATUS POSITIONS.—Subsection (e) of section 10217 of title 10, United States Code, is amended is amended to read as follows:

''(e) CONVERSION OF POSITIONS.—(1) No individual may be newly hired or employed, or rehired or reemployed, as a non-dual status technician for purposes of this section after September 30, 2017.

''(2) On October 1, 2017, the Secretary of Defense shall convert all non-dual status technicians to positions filled by individuals who are employed under section 3101 of title 5 or section 1601 of this title and are not military technicians.

''(3) In the case of a position converted under paragraph (2) for which there is an incumbent employee on October 1, 2017, the Secretary shall fill that position, as converted, with the incumbent employee without regard to

any requirement concerning competition or competitive hiring procedures.

"(4) Any individual newly hired or employed, or rehired or employed, to a position required to be filled by reason of paragraph (1) shall an individual employed in such position under section 3101 of title 5 or section 1601 of this title.".

(c) REPORT ON CONVERSION OF MILITARY TECHNICIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE GUARD AND RESERVE DUTY.—

(1) IN GENERAL.—Not later than March 1, 2017, the Secretary of Defense, shall in consultation with the Chief of the National Guard Bureau, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the feasibility and advisability of converting any remaining military technicians (dual status) to personnel performing active Guard and Reserve duty under section 328 of title 32, United States Code, or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense required to best contribute to the readiness of the Reserves and of the National Guard for its Federalized and non-Federalized missions.

(2) ACTIVE GUARD AND RESERVE DUTY DEFINED.—In this subsection, the term ''active Guard and Reserve duty'' has the meaning given that term in section 101(d)(6) of title 10, United States Code.

SEC. 1049. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.

(a) SELECTION OF ASSOCIATE DIRECTOR.—The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of the Armed Forces who are general or flag officers and who have served, in the five years before selection, in a position that involved significant interaction and coordination with the Central Intelligence Agency.

(b) SUPPORT FOR ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Defense and the Under Secretary of Defense for Intelligence shall ensure that the Associate Director of the Central Intelligence Agency for Military Affairs has access to, and support from, offices, Agencies, and programs of the Department necessary for the purposes of the Associate Director as follows:

(A) To facilitate and coordinate Department of Defense support for the Central Intelligence Agency requested by the Director of the Central Intelligence Agency and approved by the Secretary, including oversight of Department of Defense military and civilian personnel detailed or assigned to the Central Intelligence Agency.

(B) To prioritize, communicate, and coordinate Department of Defense requests for, and the provision of support to, the Department of Defense from the Central Intelligence Agency, including support requested by and provided to the commanders of the combatant commands and subordinate task forces and commands.

(2) POLICIES.—The Under Secretary shall develop and supervise the implementation of policies to integrate and prioritize Department of Defense re-

quirements and requests for support from the Central Intelligence Agency that are coordinated by the Associate Director pursuant to paragraph (1)(B).

SEC. 1050. ENHANCEMENT OF INTERAGENCY SUPPORT DURING CONTINGENCY OPERATIONS AND TRANSITION PERIODS.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of State may enter into an agreement under which each Secretary may provide covered support, supplies, and services on a reimbursement basis, or by exchange of covered support, supplies, and services, to the other Secretary during a contingency operation and related transition period for up to two years following the end of such contingency operation.

(b) AGREEMENT.—An agreement entered into under this section shall be in writing and shall include the following terms:

(1) The price charged by a supplying agency shall be the direct costs that such agency incurred by providing the covered support, supplies, or services to the requesting agency under this section.

(2) Credits and liabilities of the agencies accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be liquidated not less often than once

every 3 months by direct payment to the agency supplying such support, supplies, or services by the agency receiving such support, supplies, or services.

(3) Exchange entitlements accrued as a result of acquisitions and transfers of covered support, supplies, and services under this section shall be satisfied within one year after the date of the delivery of the covered support, supplies, or services. Exchange entitlements not satisfied shall be immediately liquidated by direct payment to the agency supplying such covered, support, supplies, or services.

(c) EFFECT OF OBLIGATION AND AVAILABILITY OF FUNDS.—An order placed by an agency pursuant to an agreement under this section is deemed to be an obligation in the same manner that a similar order or contract placed with a private contractor is an obligation. Appropriations remain available to pay an obligation to the servicing agency in the same manner as appropriations remain available to pay an obligation to a private contractor.

(d) CREDITING OF RECEIPTS.—Any receipt as a result of an agreement entered into under this section shall be credited, at the option of the Secretary of Defense with respect to the Department of Defense and the Secretary of State with respect to the Department of State, to—

(1) the appropriation, fund, or account used in incurring the obligation; or

(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

(e) DEFINITIONS.—In this section:

(1) CONTINGENCY OPERATION.—The term ''contingency operation'' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(2) COVERED SUPPORT, SUPPLIES, AND SERVICES.—The term ''covered support, supplies, and services'' means food, billeting, transportation (including airlift), petroleum, oils, lubricants, communications services, medical services, ammunition, base operations support (and construction incident to base operations support), use of facilities, spare parts and components, repair and maintenance services, and calibration services.

SEC. 1051. ENHANCEMENT OF INFORMATION SHARING AND COORDINATION OF MILITARY TRAINING BETWEEN DEPARTMENT OF HOMELAND SECURITY AND DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The Secretary of Homeland Security shall ensure that information needs of the Department

of Homeland Security relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.

(b) FORMAL MECHANISM OF NOTIFICATION.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, in coordination with the Secretary of Defense, establish a formal mechanism through which Department of Homeland Security information needs relating to civilian law enforcement activities in proximity to the borders of the United States are identified and communicated to the Secretary of Defense for the purposes of planning and executing military training.

(2) DISSEMINATION TO THE ARMED FORCES.—The Secretary of Defense shall ensure that such information needs are disseminated to the Armed Forces in a timely manner so that the Armed Forces have an opportunity to schedule and design training in accordance with section 371 of title 10, United States Code.

(3) COORDINATION OF TRAINING.—The Secretary of Defense shall ensure that training sched-

uled and designed as described in paragraph (2) is coordinated, to the maximum extent practicable, with the Department of Homeland Security.

(c) SHARING OF CERTAIN INFORMATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall formulate guidance to ensure that information relevant to civilian law enforcement matters that is collected by the Armed Forces during the normal course of military training or operations in proximity to the borders of the United States is provided promptly to civilian law enforcement officials in accordance with section 371 of title 10, United States Code.

SEC. 1052. NOTIFICATION ON THE PROVISION OF DEFENSE SENSITIVE SUPPORT.

(a) LIMITATION.—The Secretary of Defense may provide defense sensitive support to a non-Department of Defense Federal department or agency only after the Secretary has determined that such support—

(1) is consistent with the mission and functions of the Department of Defense; and

(2) does—

(A) not significantly interfere with the mission or functions of the Department; or

(B) interfere with the mission and functions of the Department of Defense but such support is in the national security interest of the United States.

(b) NOTICE REQUIRED.—

(1) IN GENERAL.—Except as provided in paragraph (3), before providing defense sensitive support to a non-Department of Defense Federal department or agency, the Secretary of Defense shall notify the congressional defense committees of the Secretary's intent to provide such support.

(2) CONTENTS.—Notice provided under paragraph (1) shall include the following:

(A) A description of the support to be provided.

(B) A description of how the support is consistent with the mission and functions of the Department.

(C) A description of how the support—

(i) does not significantly interfere with the mission or functions of the Department; or

(ii) significantly interferes with the mission or functions of the Department

but is in the national security interest of the United States.

(3) TIME SENSITIVE SUPPORT.—In the event that the provision of defense sensitive support is time-sensitive, the Secretary—

(A) may provide notification under paragraph (1) after providing the support; and

(B) shall provide such notice as soon as practicable after providing such support, but not later than 48 hours after providing the support.

(c) DEFENSE SENSITIVE SUPPORT DEFINED.—In this section, the term ''defense sensitive support'' means support provided by the Department of Defense to a non-Department of Defense Federal department or agency that requires special protection from disclosure.

SEC. 1053. MODIFICATION OF AUTHORITY TO TRANSFER DEPARTMENT OF DEFENSE PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.

(a) RESTATEMENT AND MODIFICATION OF CURRENT AUTHORITY FOR TRANSFER FOR STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES.—Section 2576a of title 10, United States Code, is amended by adding at the end the following new subsections:

"(g) DETERMINATION OF ELIGIBLE DEFENSE ITEMS.—

"(1) CONTROLLED DEFENSE ITEMS ELIGIBLE FOR TREATMENT.—

"(A) IN GENERAL.—Subject to the provisions of this paragraph, the controlled defense items that may be treated as eligible defense items for purposes of this section shall include items that—

"(i) can be readily put to civilian use by State and local law enforcement agencies; and

"(ii) are suitable for transfer to State and local law enforcement agencies pursuant to this section.

"(B) INITIAL ELIGIBLE DEFENSE ITEMS.—The controlled defense items to be treated as eligible defense items for purposes of this section as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 are the following:

"(i) Camouflage uniforms and clothing.

"(ii) Fixed wing manned aircraft.

"(iii) Rotary wing manned aircraft.

"(iv) Unmanned aerial vehicles.

"(v) Wheeled armored vehicles.

"(vi) Wheeled tactical vehicles.

"(vii) Specialized firearms and ammunition under .50-caliber.

"(viii) Explosives and pyrotechnics, including explosive breaching tools.

"(ix) Breathing apparatus.

"(x) Riot batons.

"(C) LIST OF CONTROLLED DEFENSE ITEMS TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary of Defense shall, acting through the Director of the Defense Logistics Agency and in consultation with the Working Group established by Executive Order 13688, maintain, and periodically update, a list of controlled defense items that are currently appropriate for treatment as eligible defense items for purposes of this section. The list shall be established and maintained in accordance with the regulations for purposes of this section under subsection (g).

"(2) CONTROLLED DEFENSE ITEMS NOT ELIGIBLE FOR TREATMENT.—

"(A) IN GENERAL.—A controlled defense item may not be treated as an eligible defense item for purposes of this section if—

"(i) the item is made exclusively for the military; and

"(ii) the item, or a substantially similar item, cannot be purchased by State or local law enforcement agencies in the private sector even after the item is demilitarized.

"(B) INITIAL PROHIBITED ITEMS.—Unless and until determined otherwise by the Secretary for purposes of this section, the controlled defense items that may not be treated as eligible defense items for purposes of this section are the following:

"(i) Tracked armored vehicles.

"(ii) Weaponized aircraft, vessels, and vehicles of any kind.

"(iii) Firearms of .50-caliber or higher.

"(iv) Ammunition of .50-caliber or higher.

"(v) Grenades, flash bang grenades, grenade launchers, and grenade launcher attachments.

"(vi) Bayonets.

"(vii) Mine Resistant Ambush Protected (MRAP) vehicle.

"(viii) Tasers developed primarily for use by the military.

"(C) LIST OF CONTROLLED ITEMS NOT TREATABLE AS ELIGIBLE DEFENSE ITEMS.—The Secretary shall, acting through the Director and in consultation with the Working Group referred to in paragraph (1)(C), maintain, and periodically update, a list of controlled defense items that are currently prohibited from treatment as eligible defense items for purposes of this section. The list shall be established and maintained in accordance with the regulations for purposes of this section under subsection (g).

"(3) RETURN OF ITEMS NOT TREATED AS ELIGIBLE DEFENSE ITEMS NOT IMMEDIATELY REQUIRED.—

"(A) RETURN OF INITIAL PROHIBITED ITEMS NOT GENERALLY REQUIRED.—The regu-

lations for purposes of this section shall provide that a law enforcement agency in possession on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 of a controlled defense item that is not eligible for treatment as an eligible defense item pursuant to paragraph (2)(B) shall not be required to return such item to the Department pursuant to Executive Order 13688.

"(B) RETURN OF ITEMS SUBSEQUENTLY TREATED AS NOT ELIGIBLE NOT REQUIRED.—The regulations for purposes of this section shall provide that a law enforcement agency in possession of a controlled defense item that is no longer eligible for treatment as an eligible defense item pursuant to paragraph (2)(C) shall not be required to return such item to the Department pursuant to Executive Order 13688.

"(C) CONSTRUCTION.—Nothing in this section shall be construed to require a law enforcement agency, pursuant to Executive Order 13688, to return to the Department equipment obtained from the Federal Government, or obtained using Federal funds, if such equipment

was obtained by the agency in a manner consistent with all applicable laws and regulations.

"(D) NO TRANSFER OF OWNERSHIP.—Nothing in this section shall be construed as a transfer of ownership of any equipment obtained from the Federal Government pursuant to this section.

"(h) PROHIBITION ON REQUIREMENT FOR TIMELY USE OF TRANSFERRED ITEMS.—The regulations for purposes of this section may not require the use of an eligible defense item transferred under this section within one year of the receipt of the item by the State or local law enforcement agency concerned.

"(i) NOTICE ON REQUESTS FOR TRANSFERS TO STATE AND LOCAL OFFICIALS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State or local law enforcement agency may not request transfer of an eligible defense item under this section, including pursuant to interagency transfer under subsection (t), unless the law enforcement agency has provided notice of the request to the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency.

"(2) EXCEPTION.—

"(A) ITEMS FOR UNDERCOVER OPERATIONS.—A State or local law enforcement agency requesting transfer of an eligible defense item is not required to comply with paragraph (1) if the item requested is for an active undercover operation.

"(B) ALTERNATIVE NOTICE REQUIREMENT.—A State or local law enforcement agency receiving an item under this section pursuant to a request covered by subparagraph (A) shall notify the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency of the request not later than 10 business days after the operation concerned becomes an open record.

"(j) TRAINING REQUIREMENTS.—

"(1) MINIMUM TRAINING REQUIREMENTS FOR LAW ENFORCEMENT OFFICERS.—

"(A) IN GENERAL.—On and after the date that is three years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, eligible defense items may not be transferred to a State or local law enforcement agency of a State under this section unless the Governor of the State (or the des-

ignee of the Governor) certifies to the Director of the Defense Logistics Agency that the State has in place minimum training requirements for all sworn law enforcement officers in the State, including—

"(i) a requirement that anyone that has decisionmaking authority on the deployment of a SWAT team attends the National Tactical Officers Association unit commanders course or an equivalent within one year of commencing the exercise of such authority;

"(ii) specialized leadership training requirements for unit commanders who have—

"(I) decisionmaking authority on the deployment of SWAT teams and tactical military vehicles; or

"(II) responsibility for drafting policies on the use of force and SWAT team deployment;

"(iii) annual specialized SWAT team training requirements for all SWAT team members, including in law enforcement tactics used in tactical operations;

"(iv) annual training requirements for all law enforcement officers that are members of specialized tactical units other than SWAT teams (including high-risk warrant service teams, hostage rescue teams, and drug enforcement task forces);

"(v) annual training on the general policing standards of the law enforcement agency on equipment such as eligible defense items;

"(vi) annual training on sensitivity, including training on ethnic and racial bias, cultural diversity, and police interaction with the disabled, mentally ill, and new immigrants;

"(vii) annual training in crowd control tactics for any officers that may be called upon to participate in crowd control efforts; and

"(viii) such other training as recommended by the evaluation conducted pursuant to section 1051(d) of the National Defense Authorization Act for Fiscal Year 2016.

"(B) SATISFACTION BY RECENT HIREES.—The requirements under subparagraph (A) shall provide for the first completion of the training concerned by an individual who becomes an officer in a law enforcement agency by not later than one year after the date on which the individual becomes an officer in the law enforcement agency.

"(C) RECORD-KEEPING.—Each law enforcement agency to which eligible defense items are transferred pursuant to this section shall retain training records of each office authorized to use such items, either in the personnel file of the officer or by the training division or equivalent entity of the agency, for not less than three years after the date on which the training occurs, and shall provide a copy of such records to the Director upon request.

"(k) SUSPENSION AND TERMINATION.—

"(1) FOR LOST OR STOLEN ITEMS.—In the event an offensive weapon or ordnance transferred to a State or local law enforcement agency under this section is lost, stolen, or misappropriated, the Director of the Defense Logistics Agency, after providing the law enforcement agency with notice and the op-

portunity to contest the allegation, shall suspend the law enforcement agency from eligibility for receipt of items under this section for a period of six months.

"(2) INTENTIONAL FALSIFICATION OF INFORMATION.—In the event a State or local law enforcement agency is determined by the Director (or the designee of the Director) to have intentionally falsified any information in requesting or applying for items under this section, the Director, after providing the law enforcement agency with notice and the opportunity to contest the determination, shall terminate the law enforcement agency from eligibility for receipt of items under this section until such time as the head of the law enforcement agency is replaced.

"(l) CONSTRUCTION WITH OTHER DLA AUTHORITY.—Nothing in this section shall be construed to override, alter, or supersede the authority of the Director of the Defense Logistics Agency to dispose of property of the Department of Defense that is not a controlled defense item to law enforcement agencies under another provision of law.

"(m) DEFINITIONS.—In this section:

"(1) The term 'bayonet' means a large knife designed to be attached to the muzzle of a rifle, shot-

gun, or long gun for the purposes of hand-to-hand combat.

"(2) The term 'breaching apparatus' means a tool designed to provide law enforcement rapid entry into a building or through a secured doorway, including battering rams or similar entry devices, ballistic devices, and explosive devices.

"(3) The term 'controlled defense item' means property of the Department of Defense that is subject to the restriction of the United States Munitions List (22 Code of Federal Regulations Part 121) or the Commerce Control List (15 Code of Federal Regulations Part 774).

"(4) The term 'eligible defense item' means a controlled defense item that is eligible for transfer to a law enforcement agency pursuant to this section.

"(5) The term 'fixed wing manned aircraft' means a powered aircraft with a crew aboard, such as airplanes, that uses a fixed wing for lift.

"(6) The term 'grenade launcher' means a firearm or firearm accessory designed to launch small explosive projectiles.

"(7) The term 'riot baton' means a nonexpandable baton of greater length than service-issued types that are intended to protect its wielder during

melees by providing distance from assailants. The term does not include a service-issued telescopic or fixed length straight baton.

"(8) The term 'specialized firearm and ammunition under .50 caliber' means a weapon and corresponding ammunition for specialized operations or assignments. The term does not include service-issued handguns, rifles, or shotguns that are issued or approved by an agency to be used during the course of regularly assigned duties.

"(9) The term 'State Coordinator' means an individual appointed by the Governor of a State—

"(A) to manage requests of State and local law enforcement agencies of the State for eligible defense items; and

"(B) to ensure the appropriate use of eligible defense items transferred under this section by such law enforcement agencies.

"(10) The term 'State or local law enforcement agency' means a State or local agency or entity with law enforcement officers that have arrest and apprehension authority and whose primary function is to enforce the laws. The term includes a local educational agency with such officers. The term does not include a firefighting agency or entity.

"(11) The term 'SWAT team' means a Special Weapons and Tactics team or other specialized tactical team composed of State or local sworn law enforcement officers.

"(12) The term 'tactical military vehicle' means an armored vehicle having military characteristics resulting from military research and development processes that is designed primarily for use by forces in the field in direct connection with, or support of, combat or tactical operations.

"(13) The term 'tracked armored vehicle' means a vehicle that provides ballistic protection to their occupants and utilizes a tracked system instead of wheels for forward motion.

"(14) The term 'unmanned aerial vehicle' means a remotely piloted, powered aircraft without a crew aboard.

"(15) The term 'wheeled armored vehicle' means any wheeled vehicle either purpose-built or modified to provide ballistic protection to its occupants, such as a Mine Resistant Ambush Protected (MRAP) vehicle of an Armored Personnel Carrier.

"(16) The term 'wheeled tactical vehicle' means a vehicle purpose-built to operate onroad and offroad in support of military operations, such as a

HMMWV ('Humvee'), 2.5ton truck, 5ton truck, or a vehicle with a breaching or entry apparatus attached.''.

(b) IN GENERAL.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2576b the following new section:

"§ 2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies

''(a) IN GENERAL.—In transferring excess property of the Department of Defense under authorities specified in subsection (b) that authorize the transfer of such property to both other Federal agencies and State and local agencies, the Secretary of Defense shall afford a priority to other Federal agencies in the transfer of any property that is not a controlled defense item.

''(b) AUTHORITIES.—The authorities specified in this subsection are the following:

''(1) The authority to transfer personal property for law enforcement activities under section 2576a of this title.

''(2) The authority to transfer personal property to assist firefighting activities under section 2576b of this title.

"(3) The authority to transfer documents, artifacts, and other materiel under section 2572 of this title.

"(4) The authority to transfer nonlethal supplies for homeless and humanitarian relief under section 2557 of this title.

"(5) The authority to make foreign military sales under the Arms Export Control Act (22 U.S.C. 2751 et seq.).

"(6) The authority to transfer research equipment under section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)).

"(7) Such other authorities relating to transfer of property of the Department as the Secretary designates for purposes of this section.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 153 of such title is amended by inserting after the item relating to section 2576b the following new item:

"2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies.".

SEC. 1054. EXEMPTION OF INFORMATION ON MILITARY TACTICS, TECHNIQUES, AND PROCEDURES FROM RELEASE UNDER FREEDOM OF INFORMATION ACT.

(a) EXEMPTION.—Subsection (a) of section 130e of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''or information related to military tactics, techniques, and procedures'' after ''security information'';

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

''(1) the information is—

''(A) Department of Defense critical infrastructure security information; or

''(B) related to a military tactic, technique, or procedure, including a military rule of engagement;'';

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

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

''(2) the public disclosure of the information could reasonably be expected to risk impairment of the effective operation of Department of Defense by

1 providing an advantage to an adversary or potential
2 adversary; and''.
3 (b) DEFINITIONS.—Subsection (c) of such section—
4 (1) is transferred to the end of such section and
5 redesignated as subsection (f); and
6 (2) as so transferred and redesignated, is
7 amended—
8 (A) by striking ''DEFINITION.—In this sec-
9 tion, the''and inserting the following: ''DEFINI-
10 TIONS.—In this section:''
11 ''(1) DEPARTMENT OF DEFENSE CRITICAL IN-
12 FRASTRUCTURE SECURITY INFORMATION.—The'';
13 and
14 (B) by adding at the end the following new
15 paragraphs:
16 ''(2) TACTIC.—The term 'tactic' means the em-
17 ployment and ordered arrangement of forces in rela-
18 tion to each other.
19 ''(3) TECHNIQUE.—The term 'technique' means
20 a non-prescriptive way or method used to perform a
21 mission, function, or task.
22 ''(4) RULE OF ENGAGEMENT.—The term 'rule
23 of engagement' means a directive issued by a com-
24 petent military authority that delineates the cir-
25 cumstances and limitations under which the armed

forces will initiate or continue combat engagement with other forces encountered.''.

(c) DELEGATION AND TRANSPARENCY.—Such section is further amended—

(1) by striking subsection (d);

(2) by redesignating subsections (e) and (f) (as transferred and redesignated by subsection (b)(1) of this section) as subsections (c) and (e), respectively; and

(3) in subsection (c), as redesignated by paragraph (2)—

(A) by striking '', or the Secretary's designee,''; and

(B) by striking ''through the Office of the Director of Administration and Management'' and inserting ''in accordance with guidelines prescribed by the Secretary''.

(d) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—Such section is further amended—

(1) in subsection (a), as amended by subsection (a) of this section, by striking ''pursuant to section 552(b)(3) of title 5'' in the matter preceding paragraph (1); and

(2) by inserting after subsection (c), as redesignated by subsection (c)(2) of this section, the following new subsection (d):

"(d) CITATION FOR PURPOSES OF OPEN FOIA ACT OF 2009.—This section is a statute that specifically exempts certain matters from disclosure under section 552 of title 5, as described in subsection (b)(3) of that section.".

(e) CONFORMING AND CLERICAL AMENDMENTS.—

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

"§ 130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 130e and inserting the following new item:

"130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures".

SEC. 1055. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.

(a) SPECIAL NUCLEAR MATERIAL.—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Information that the Secretary prohibits to be disseminated pursuant to subsection (a) that is provided to a State or local government shall remain under the control of the Department of Defense, and a State or local law authorizing or requiring a State or local government to disclose such information shall not apply to such information.".

(b) CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—Section 130e of such title is amended—

(1) by transferring subsection (c) to the end of such section and redesignating such subsection, as so transferred, as subsection (f); and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) DESIGNATION OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—In addition to any other authority or requirement regarding protection from dissemination of information, the Secretary may designate information as being Department of Defense critical infrastructure security information, including during the course of creating such information, to ensure that such information is not disseminated without authorization. Information so designated is subject to the determination process under subsection (a) to deter-

mine whether to exempt such information from disclosure described in such subsection.

"(c) INFORMATION PROVIDED TO STATE AND LOCAL GOVERNMENTS.—(1) Department of Defense critical infrastructure security information covered by a written determination under subsection (a) or designated under subsection (b) that is provided to a State or local government shall remain under the control of the Department of Defense.

"(2)(A) A State or local law authorizing or requiring a State or local government to disclose Department of Defense critical infrastructure security information that is covered by a written determination under subsection (a) shall not apply to such information.

"(B) If a person requests pursuant to a State or local law that a State or local government disclose information that is designated as Department of Defense critical infrastructure security information under subsection (b), the State or local government shall provide the Secretary an opportunity to carry out the determination process under subsection (a) to determine whether to exempt such information from disclosure pursuant to subparagraph (A).".

(c) CONFORMING AMENDMENTS.—

(1) SECTION 128.—The heading of section 128 of such title is amended to read as follows:

"§ 128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information".

(2) SECTION 130E.—Section 130e of such title is further amended—

(A) by striking the section heading and inserting the following new section heading:

"§ 130e. Control and protection of critical infrastructure security information";

(B) in subsection (a), by striking the subsection heading and inserting the following new subsection heading; "EXEMPTION FROM FREEDOM OF INFORMATION ACT.—";

(C) in subsection (d), by striking the subsection heading and inserting the following new subsection heading: "DELEGATION OF DETERMINATION AUTHORITY.—"; and

(D) in subsection (e), by striking the subsection heading and inserting the following new subsection heading: "TRANSPARENCY OF DETERMINATIONS.—".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 3 of such title is amended—

(1) by striking the item relating to section 128 and inserting the following new item:

"128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information."; and

(2) by striking the item relating to section 130e and inserting the following new item:

"130e. Control and protection of critical infrastructure security information.".

SEC. 1056. RECOVERY OF EXCESS FIREARMS, AMMUNITION, AND PARTS GRANTED TO FOREIGN COUNTRIES AND TRANSFER TO CERTAIN PERSONS.

(a) RECOVERY.—Subchapter II of chapter 407 of title 36, United States Code, is amended by inserting after section 40728A the following new section:

"§ 40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons

"(a) AUTHORITY TO RECOVER.—(1) Subject to paragraph (2) and subsection (b), the Secretary of the Army may acquire from any person any firearm, ammunition, repair parts, or other supplies described in section 40731(a) of this title which were—

"(A) provided to any country on a grant basis under the conditions imposed by section 505 of the Foreign Assistance Act of 1961 (22 U.S.C. 2314) that became excess to the needs of such country; and

"(B) lawfully acquired by such person.

"(2) The Secretary of the Army may not acquire anything under paragraph (1) except for transfer to a person in the United States under subsection (c).

"(3) The Secretary of the Army may accept firearms, ammunition, repair parts, or other supplies under paragraph (1) notwithstanding section 1342 of title 31.

"(b) COST OF RECOVERY.—The Secretary of the Army may not acquire anything under subsection (a) if the United States would incur any cost for such acquisition.

"(c) AVAILABILITY FOR TRANSFER.—Any firearms, ammunition, repair parts, or supplies acquired under subsection (a) shall be available for transfer in the United States to the person from whom acquired if such person—

"(1) is licensed as a manufacturer, importer, or dealer pursuant to section 923(a) of title 18; and

"(2) uses an ammunition depot of the Army that is an eligible facility for receipt of any firearms, ammunition, repair parts, or supplies under this paragraph.

"(d) CONTRACTS.—Notwithstanding subsection (k) of section 2304 of title 10, the Secretary may enter into such contracts or cooperative agreements on a sole source basis pursuant to paragraphs (4) and (5) of subsection (c) of such section to carry out this section.

"(e) FIREARM DEFINED.—In this section, the term 'firearm' has the meaning given such term in section 921 of title 18.".

(b) SALE.—Section 40732 of such title is amended—

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

"(d) SALES BY OTHER PERSONS.—A person who receives a firearm or any ammunition, repair parts, or supplies under section 40728B(c) of this title may sell, at fair market value, such firearm, ammunition, repair parts, or supplies."; and

(2) in subsection (c), in the heading, by inserting "BY THE CORPORATION" after "LIMITATION ON SALES".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 407 of such title is amended by inserting after the item relating to section 40728A the following new item:

"40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons.".

SEC. 1057. SENSE OF THE SENATE ON DEVELOPMENT AND FIELDING OF FIFTH GENERATION AIRBORNE SYSTEMS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The term ''fifth generation'', with respect to airborne systems, means those airborne systems capable of operating effectively in highly contested battle spaces defined by the most capable currently fielded threats, and those reasonably expected to be operational in the foreseeable future.

(2) Continued modernization of Department of Defense airborne systems such as fighters, bombers, and intelligence, surveillance, and reconnaissance (ISR) aircraft with fifth generation capabilities is required because—

(A) adversary integrated air defense systems (IADS) have created regions where fourth generation airborne systems may be limited in their ability to effectively operate;

(B) adversary aircraft, air-to-air missiles, and airborne electronic attack or electronic protection systems are advancing beyond the capabilities of fourth generation airborne systems; and

(C) fifth generation airborne systems provide a wider variety of options for a given warfighting challenge, preserve the technological advantage of the United States over near-peer threats, and serve as a force multiplier by in-

creasing situational awareness and combat effectiveness of fourth generation airborne systems.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that development and fielding of fifth generation airborne system systems should include the following:

(1) Multispectral (radar, infrared, visual, emissions) low observable (LO) design features, self-protection jamming, and other capabilities that significantly delay or deny threat system detection, tracking, and engagement.

(2) Integrated avionics that autonomously fuse and prioritize onboard multispectral sensors and offboard information data to provide an accurate realtime operating picture and data download for postmission exploitation and analysis.

(3) Resilient communications, navigation, and identification techniques designed to effectively counter adversary attempts to deny or confuse friendly systems.

(4) Robust and secure networks linking individual platforms to create a common, accurate, and highly integrated picture of the battle space for friendly forces.

(5) Advanced onboard diagnostics capable of monitoring system health, accurately reporting system faults, and increasing overall system performance and reliability.

(6) Integrated platform and subsystem designs to maximize lethality and survivability while enabling decision superiority.

(7) Maximum consideration for the fielding of unmanned platforms either employed in concert with fifth generation manned platforms or as standalone unmanned platforms, to increase warfighting effectiveness and reduce risk to personnel during high risk missions.

(8) Advanced air-to-air, air-to-ground, and other weapons able to leverage fifth generation capabilities.

(9) Comprehensive and high-fidelity live, virtual, and constructive training systems, updated range infrastructure, and sufficient threat-representative adversary training assets to maximize fifth generation force proficiency, effectiveness, and readiness while protecting sensitive capabilities.

SEC. 1058. TECHNICAL AND CONFORMING AMENDMENTS.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016.—The National Defense Authoriza-

tion Act for Fiscal Year 2016 (Public Law 114–92) is amended—

(1) in section 804(d)(3), by inserting ''within 5 business days after such transfer'' before the period at the end of the first sentence; and

(2) in section 809(e)(2)(A), by striking ''repealed'' and inserting ''rescinded''.

(b) SECTION 2431B OF TITLE 10, UNITED STATES CODE.—Subsection (d) of section 2431b of title 10, United States Code, is amended to read as follows:

''(d) DEFINITIONS.—

''(1) CONCURRENCY.—The term 'concurrency' means, with respect to an acquisition strategy, the combination or overlap of program phases or activities.

''(2) MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEMS.—The terms 'major defense acquisition programs' and 'major systems' have the meanings provided in section 2431a of this title.''.

Subtitle G—National Commission on Military, National, and Public Service

SEC. 1066. PURPOSE AND SCOPE.

(a) PURPOSE.—The purpose of this subtitle is to establish the National Commission on Military, National, and Public Service to—

(1) conduct a review of the military selective service process (commonly referred to as ''the draft''); and

(2) consider methods to increase participation in military, national, and public service in order to address national security and other public service needs of the Nation.

(b) SCOPE OF REVIEW.—In order to provide the fullest understanding of the matters required under the review under subsection (a), the Commission shall consider—

(1) the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;

(2) means by which to foster a greater attitude and ethos of service among United States youth, including an increased propensity for military service;

(3) the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex; and

(4) the feasibility and advisability of including in the military selective service process, as so modified, an eligibility or entitlement for the receipt of one or more Federal benefits (such as educational benefits, subsidized or secured student loans, grants or hiring preferences) specified by the Commission for purposes of the review.

(c) DEFINITIONS.—In this subtitle:

(1) The term ''military service'' means active service (as that term is defined in subsection (d)(3) of section 101 of title 10, United States Code) in one of the uniformed services (as that term is defined in subsection (a)(5) of such section).

(2) The term ''national service'' means civilian employment in Federal or State Government in a field in which the Nation and the public have critical needs.

(3) The term ''public service'' means civilian employment in any non-governmental capacity, including with private for-profit organizations and non-profit organizations (including with appropriate faith-based organizations), that pursues and enhances the common good and meets the needs of communities, the States, or the Nation in sectors related to security, health, care for the elderly, and other areas considered appropriate by the Commission for purposes of this subtitle.

SEC. 1067. NATIONAL COMMISSION ON MILITARY, NATIONAL, AND PUBLIC SERVICE.

(a) ESTABLISHMENT.—There is established in the executive branch an independent commission to be known as the National Commission on Military, National, and Public Service (in this subtitle referred to as the ''Commission''). The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members appointed as follows:

(A) The President shall appoint three members.

(B) The Majority Leader of the Senate shall appoint one member.

(C) The Minority Leader of the Senate shall appoint one member.

(D) The Speaker of the House of Representatives shall appoint one member.

(E) The Minority Leader of the House of Representatives shall appoint one member.

(F) The Chairman of the Committee on Armed Services of the Senate shall appoint one member.

(G) The Ranking Member of the Committee on Armed Services of the Senate shall appoint one member.

(H) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint one member.

(I) The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint one member.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under para-

graph (1) not later than 90 days after the Commission establishment date.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), (E), (F), (G), (H), or (I) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(c) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from amount its members.

(d) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) PAY FOR MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(g) USE OF GOVERNMENT INFORMATION.—The Commission may secure directly from any department or agency of the Federal Government such information as the

1 Commission considers necessary to carry out its duties.
2 Upon such request of the Chair of the Commission, the
3 head of such department or agency shall furnish such in-
4 formation to the Commission.

5 (h) POSTAL SERVICES.—The Commission may use
6 the United States mails in the same manner and under
7 the same conditions as departments and agencies of the
8 United States.

9 (i) AUTHORITY TO ACCEPT GIFTS.—The Commis-
10 sion may accept, use, and dispose of gifts or donations
11 of services, goods, and property from non-Federal entities
12 for the purposes of aiding and facilitating the work of the
13 Commission. The authority in this subsection does not ex-
14 tend to gifts of money.

15 (j) PERSONAL SERVICES.—

16 (1) AUTHORITY TO PROCURE.—The Commis-
17 sion may—

18 (A) procure the services of experts or con-
19 sultants (or of organizations of experts or con-
20 sultants) in accordance with the provisions of
21 section 3109 of title 5, United States Code; and

22 (B) pay in connection with such services
23 travel expenses of individuals, including trans-
24 portation and per diem in lieu of subsistence,

while such individuals are traveling from their homes or places of business to duty stations.

(2) LIMITATION.—The total number of experts or consultants procured pursuant to paragraph (1) may not exceed five experts or consultants.

(3) MAXIMUM DAILY PAY RATES.—The daily rate paid an expert or consultant procured pursuant to paragraph (1) may not exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 1068. COMMISSION HEARINGS AND MEETINGS.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed. The Commission is authorized and encouraged to hold hearings and meetings in various locations throughout the country to provide maximum opportunity for public comment and participation in the Commission's execution of its duties.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any member objects or classified information is to be considered.

(c) QUORUM.—Six members of the Commission shall constitute a quorum, but a lesser number may hold hearings or meetings.

(d) PUBLIC COMMENTS.—

(1) SOLICITATION.—The Commission shall seek written comments from the general public and interested parties on matters of the Commission's review under this subtitle. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) PERIOD FOR SUBMITTAL.—The period for the submittal of comments pursuant to the solicita-

tion under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which recommendations are transmitted to the Commission under section 1069(d).

(3) USE BY COMMISSION.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 1069. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) CONTEXT OF COMMISSION REVIEW.—The Commission shall—

(1) conduct review of the military selective service process; and

(2) consider methods to increase participation in military, national and public service opportunities to address national security and other public service needs of the Nation.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—The Commission shall develop recommendations on the matters subject to its review under subsection (a) that are consistent with the principles established by the President under subsection (c).

(c) PRESIDENTIAL PRINCIPLES.—

(1) IN GENERAL.—Not later than three months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for reform of the military selective service process, including means by which to best acquire for the Nation skills necessary to meet the military, national, and public service requirements of the Nation in connection with that process.

(2) ELEMENTS.—The principles required under this subsection shall address the following:

(A) Whether, in light of the current and predicted global security environment and the

changing nature of warfare, there continues to be a continuous or potential need for a military selective service process designed to produce large numbers of combat members of the Armed Forces, and if so, whether such a system should include mandatory registration by all citizens and residents, regardless of sex.

(B) The need, and how best to meet the need, of the Nation, the military, the Federal civilian sector, and the private sector (including the non-profit sector) for individuals possessing critical skills and abilities, and how best to employ individuals possessing those skills and abilities for military, national, or public service.

(C) How to foster within the Nation, particularly among United States youth, an increased sense of service and civic responsibility in order to enhance the acquisition by the Nation of critically needed skills through education and training, and how best to acquire those skills for military, national, or public service.

(D) How to increase a propensity among United States youth for service in the military, or alternatively in national or public service, in-

cluding how to increase the pool of qualified applicants for military service.

(E) The need in Government, including the military, and in the civilian sector to increase interest, education, and employment in certain critical fields, including science, technology, engineering, and mathematics (STEM), national security, cyber, linguistics and foreign language, education, health care, and the medical professions.

(F) How military, national, and public service may be incentivized, including through educational benefits, grants, Federally-insured loans, Federal or State hiring preferences, or other mechanisms that the President considers appropriate.

(G) Any other matters the President considers appropriate for purposes of this subtitle.

(d) CABINET RECOMMENDATIONS.—Not later than seven months after the Commission establishment date, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Secretary of Labor, and such other Government officials, and such experts, as the President shall designate for purposes of this subsection shall jointly transmit to the Commission and Congress rec-

ommendations for the reform of the military selective service process and military, national, and public service in connection with that process.

(e) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 30 months after the Commission establishment date, the Commission shall transmit to the President and Congress a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission regarding the matters reviewed by the Commission pursuant to this subtitle. The Commission shall include in the report legislative language and recommendations for administrative action to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made under subsection (d).

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President and Congress under paragraph (1).

(3) PUBLIC AVAILABILITY.—The Commission shall publish a copy of the report required by paragraph (1) on an Internet website available to the public on the same date on which it transmits that report to the President and Congress under that paragraph.

SEC. 1070. EXECUTIVE DIRECTOR AND STAFF.

(a) EXECUTIVE DIRECTOR.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) STAFF.—Subject to subsections (c) and (d), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(c) LIMITATIONS ON STAFF.—

(1) NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENTS.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) PRIOR DUTIES WITHIN EXECUTIVE BRANCH.—A person may not be detailed from the Department of Defense or other executive branch

department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for the military selective service process and military and public service in connection with that process.

(d) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department (other than a member of the uniformed services or officer or employee who is detailed to the Commission), may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report (other than for administrative accuracy); or

(3) approve or disapprove such a report.

SEC. 1071. JUDICIAL REVIEW PRECLUDED.

Actions under section 1069 of the President, the officials specified or designated under subsection (d) of such section, and the Commission shall not be subject to judicial review.

SEC. 1072. TERMINATION.

Except as otherwise provided in this subtitle, the Commission shall terminate not later than 36 months after the Commission establishment date.

SEC. 1073. FUNDING.

Of the amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Defense, up to $15,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

Subtitle H—Studies and Reports

SEC. 1076. ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS.

(a) ANNUAL REPORTS REQUIRED.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

"§ 222a. Unfunded priorities of the armed forces and combatant commands: annual report

''(a) ANNUAL REPORT.—Not later than 25 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, each officer specified in subsection (b) shall submit to the Secretary of Defense and the Chairman of

the Joint Chiefs of Staff, and to the congressional defense committees, a report on the current unfunded priorities of the armed force or forces or combatant command under the jurisdiction or command of such officer.

"(b) OFFICERS.—The officers specified in this subsection are the following:

"(1) The Chief of Staff of the Army.

"(2) The Chief of Naval Operations.

"(3) The Chief of Staff of the Air Force.

"(4) The Commandant of the Marine Corps.

"(5) The commanders of the geographic combatant commands and the commanders of the functional combatant commands.

"(c) ELEMENTS.—

"(1) IN GENERAL.—Each report under this subsection shall specify, for each unfunded priority covered by such report, the following:

"(A) A summary description of such priority, including the objectives to be achieved if such priority is funded (whether in whole or in part).

"(B) The additional funds required to fully fund such priority.

"(C) Account information with respect to such priority, including the following (as applicable):

"(i) Line Item Number (LIN) for applicable procurement accounts.

"(ii) Program Element (PE) number for applicable research, development, test, and evaluation accounts.

"(iii) Sub-activity group (SAG) for applicable operation and maintenance accounts.

"(2) PRIORITIZATION OF PRIORITIES.—Each report shall present the unfunded priorities covered by such report in order of urgency of priority.

"(d) UNFUNDED PRIORITY DEFINED.—In this section, the term 'unfunded priority', in the case of a fiscal year, means a program, activity, or mission requirement that—

"(1) is not funded in the budget of the President for the fiscal year as submitted to Congress pursuant to section 1105 of title 31;

"(2) is necessary to fulfill a requirement associated with an operational or contingency plan of a combatant command or other validated global force requirement; and

"(3) would have been recommended for funding through the budget referred to in paragraph (1) by the officer submitting the report required by subsection (a) in connection with the budget if—

"(A) additional resources been available for the budget to fund the program, activity, or mission requirement; or

"(B) the program, activity, or mission requirement had emerged before the budget was so submitted.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 222 the following new item:

"222a. Unfunded priorities of the armed forces and combatant commands: annual report.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 1003 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 113–239; 126 Stat. 1903) is repealed.

SEC. 1077. ASSESSMENT OF THE JOINT GROUND FORCES OF THE ARMED FORCES.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, provide for and oversee an assessment of the joint ground forces of the Armed Forces.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment described in subsection (a). The report shall include the following:

(1) A description of any gaps in the capabilities and capacities of the joint ground forces that threaten the successful execution of decisive operational maneuver by the joint ground forces.

(2) Recommendations for actions to be taken to eliminate or otherwise address such gaps in capabilities or capacities.

SEC. 1078. REPORT ON INDEPENDENT ASSESSMENT OF THE FORCE STRUCTURE OF THE ARMED FORCES TO MEET THE NATIONAL DEFENSE STRATEGY.

(a) REPORT REQUIRED.—The Secretary of Defense shall, as provided in subsection (d), submit to Congress a report setting forth an assessment, obtained by the Secretary from an organization independent of the Department of Defense, of the adequacy and sufficiency of the force structure of the Armed Forces to meet future threats to the United States.

(b) CONDUCT OF REVIEW.—

(1) CONTRACT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall contract with an organization independent of the Department for the review required pursuant to subsection (a).

(2) ENTITY QUALIFICATIONS.—The entity with which the Secretary contracts under this subsection shall be an organization that has—

(A) recognized credentials and expertise in national security and military affairs; and

(B) access to policy experts throughout the United States.

(c) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An identification and assessment of the threats to the United States from Russia, China, North Korea, Iran, the Islamic State of Iraq and the Levant, global terrorism, and other sources.

(2) A description of potential conflicts arising from the threats identified pursuant to paragraph (1) and the proposed responses of the Department and the Armed Forces to meet such threats, including the concepts of operations, the end states desired, the timelines required, the availability of host nation and allied support, the use of weapons of

mass destruction, the anticipated duration of the conflicts, and the need, if any, for post-hostilities stabilization operations.

(3) An identification and assessment of the forces, warfighting systems, acquisition programs, and associated personnel strengths required to execute such responses at moderate risk, including the demands of simultaneous or nearly simultaneous conflicts in connection with such threats and ongoing global commitments, with such strengths to include strengths for the regular and reserve components of each Armed Force, for the United States Special Operations Command, and for Government civilian and operational contractor personnel.

(4) An identification and assessment of the funding required to build and sustain the forces, warfighting systems, acquisition programs, and personnel identified pursuant to paragraph (3).

(5) A comparison of the forces, warfighting systems, acquisition programs, manpower, and funding identified pursuant to paragraphs (3) and (4) with the forces, warfighting systems, acquisition programs, manpower, and funding planned in the future-years defense program for fiscal year 2017, as amended by any announced changes.

(6) An assessment of the ability of the forces planned in the future-years defense program for fiscal year 2017 to meet the day-to-day requirements of the commanders of the combatant commands for forward deployments, forward stationing (such as in Korea, Japan, and Europe), crisis response (such as Freedom of Navigation operations), humanitarian assistance and disaster response, no-fly zones, evacuation operations, peacekeeping, counterterrorism, operations in Iraq (Operation Inherent Resolve) and Afghanistan (Operation Resolute Support), allied and partner engagement, and homeland security (including missile defense), including a specification of appropriate dwell times for forces and members of the Armed Forces, an assessment of the ability of the Armed Forces to meet such specified dwell times, and a specification of the readiness levels needed for deployed and nondeployed forces.

(d) DEADLINE FOR REPORT; INTERIM BRIEFINGS.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—Not later than 180 days after the date on which the Secretary enters into the contract described in subsection (b)(1), the organization with which the Secretary contracts shall submit to the Secretary a re-

port containing the results of the review required pursuant to subsection (a).

(2) INTERIM REPORTS.—The organization shall provide the Secretary such interim briefings as the Secretary considers appropriate to assist the Department in the preparation of the national defense strategy required by section 118 of title 10, United States Code (as amended by section 1096 of this Act), and the quadrennial roles and missions review required by section 118b of such title.

(3) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the receipt of the report under paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report that the Secretary considers appropriate. The report and such comments shall be transmitted in unclassified form, but may contain a classified annex.

SEC. 1079. ANNUAL REPORT ON OBSERVATION FLIGHTS OVER THE UNITED STATES UNDER THE OPEN SKIES TREATY.

(a) ANNUAL REPORT ON OBSERVATION FLIGHTS.—

(1) IN GENERAL.—Not less frequently than once each year, the Secretary of Defense shall submit to the appropriate committees of Congress a re-

port on the observation flights over the United States under the Open Skies Treaty during the previous year.

(2) CONTENTS.—Each report required by paragraph (1) shall include, for each observation flight described in such paragraph covered by such report, the following:

(A) A description of the flight path of such observation flight.

(B) An analysis of whether and the extent to which any critical infrastructure of the United States or any covered state party critical was the subject of image capture activities of such observation flight.

(C) A description of the mitigation measures and costs imposed on the Department of Defense or other departments and agencies of the United States Government by such observation flight.

(b) UPGRADE ROADMAP.—In the first report submitted under subsection (a), the Secretary shall also include an upgrade roadmap for the observation aircraft of the United States under the Open Skies Treaty that are located at Offutt Air Force Base, Nebraska, and for any

analysis and support staff and equipment required in connection with such aircraft.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) COVERED STATE PARTY.—The term ''covered state party'' means a foreign country that—

(A) is a state party to the Open Skies Treaty; and

(B) is not the Russian Federation or Belarus.

(3) OBSERVATION FLIGHT; OBSERVATION AIRCRAFT.—The terms ''observation flight'' and ''observation aircraft'' have the meaning given such terms in Article II of the Open Skies Treaty.

(4) OPEN SKIES TREATY.—The term ''Open Skies Treaty'' means the Treaty on Open Skies,

done at Helsinki March 24, 1992, and entered into force January 1, 2002.

SEC. 1080. REPORTS ON PROGRAMS MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES IN THE DEPARTMENT OF DEFENSE.

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

"§ 119a. Programs managed under alternative compensatory control measures: congressional oversight

"(a) ANNUAL REPORT ON CURRENT PROGRAMS UNDER AACMS.—

"(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the programs being managed under alternative compensatory control measures in the Department of Defense.

"(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

"(A) The total amount requested for programs being managed under alternative compensatory control measures in the Department

in the budget of the President under section 1105 of title 31 for the fiscal year beginning in the fiscal year in which such report is submitted.

"(B) For each program in that budget that is a program being managed under alternative compensatory control measures in the Department—

"(i) a brief description of the program;

"(ii) a brief discussion of the major milestones established for the program;

"(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

"(iv) the estimated total cost of the program and the estimated cost of the program for—

"(I) the current fiscal year;

"(II) the fiscal year for which that budget is submitted; and

"(III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(3) ELEMENTS ON PROGRAMS COVERED BY MULTIYEAR BUDGETING.—In the case of a report under paragraph (1) submitted in a year during which the budget of the President for the fiscal year concerned does not, because of multiyear budgeting for the Department, include a full budget request for the Department, the report required by paragraph (1) shall set forth—

"(A) the total amount already appropriated for the next fiscal year for programs being managed under alternative compensatory control measures in the Department, and any additional amount requested in that budget for such programs for such fiscal year; and

"(B) for each program that is a program being managed under alternative compensatory control measures in the Department, the information specified in paragraph (2)(B).

"(b) ANNUAL REPORT ON NEW PROGRAMS UNDER AACMS.—

"(1) IN GENERAL.—Not later than February 1 each year, the Secretary shall submit to the congres-

sional defense committees a report that, with respect to each new program being managed under alternative compensatory control measures in the Department, provides—

"(A) notice of the designation of the program as a program being managed under alternative compensatory control measures in the Department; and

"(B) a justification for such designation.

"(2) ADDITIONAL ELEMENTS.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the report.

"(3) NEW PROGRAM BEING MANAGED UNDER ALTERNATIVE COMPENSATORY CONTROL MEASURES DEFINED.—In this subsection, the term 'new program being managed under alternative compensatory control measures' means a program in the Depart-

ment that has not previously been covered by a report under this subsection.

"(c) REPORT ON CHANGE IN CLASSIFICATION OR DECLASSIFICATION OF PROGRAMS.—

"(1) IN GENERAL.—Whenever a change in the classification of a program being managed under alternative compensatory control measures in the Department is planned to be made, or whenever classified information concerning a program being managed under alternative compensatory control measures in the Department is to be declassified and made public, the Secretary shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) DEADLINE FOR REPORT.—Except as provided in paragraph (3), a report required by paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement concerned is to occur.

"(3) EXCEPTION.—If the Secretary determines that because of exceptional circumstances the requirement in paragraph (2) cannot be met with re-

spect to a proposed change or public announcement concerning a program covered by paragraph (1), the Secretary may submit the report required by that paragraph regarding the proposed change or public announcement at any time before the proposed change or public announcement is made, and shall include in the report an explanation of the exceptional circumstances.

"(d) MODIFICATION OF CRITERIA OR POLICY FOR DESIGNATING PROGRAMS UNDER ACCMS.—Whenever there is a modification or termination of the policy or criteria used for designating a program as a program being managed under alternative compensatory control measures in the Department, the Secretary shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy or criteria as modified.

"(e) WAIVER.—

"(1) IN GENERAL.—The Secretary may waive any requirement in subsection (a), (b), or (c) that certain information be included in a report under such subsection if the Secretary determines that inclusion of that information in the report would ad-

versely affect the national security. Any such waiver shall be made on a case-by-case basis.

"(2) NOTICE TO CONGRESS.—If the Secretary exercises the authority in paragraph (1), the Secretary shall provide the information described in the applicable subsection with respect to the program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) LIMITATION ON INITIATION OF PROGRAMS UNDER ACCMS.—

"(1) NOTICE AND WAIT.—Except as provided in paragraph (2), a program to be managed under alternative compensatory control measures in the Department may not be initiated until—

"(A) the congressional defense committees are notified of the program; and

"(B) a period of 30 days elapses after such notification is received.

"(2) EXCEPTION.—If the Secretary determines that waiting for the regular notification process before initiating a program as described in paragraph (1) would cause exceptionally grave damage to the national security, the Secretary may begin a program to be managed under alternative compensatory

control measures in the Department before such waiting period elapses. The Secretary shall notify the congressional defense committees within 10 days of initiating a program under this paragraph, including a justification for the determination of the Secretary that waiting for the regular notification process would cause exceptionally grave damage to the national security.''.

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

''119a. Programs managed under alternative compensatory control measures: congressional oversight.''.

SEC. 1081. REQUIREMENT FOR NOTICE AND REPORTING TO COMMITTEES ON ARMED SERVICES ON CERTAIN EXPENDITURES OF FUNDS BY DEFENSE INTELLIGENCE AGENCY.

Section 105(c) of the National Security Act of 1947 (50 U.S.C. 3038(c)) is amended by inserting '', the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives'' after ''committees'' each place it appears.

SEC. 1082. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS FROM AN AMENDMENT MADE BY AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.

(a) PROVISIONS OF TITLE 10, UNITED STATES DODE.—The following provisions of title 10, United States Code, are repealed: sections 113(c)(2), 113(l), 115a, 115b(a), 118(a)(3), 127d(d), 129(f), 153(c), 179(f)(4) and (5)(B), 229(a), 235, 401(d), 428(f), 974(d)(3), 1705(f), 1722b(c), 2011(e), 2166(i), 2193b(g), 2218(h), 2225(e), 2249c(c), 2249d(f), 2262(d), 2263(b), 2306b(l)(4), 2313a, 2330a(c), 2330a(g), 2350j(f), 2410i(c) (second sentence), 2445b(a), 2475(a), 2506(b), 2537(b), 2561(c), 2564(e), 2674(a)(2), 2687a(a), 2687a(b)(4), 2687a(d)(2), 2711, 2831(e), 2859(c), 2861(d), 2866(b)(3), 2884(c), 2912(d), 4316, 4721(e), 5144(d)(2), 7310(c), 10504(b), 10543(a), and 10543(c).

(b) OTHER PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 9902(f)(2)(B) of title 5, United States Code.

(2) Section 509(k) of title 32, United States Code.

(3) Section 103a(b)(3) of the Sikes Act (16 U.S.C. 670c–1(b)(3)).

(4) Section 1003(c) of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 22 U.S.C. 1928 note).

(5) Section 3002(c)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3343(c)(4)).

SEC. 1083. REPEAL OF DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS FOR WHICH STATUTORY REQUIREMENT IS SPECIFIED IN AN ANNUAL NATIONAL DEFENSE AUTHORIZATION ACT.

(a) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991.—Section 211(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1394) is repealed.

(b) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Section 1518(e) of the National Defense Authorization Act for Fiscal Year 1991 (24 U.S.C. 418(e)) is amended by striking paragraph (2).

(c) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994.—Section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking subsection (d).

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000.—Section 366 of the National Defense

Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended by striking subsection (f).

(e) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002.—The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) Section 346 (115 Stat. 1062) is amended by striking subsection (b).

(2) Section 1008(d) (10 U.S.C. 113 note) is amended by striking paragraph (2).

(f) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 817 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2306a note) is amended by striking subsection (d).

(g) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004.—Section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note) is amended by striking subsection (c).

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—The National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 123(d) (119 Stat. 3157) is amended by striking paragraph (1).

(2) Section 218(c) (119 Stat. 3172) is amended by striking paragraph (3).

(3) Section 1224 (10 U.S.C. 113 note) is repealed.

(i) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—The John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 357 (22 U.S.C. 4865 note) is amended by striking subsection (b).

(2) Section 1017 (120 Stat. 2379) is amended by striking subsection (e).

(j) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 328(b) (10 U.S.C. 4544 note) is amended by striking paragraph (1).

(2) Section 330 (122 Stat. 68) is amended by striking subsection (e).

(3) Section 845 (5 U.S.C. App. 5 note) is repealed.

(k) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 943 (122 Stat. 4578) is amended by striking subsection (e).

(2) Section 1014 (122 Stat. 4586), as most recently amended by section 1023 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is amended by striking subsection (c).

(l) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Section 121 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2212) is amended by striking subsection (e).

(m) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows:

(1) Section 112(b) (124 Stat. 4153) is amended by striking paragraph (3).

(2) Section 243 (10 U.S.C. 2358 note) is amended by striking subsection (c).

(3) Section 866(d) (10 U.S.C. 2302 note) is amended by striking paragraph (1).

(4) Section 1054 (10 U.S.C. 113 note) is repealed.

(n) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

(1) Section 1081 (10 U.S.C. 168 note) is amended by striking subsection (e).

(2) Section 1102 (5 U.S.C. 9902 note) is amended by striking subsection (b).

(3) Section 1207 (22 U.S.C. 2151 note) is amended by striking subsection (n).

(4) Section 2828 (10 U.S.C. 7291 note) is amended by striking subsection (b).

(5) Section 2867 (10 U.S.C. 2223a note) is amended by striking subsection (d).

(o) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239) is amended as follows:

(1) Section 126 (126 Stat. 1657) is amended by striking subsection (b).

(2) Section 144 (126 Stat. 1663) is amended by striking subsection (c).

(3) Section 716 (10 U.S.C. 1074g note) is amended by striking subsection (e).

(4) Section 865 (126 Stat. 1861) is repealed.

(5) Section 917 (126 Stat. 1878) is repealed.

(6) Section 921(c) (126 Stat. 1878), as amended by section 1622 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3632), is repealed.

(7) Section 955(d) (10 U.S.C. 129a note) is amended by striking paragraph (2).

(8) Section 1009 (126 Stat. 1906) is amended by striking subsection (a).

(9) Section 1079(c) (10 U.S.C. 221 note) is repealed.

(10) Section 1211(d)(3) (126 Stat. 1983), as amended by section 1214(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 907), is repealed.

(11) Section 1273 (22 U.S.C. 2421f) is amended by striking subsection (d).

(12) Section 1276 (10 U.S.C. 2350c note) is amended by striking subsection (e).

(p) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014.—The National Defense Authoriza-

tion Act for Fiscal Year 2014 (Public Law 113–66) is amended as follows:

(1) Section 907 (10 U.S.C. 1564 note) is amended by striking subparagraph (B) of subsection (c)(3).

(2) Section 923 (10 U.S.C. prec. 421 note) is amended by striking subsection (b).

(3) Section 1107 (10 U.S.C. 2358 note) is amended by striking subsection (g).

(4) Section 1203 (10 U.S.C. 2011 note) is amended by striking subsection (e).

(5) Section 1249 (127 Stat. 925) is repealed.

(6) Section 1601 (10 U.S.C. 2533a note) is amended by striking subsection (b).

(7) Section 1611 (127 Stat. 947) is amended by striking subsection (d).

(8) Section 2916 (127 Stat. 1028) is amended by striking subsection (b).

(q) CARL LEVIN AND HOWARD P. ''BUCK'' MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015.—The Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) is amended as follows:

(1) Section 232(e) (10 U.S.C. 2358 note) is repealed.

(2) Section 914 (5 U.S.C. 5911 note) is amended by striking paragraphs (2) and (3) of subsection (d).

(3) Section 1026(d) (128 Stat. 3490) is amended by striking paragraph (1).

(4) Section 1052(b) (128 Stat. 3497) is amended by striking paragraph (2).

(5) Section 1204(b) (10 U.S.C. 2249e note) is repealed.

(6) Section 1205 (128 Stat. 3537) is amended by striking subsection (e).

(7) Section 1206 (10 U.S.C. 2282 note) is amended by striking subsection (e).

(8) Section 1207 (10 U.S.C. 2342 note) is amended by striking subsection (d).

(9) Section 1209 (128 Stat. 3542) is amended by striking subsection (d).

(10) Section 1236(d) (128 Stat. 3559), as amended by section 1223(b)(1) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92), is repealed.

(11) Section 1268 (10 U.S.C. 9411 note) is amended by striking subsection (g).

(12) Section 1275(b) (128 Stat. 3591) is amended by striking ''and every 180 days thereafter'' and inserting ''and every year thereafter''.

(13) Section 1325 (50 U.S.C. 3715) is amended by striking subsection (e).

(14) Section 1341 (50 U.S.C. 3741) is repealed.

(15) Section 1342 (50 U.S.C. 3742) is repealed.

(16) Section 1534 (128 Stat. 3616) is amended by striking subsection (g).

(17) Section 1607 (128 Stat. 3625) is amended by striking subsection (b).

(18) Section 2821 (10 U.S.C. 2687 note) is amended by striking subsection (a)(3).

(r) CONFORMING REPEAL.—Section 1080 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) is repealed.

SEC. 1084. REPEAL OF REQUIREMENTS RELATING TO EFFICIENCIES PLAN FOR THE CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.

Section 955 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1896; 10 U.S.C. 129a note) is repealed.

SEC. 1085. REPORT ON PRIORITIES FOR BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS FOR C–130J AIRCRAFT OF THE AIR FORCE.

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Air Force Reserve Command contributes unique capabilities to the total force, including all the weather reconnaissance and aerial spray capabilities, and 25 percent of the Modular Airborne Firefighting System capabilities, of the Air Force; and

(2) special mission units of the Air Force Reserve Command currently operate aging aircraft, which jeopardizes future mission readiness and operational capabilities.

(b) REPORT ON PRIORITIES FOR C–130J BED DOWNS, BASING CRITERIA, AND SPECIAL MISSION UNITS.—Not later than February 1, 2017, the Secretary

of the Air Force shall submit to the congressional defense committees a report on the following:

(1) The overall prioritization scheme of the Air Force for future C–130J aircraft unit bed downs.

(2) The strategic basing criteria of the Air Force for C–130J aircraft unit conversions.

(3) The unit conversion priorities for special mission units of the Air Force Reserve Command, the Air National Guard, and the regular Air Force, and the manner which considerations such as age of airframes factor into such priorities.

(4) Such other information relating to C–130J aircraft unit conversions and bed downs as the Secretary considers appropriate.

Subtitle I—Other Matters

SEC. 1086. MILITARY SERVICE MANAGEMENT OF F–35 JOINT STRIKE FIGHTER PROGRAM.

(a) DISESTABLISHMENT OF F–35 JOINT PROGRAM OFFICE.—

(1) IN GENERAL.—Except as provided under subsection (d), not later than 180 days after Milestone C approval for the F–35 Joint Strike Fighter program, the Secretary of Defense shall disestablish the F–35 Joint Program Office and devolve relevant responsibilities to the Department of the Air Force

and the Department of the Navy. The Department of the Air Force and the Department of the Navy shall establish separate program offices to manage the production, sustainment, and modernization of their respective aircraft.

(2) RESPONSIBILITIES OF THE DEPARTMENT OF THE AIR FORCE.—The Department of the Air Force shall manage all aspects related to the F–35A variant.

(3) RESPONSIBILITIES OF THE DEPARTMENT OF THE NAVY.—The Department of the Navy shall manage all aspects related to the F–35B and F–35C variants.

(4) COORDINATION.—The Department of the Air Force and the Department of the Navy shall establish processes to coordinate on F–35 Joint Strike Fighter issues where commonality exists.

(b) REPORT.—Not later than February 1, 2017, the Secretary of Defense shall submit to the congressional defense committees a report outlining the Department's plan for implementing the changes to management of the F–35 Joint Strike Fighter program required under subsection (a).

(c) GAO REVIEW.—Not later than 90 days after the Secretary of Defense submits the report and implementa-

tion plan required under subsection (b), the Comptroller General of the United States shall review the implementation plan and brief the congressional defense committees on its findings.

(d) WAIVER.—The Secretary of Defense may waive the requirements of this section if the Secretary certifies to the congressional defense committees that the current Joint Program Office management structure is the optimal management structure for the F–35 Joint Strike Fighter program, including a business case analysis demonstrating that the current management structure is the optimal structure.

SEC. 1087. TREATMENT OF FOLLOW-ON MODERNIZATION FOR THE F–35 JOINT STRIKE FIGHTER AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F–35 Joint Strike Fighter as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F–35 Joint Strike Fighter are the Block 4 Follow-on Modernization and any future F–35 Joint Strike Fighter modernization program that

would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

SEC. 1088. REDUCTION IN MINIMUM NUMBER OF NAVY CARRIER AIR WINGS AND CARRIER AIR WING HEADQUARTERS REQUIRED TO BE MAINTAINED.

(a) CODIFICATION AND REDUCTION.—Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) The Secretary of the Navy shall ensure that the Navy maintains—

''(1) a minimum of 9 carrier air wings; and

''(2) for each such carrier air wing, a dedicated and fully staffed headquarters.''.

(b) REPEAL OF SUPERSEDED REQUIREMENT.—Section 1093 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606; 10 U.S.C. 5062 note) is repealed.

SEC. 1089. STREAMLINING OF THE NATIONAL SECURITY COUNCIL.

Section 101 of the National Security Act of 1947 (50 U.S.C. 3021) is amended to read as follows:

"SEC. 101. NATIONAL SECURITY COUNCIL.

"(a) NATIONAL SECURITY COUNCIL.—There is a council known as the National Security Council (in this section referred to as the 'Council').

"(b) FUNCTIONS.—Consistent with the direction of the President, the functions of the Council shall be to—

"(1) advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the Armed Forces and the other departments and agencies of the United States Government to cooperate more effectively in matters involving the national security;

"(2) assess and appraise the objectives, commitments, and risks of the United States in relation to the actual and potential military power of the United States, and make recommendations thereon to the President; and

"(3) make recommendations to the President concerning policies on matters of common interest to the departments and agencies of the United States Government concerned with the national security.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Council consists of the President, the Vice President, the Secretary of State, the Secretary of Defense, and such other offi-

cers of the United States Government as the President may designate.

"(2) ATTENDANCE AND PARTICIPATION IN MEETINGS.—The President may designate such other officers of the United States Government as the President considers appropriate, including the Director of National Intelligence, the Director of National Drug Control Policy, and the Chairman of the Joint Chiefs of Staff, to attend and participate in meetings of the Council.

"(d) PRESIDING OFFICERS.—At meetings of the Council, the President shall preside or, in the absence of the President, a member of the Council designated by the President shall preside.

"(e) STAFF.—

"(1) IN GENERAL.—The Council shall have a staff headed by a civilian executive secretary appointed by the President.

"(2) STAFF.—Consistent with the direction of the President and subject to paragraph (3), the executive secretary may, subject to the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5, United States Code, appoint and fix the compensation of such personnel as may be necessary to perform such duties as may be prescribed

by the President in connection with performance of the functions of the Council.

"(3) NUMBER OF PROFESSIONAL STAFF.—The professional staff for which this subsection provides shall not exceed 150 persons, including persons employed by, assigned to, detailed to, under contract to serve on, or otherwise serving or affiliated with the staff. The limitation in this paragraph does not apply to personnel serving wholly in support or administrative positions.".

SEC. 1090. FORM OF ANNUAL NATIONAL SECURITY STRATEGY REPORT.

Section 108(c) of the National Security Act of 1947 (50 U.S.C. 3043(c)) is amended by striking "in both a classified form and an unclassified form" and inserting "in classified form, but may include an unclassified summary".

SEC. 1091. BORDER SECURITY METRICS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Committee on the Judiciary of the Senate; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) CONSEQUENCE DELIVERY SYSTEM.—The term ''Consequence Delivery System'' means the series of consequences applied by the Border Patrol to persons unlawfully entering the United States to prevent unlawful border crossing recidivism.

(3) GOT AWAY.—The term ''got away'' means an unlawful border crosser who—

(A) is directly or indirectly observed making an unlawful entry into the United States; and

(B) is not a turn back and is not apprehended.

(4) KNOWN MIGRANT FLOW.—The term ''known migrant flow'' means the sum of the number of undocumented migrants—

(A) interdicted at sea;

(B) identified at sea, but not interdicted;

(C) that successfully entered the United States through the maritime border; or

(D) not described in subparagraph (A), (B), or (C), which were otherwise reported, with a significant degree of certainty, as having entered, or attempted to enter, the United States through the maritime border.

(5) MAJOR VIOLATOR.—The term ''major violator'' means a person or entity that has engaged in serious criminal activities at any land, air, or sea port of entry, including—

(A) possession of illicit drugs;

(B) smuggling of prohibited products;

(C) human smuggling;

(D) weapons possession;

(E) use of fraudulent United States documents; or

(F) other offenses that are serious enough to result in arrest.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' means knowledge and unified understanding of current unlawful cross-border activity, including—

(A) threats and trends concerning illicit trafficking and unlawful crossings;

(B) the ability to forecast future shifts in such threats and trends;

(C) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

(D) the operational capability to conduct persistent and integrated surveillance of the international borders of the United States.

(7) TRANSIT ZONE.—The term ''transit zone'' means the sea corridors of the western Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the eastern Pacific Ocean through which undocumented migrants and illicit drugs transit, either directly or indirectly, to the United States.

(8) TURN BACK.—The term ''turn back'' means an unlawful border crosser who, after making an unlawful entry into the United States, promptly returns to the country from which such crosser entered.

(9) UNLAWFUL BORDER CROSSING EFFECTIVENESS RATE.—The term ''unlawful border crossing effectiveness rate'' means the percentage that results from dividing—

(A) the number of apprehensions and turn backs; and

(B) the number of apprehensions, estimated unlawful entries, turn backs, and got aways.

(10) UNLAWFUL ENTRY.—The term ''unlawful entry'' means an unlawful border crosser who enters the United States and is not apprehended by a border security component of the Department of Homeland Security.

(b) METRICS FOR SECURING THE BORDER BETWEEN PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security between ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) estimates, including recidivism data, survey data, known-flow data, technologically-measured data, and alternative methodologies considered appropriate by the Secretary, of—

(i) total attempted unlawful border crossings;

(ii) the rate of apprehension of attempted unlawful border crossers; and

(iii) the number of unlawful entries;

(B) measurement of situational awareness achieved in each Border Patrol sector;

(C) an unlawful border crossing effectiveness rate;

(D) a probability of detection, which compares the estimated total unlawful border crossing attempts not detected by the Border Patrol to the unlawful border crossing effectiveness rate, as informed by subparagraph (A);

(E) an illicit drugs seizure rate for drugs seized by the Border Patrol, which compares the ratio of the amount and type of illicit drugs seized by the Border Patrol in any fiscal year to the average of the amount and type of illicit drugs seized by the Border Patrol in the immediately preceding 5 fiscal years;

(F) estimates of the impact of the Consequence Delivery System on the rate of recidivism of unlawful border crossers over multiple fiscal years; and

(G) an examination of each consequence referred to in subparagraph (F), including—

(i) voluntary return;

(ii) warrant of arrest or notice to appear;

(iii) expedited removal;

(iv) reinstatement of removal;

(v) alien transfer exit program;

(vi) Operation Streamline;

(vii) standard prosecution; and

(viii) Operation Against Smugglers Initiative on Safety and Security.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized

manner across all Border Patrol sectors, informed by situational awareness.

(c) METRICS FOR SECURING THE BORDER AT PORTS OF ENTRY.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security at ports of entry. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) estimates, using alternative methodologies, including survey data and randomized secondary screening data, of—

(i) total attempted inadmissible border crossings;

(ii) the rate of apprehension of attempted inadmissible border crossings; and

(iii) the number of unlawful entries;

(B) the amount and type of illicit drugs seized by the Office of Field Operations of U.S. Customs and Border Protection at United States land, air, and sea ports during the previous fiscal year;

(C) an illicit drugs seizure rate for drugs seized by the Office of Field Operations, which compares the ratio of the amount and type of illicit drugs seized by the Office of Field Operations in any fiscal year to the average of the amount and type of illicit drugs seized by the Office of Field Operations in the immediately preceding 5 fiscal years;

(D) the number of infractions related to travelers and cargo committed by major violators who are apprehended by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not apprehended;

(E) a measurement of how border security operations affect crossing times, including—

(i) a wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each port of entry;

(ii) an infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each port of entry;

(iii) a secondary examination rate that measures the frequency of secondary examinations at each port of entry; and

(iv) an enforcement rate that measures the effectiveness of secondary examinations at detecting major violators; and

(F) a cargo scanning rate that includes—

(i) a comparison of the number of high-risk cargo containers scanned by the Office of Field Operations at each United States seaport during the fiscal year to the total number of high-risk cargo containers entering the United States at each seaport during the previous fiscal year;

(ii) the percentage of all cargo that is considered ''high-risk'' cargo; and

(iii) the percentage of high-risk cargo scanned—

(I) upon arrival at a United States seaport before entering United States commerce; and

(II) before being laden on a vessel destined for the United States.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Office of Refugee Resettlement of the Department of Health and Human Services and the Executive Office for Immigration Review of the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner across all field offices, informed by situational awareness.

(d) METRICS FOR SECURING THE MARITIME BORDER.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of security in the maritime environ-

ment. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) situational awareness achieved in the maritime environment;

(B) an undocumented migrant interdiction rate, which compares the migrants interdicted at sea to the total known migrant flow;

(C) an illicit drugs removal rate, for drugs removed inside and outside of a transit zone, which compares the amount and type of illicit drugs removed, including drugs abandoned at sea, by the Department of Homeland Security's maritime security components in any fiscal year to the average of the amount and type of illicit drugs removed by the Department of Homeland Security's maritime components for the immediately preceding 5 fiscal years;

(D) a response rate, which compares the ability of the maritime security components of the Department of Homeland Security to respond to and resolve known maritime threats, whether inside and outside a transit zone, by placing assets on-scene, to the total number of

events with respect to which the Department has known threat information; and

(E) an intergovernmental response rate, which compares the ability of the maritime security components of the Department of Homeland Security or other United States Government entities to respond to and resolve actionable maritime threats, whether inside or outside the Western Hemisphere transit zone, by targeting maritime threats in order to detect them, and of those threats detected, the total number of maritime threats interdicted or disrupted.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other agencies, including the Drug Enforcement Agency, the Department of Defense, and the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be col-

lected and reported in a consistent and standardized manner, informed by situational awareness.

(e) AIR AND MARINE SECURITY METRICS IN THE LAND DOMAIN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop metrics, informed by situational awareness, to measure the effectiveness of the aviation assets and operations of the Office of Air and Marine of U.S. Customs and Border Protection. The Secretary shall annually implement the metrics developed under this subsection, which shall include—

(A) an effectiveness rate, which compares Office of Air and Marine flight hours requirements to the number of flight hours flown by such Office;

(B) a funded flight hour effectiveness rate, which compares the number of funded flight hours appropriated to the Office of Air and Marine to the number of actual flight hours flown by such Office;

(C) a readiness rate, which compares the number of aviation missions flown by the Office of Air and Marine to the number of aviation

missions cancelled by such Office due to maintenance, operations, or other causes;

(D) the number of missions cancelled by such Office due to weather compared to the total planned missions;

(E) the number of subjects detected by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts;

(F) the number of apprehensions assisted by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts;

(G) the number and quantity of illicit drug seizures assisted by the Office of Air and Marine through the use of unmanned aerial systems and manned aircrafts; and

(H) the number of times that actionable intelligence related to border security was obtained through the use of unmanned aerial systems and manned aircraft.

(2) METRICS CONSULTATION.—In developing the metrics required under paragraph (1), the Secretary shall—

(A) consult with the appropriate components of the Department of Homeland Security; and

(B) as appropriate, work with other departments and agencies, including the Department of Justice, to ensure that authoritative data sources are utilized.

(3) MANNER OF COLLECTION.—The data used by the Secretary of Homeland Security shall be collected and reported in a consistent and standardized manner, informed by situational awareness.

(f) DATA TRANSPARENCY.—The Secretary of Homeland Security shall—

(1) in accordance with applicable privacy laws, make data related to apprehensions, inadmissible aliens, drug seizures, and other enforcement actions available to the public, academic research, and law enforcement communities; and

(2) provide the Office of Immigration Statistics of the Department of Homeland Security with unfettered access to the data described in paragraph (1).

(g) EVALUATION BY THE GOVERNMENT ACCOUNTABILITY OFFICE AND THE SECRETARY OF HOMELAND SECURITY.—

(1) METRICS REPORT.—

(A) MANDATORY DISCLOSURES.—The Secretary of Homeland Security shall submit an annual report containing the metrics required under subsections (b) through (e) and the data and methodology used to develop such metrics to—

(i) the appropriate congressional committees; and

(ii) the Comptroller General of the United States.

(B) PERMISSIBLE DISCLOSURES.—The Secretary of Homeland Security, for the purpose of validation and verification, may submit the annual report described in subparagraph (A) to—

(i) the National Center for Border Security and Immigration;

(ii) the head of a national laboratory within the Department of Homeland Security laboratory network with prior expertise in border security; and

(iii) a Federally Funded Research and Development Center sponsored by the Department of Homeland Security.

(2) GAO REPORT.—Not later than 270 days after receiving the first report under paragraph (1)(A), and biennially thereafter for the following 10 years, the Comptroller General of the United States, shall submit a report to the appropriate congressional committees that—

(A) analyzes the suitability and statistical validity of the data and methodology contained in such report; and

(B) includes recommendations to Congress on—

(i) the feasibility of other suitable metrics that may be used to measure the effectiveness of border security; and

(ii) improvements that need to be made to the metrics being used to measure the effectiveness of border security.

(3) STATE OF THE BORDER REPORT.—Not later than 60 days after the end of each fiscal year through fiscal year 2025, the Secretary of Homeland Security shall submit a ''State of the Border'' report to the appropriate congressional committees that—

(A) provides trends for each metric under subsections (b) through (e) for the last 10 years, to the extent possible;

(B) provides selected analysis into related aspects of illegal flow rates, including legal flows and stock estimation techniques; and

(C) includes any other information that the Secretary determines appropriate.

(4) METRICS UPDATE.—

(A) IN GENERAL.—After submitting the final report to the Comptroller General under paragraph (2), the Secretary of Homeland Security may reevaluate and update any of the metrics required under subsections (b) through (e) to ensure that such metrics—

(i) meet the Department of Homeland Security's performance management needs; and

(ii) are suitable to measure the effectiveness of border security.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before updating the metrics under subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

SEC. 1092. CONSOLIDATION OF MARKETING OF THE ARMY WITHIN THE ARMY MARKETING RESEARCH GROUP.

(a) NATURE OF RESPONSIBILITY.—The marketing the Army, and each of the components of the Army, is the responsibility of the Secretary of the Army in the Secretary's duty as the principal officer responsible for the authority, direction, and control of the Army and each of the components of the Army.

(b) CONSOLIDATION WITHIN AMRG.—

(1) CONSOLIDATION REQUIRED.—Not later than October 1, 2017, the Secretary of the Army shall consolidate within the Army Marketing Research Group all functions relating to the marketing of the Army and each of the components of the Army in order to assure unity of effort and cost effectiveness in the marketing of the Army and each of the components of the Army.

(2) REPORT.—Not later than October 1, 2016, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan of the Secretary to carry out the consolidation required by paragraph (1).

SEC. 1093. PROTECTION AGAINST MISUSE OF NAVAL SPECIAL WARFARE COMMAND INSIGNIA.

(a) IN GENERAL.—Chapter 663 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7882. Protection against misuse of insignia of Naval Special Warfare Command

''(a) PROTECTION AGAINST MISUSE.—Subject to subsection (b), no person may use any covered Naval Special Warfare insignia in connection with any promotion, good, service, or other commercial activity when a particular use would be likely to suggest a false affiliation, connection, or association with, endorsement by, or approval of, the United States, the Department of Defense, or the Department of the Navy.

''(b) EXCEPTION.—Subsection (a) shall not apply to the use of a covered Naval Special Warfare insignia for purposes such as criticism, comment, news reporting, analysis, research, or scholarship.

''(c) TREATMENT OF DISCLAIMERS.—Any determination of whether a person has violated this section shall be made without regard to any use of a disclaimer of affiliation, connection, or association with, endorsement by, or approval of the United States Government, the Department of Defense, the Department of the Navy, or any sub-

ordinate organization thereof to the extent consistent with international obligations of the United States.

"(d) ENFORCEMENT.—Whenever it appears to the Attorney General that any person is engaged in, or is about to engage in, an act or practice that constitutes or will constitute conduct prohibited by this section, the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice, and such court may take such injunctive or other action as is warranted to prevent the act, practice, or conduct.

"(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary of the Navy to register any symbol, name, phrase, term, acronym, or abbreviation otherwise capable of registration under the provisions of the Act of July 5, 1946, popularly known as the Lanham Act or the Trademark Act of 1946 (15 U.S.C. 1051 et seq.).

"(f) COVERED NAVAL SPECIAL WARFARE INSIGNIA DEFINED.—In this section, the term 'covered Naval Special Warfare insignia' means any of the following:

"(1) The Naval Special Warfare insignia comprising or consisting of the design of an eagle holding an anchor, trident, and flint-lock pistol.

"(2) The Special Warfare Combatant Craft Crewman insignia comprising or consisting of the

design of the bow and superstructure of a Special Operations Craft on a crossed flint-lock pistol and enlisted cutlass, on a background of ocean swells.

"(3) Any colorable imitation of the insignia referred to in paragraphs (1) and (2), in a manner which could reasonably be interpreted or construed as conveying the false impression that an advertisement, solicitation, business activity, or product is in any manner approved, endorsed, sponsored, or authorized by, or associated with, the United States Government, the Department of Defense, or the Department of the Navy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 663 of such title is amended by adding at the end the following new item:

"7882. Protection against misuse of insignia of Naval Special Warfare Command.".

SEC. 1094. PROGRAM TO COMMEMORATE THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER.

(a) COMMEMORATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a program to commemorate the 100th anniversary of the Tomb of the Unknown Soldier. In conducting the commemorative program, the Secretary shall coordinate, support, and facilitate other

programs and activities of the Federal Government and State and local governments.

(2) WORK WITH NONGOVERNMENTAL ORGANIZATIONS.—In conducting the commemorative program, the Secretary may work with nongovernmental organizations working to support the commemoration of the Tomb of the Unknown Soldier. No public funds may be used to undertake activities sponsored by such organizations.

(b) SCHEDULE.—The Secretary shall determine the schedule of major events and priority of efforts for the commemorative program in order to ensure achievement of the objectives specified in subsection (c).

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To honor America's commitment to never forget or forsake those who served and sacrificed for our Country, including personnel who were held as prisoners of war or listed as missing in action, and to thank and honor the families of these veterans.

(2) To highlight the service of the Armed Forces in times of war or armed conflict and contributions of Federal agencies and governmental and

nongovernmental organizations that served with, or in support of, the Armed Forces.

(3) To pay tribute to the contributions made on the home front by the people of the United States in times of war or armed conflict.

(4) To educate the American Public about service and sacrifice on behalf of the United States of America and the principles that define and unite us.

(5) To recognize the contributions and sacrifices made by the allies of the United States during times of war or armed conflict.

(d) NAMES AND SYMBOLS.—The Secretary shall have the sole and exclusive right to use the name ''The United States of America Tomb of the Unknown Soldier Commemoration'', and such seal, emblems, and badges incorporating such name as the Secretary may lawfully adopt. Nothing in this section may be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(e) COMMEMORATION FUND.—

(1) IN GENERAL.—Upon the establishment of the commemorative program under subsection (a), the Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the ''Tomb of the Unknown Soldier Com-

memoration Fund'' (in this subsection referred to as the ''Fund''). The Fund shall be administered by the Secretary of Defense.

(2) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (d).

(C) Donations made in support of the commemorative program by private and corporate donors.

(D) Funds transferred to the Fund by the Secretary of Defense from funds appropriated for fiscal year 2017 and subsequent years for the Department of Defense.

(3) USE OF FUND.—The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program. The Secretary shall prescribe such regulations regarding the use of the Fund as the Secretary considers appropriate.

(4) AVAILABILITY.—Amounts deposited under paragraph (2) shall constitute the assets of the Fund and remain available until expended.

(5) BUDGET REQUEST.—The Secretary of Defense may establish a separate budget line for the commemorative program. In the budget justification materials submitted by the Secretary in support of the budget of the President for any fiscal year for which the Secretary establishes the separate budget line (as submitted to Congress pursuant to section 1105 of title 31, United States Code), the Secretary shall—

(A) identify and explain any amounts expended for the commemorative program in the fiscal year preceding the budget request;

(B) identify and explain the amounts being requested to support the commemorative program for the fiscal year of the budget request; and

(C) present a summary of the fiscal status of the Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary shall prohibit the solicitation of any voluntary serv-

ices if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

(g) FINAL REPORT.—Not later than 60 days after the end of the commemorative program, if established by the Secretary of Defense under subsection (a), the Secretary shall submit to Congress a report containing an accounting of the following:

(1) All of the funds deposited into and expended from the Tomb of the Unknown Soldier Commemoration Fund.

(2) Any other funds expended under this section.

(3) Any unobligated funds remaining in the Fund.

SEC. 1095. SENSE OF CONGRESS REGARDING THE OCONUS BASING OF THE KC–46A AIRCRAFT.

(a) FINDING.—Congress finds that the Department of Defense is continuing its process of permanently stationing the KC–46A aircraft at installations in the Continental United States (in this section referred to as ''CONUS'') and forward-basing outside the Continental United States (in this section referred to as ''OCONUS'').

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force, as part of the strategic basing process for the KC–46A aircraft, should continue to place emphasis on and consider the benefits derived from outside the continental United States (OCONUS) locations that—

(1) support day-to-day air refueling operations, combatant commander operations plans, and flexibility for contingency ops, and have—

(A) a strategic location that is essential to the defense of the United States and its interests;

(B) receivers for boom or probe-and-drogue training opportunities with joint and international partners; and

(C) sufficient airfield and airspace availability and capacity to meet requirements; and

(2) possess facilities that—

(A) take full advantage of existing infrastructure to provide—

(i) runway, hangars, and aircrew and maintenance operations; and

(ii) sufficient fuels receipt, storage, and distribution for 5-day peacetime operating stock; and

(B) minimize overall construction and operational costs.

SEC. 1096. REPLACEMENT OF QUADRENNIAL DEFENSE REVIEW WITH NATIONAL DEFENSE STRATEGY.

(a) REPLACEMENT OF QUADRENNIAL REVIEW WITH NATIONAL DEFENSE STRATEGY.—Section 118 of title 10, United States Code, is amended to read as follows:

"§ 118. National defense strategy

''(a) PRESENTATION OF DEFENSE STRATEGY.—

''(1) IN GENERAL.—Except as provided in paragraph (5), in January each year, the Secretary of Defense shall present to the congressional defense committees a defense strategy for such year. The strategy shall be known as the 'national defense strategy' for the year concerned.

''(2) ELEMENTS.—The defense strategy for a year shall include the following:

"(A) The highest priority missions for the Department of Defense.

"(B) The most critical and enduring threats to the national security of the United States and its allies posed by states or non-state actors, and the strategies that the Department will employ to counter such threats and provide for the national defense.

"(C) A strategic framework that conforms to resource levels prescribed by the Secretary for the manner in which the Department will prioritize among the threats described in subparagraph (B) and the missions specified pursuant to subparagraph (A), allocate the resulting risks, and seek to mitigate such risks.

"(D) The major investments in defense capabilities, force readiness, global posture, and technological innovation that the Department will make over the following five-year period in accordance with the strategic framework described in subparagraph (C).

"(3) ADVICE OF CHAIRMAN OF JCS.—The Secretary shall seek the military advice of the Chairman of the Joint Chiefs of Staff in preparing each defense strategy required by this subsection.

"(4) FORM.—Each defense strategy under this subsection shall be presented in classified form, and shall also include a written unclassified summary.

"(5) SUBMITTAL IN YEARS OF NEW ADMINISTRATION.—In a year following an election for President, which election results in the President appointing a new Secretary of Defense, the Secretary shall present the defense strategy required by this subsection as soon as possible after appointment by and with the advice and consent of the Senate.

"(b) NATIONAL DEFENSE PANEL.—

"(1) QUADRENNIAL PANEL REQUIRED.—Not later than February 1 of a year following a year evenly divisible by four, there shall be established an independent panel to be known as the National Defense Panel (in this subsection referred to as the 'Panel').

"(2) MEMBERSHIP.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

"(A) Two by the chair of the Committee on Armed Services of the Senate.

"(B) Two by the chair of the Committee on Armed Services of the House of Representatives.

"(C) Two by the ranking member of the Committee on Armed Services of the Senate.

"(D) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

"(3) CO-CHAIRS PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members of the Panel from private civilian life to serve as co-chairs of the Panel.

"(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

"(5) FIRST MEETING.—If the Secretary of Defense has not made appointments to the Panel under paragraph (3) by March 1 of a year in which the Panel is established, the Panel shall convene for its first meeting with its other members on that date.

"(6) RECEIPT OF NATIONAL DEFENSE STRATEGY.—The national defense strategy under subsection (a) for a year in which the Panel is estab-

lished under this subsection shall be submitted to the Panel by the Secretary not later than March 1 of such year.

"(7) DUTIES.—The Panel shall have the following duties:

"(A) Assessing the current national defense strategy submitted to the Panel pursuant to paragraph (5).

"(B) Identifying any changes in domestic or international circumstances that could undermine or limit the effectiveness of the national defense strategy.

"(C) Assessing the key assumptions on which the national defense strategy is based.

"(D) Evaluating the efforts of the Department of Defense to mitigate risks in connection with the strategic framework and choices in the national defense strategy.

"(E) Assessing the extent to which the current annual budget, future-years defense program, and other critical activities of the Department align with the national defense strategy.

"(F) Considering alternative national defense strategies.

"(G) Providing to the Secretary and Congress, in the report required by paragraph (8), any recommendations the Panel considers appropriate for consideration.

"(8) REPORT.—Not later than November 1 of each year in which the Panel is established, the Panel shall submit to the Secretary and the congressional defense committees a report on the results of the discharge of the duties of the Panel in that year under paragraph (7). The report shall be submitted to the congressional defense committees in an unclassified summary, but shall also include with such summary the full report in a classified annex.

"(9) ADMINISTRATIVE PROVISIONS.—The following administrative provisions apply to a Panel:

"(A) The Panel may request directly from the Department and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

"(B) Upon the request of the co-chairs, the Secretary shall make available to the Panel the services of any Federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

"(C) The Panel shall have the authorities provided in section 3161 of title 5, and shall be subject to the conditions set forth in such section.

"(D) Funds for activities of the Panel shall be derived from amounts available to the Department.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 118 and inserting the following new item:

"118. National defense strategy.".

SEC. 1097. PROJECT MANAGEMENT.

(a) DEPUTY DIRECTOR FOR MANAGEMENT.—

(1) ADDITIONAL FUNCTIONS.—Section 503 of title 31, United States Code, is amended by adding at the end the following:

"(c) PROGRAM AND PROJECT MANAGEMENT.—

"(1) REQUIREMENT.—Subject to the direction and approval of the Director, the Deputy Director for Management or a designee shall—

"(A) adopt governmentwide standards, policies, and guidelines for program and project management for executive agencies;

"(B) oversee implementation of program and project management for the standards, policies, and guidelines established under subparagraph (A);

"(C) chair the Program Management Policy Council established under section 1126(b);

"(D) establish standards and policies for executive agencies, consistent with widely accepted standards for program and project management planning and delivery;

"(E) engage with the private sector to identify best practices in program and project management that would improve Federal program and project management;

"(F) conduct portfolio reviews to address programs identified as high risk by the Government Accountability Office;

"(G) not less than annually, conduct portfolio reviews of agency programs in coordination

with Project Management Improvement Officers designated under section 1126(a)(1) to assess the quality and effectiveness of program management; and

"(H) establish a 5-year strategic plan for program and project management.

"(2) APPLICATION TO DEPARTMENT OF DEFENSE.—Paragraph (1) shall not apply to the Department of Defense to the extent that the provisions of that paragraph are substantially similar to or duplicative of the provisions of chapter 87 of title 10.".

(2) DEADLINE FOR STANDARDS, POLICIES, AND GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall issue the standards, policies, and guidelines required under section 503(c) of title 31, United States Code, as added by paragraph (1).

(3) REGULATIONS.—Not later than 90 days after the date on which the standards, policies, and guidelines are issued under paragraph (2), the Deputy Director for Management of the Office of Management and Budget, in consultation with the Program Management Policy Council established under

section 1126(b) of title 31, United States Code, as added by subsection (b)(1), and the Director of the Office of Management and Budget, shall issue any regulations as are necessary to implement the requirements of section 503(c) of title 31, United States Code, as added by paragraph (1).

(b) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

(1) AMENDMENT.—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

"§ 1126. Program Management Improvement Officers and Program Management Policy Council

"(a) PROGRAM MANAGEMENT IMPROVEMENT OFFICERS.—

"(1) DESIGNATION.—The head of each agency described in section 901(b) shall designate a senior executive of the agency as the Program Management Improvement Officer of the agency.

"(2) FUNCTIONS.—The Program Management Improvement Officer of an agency designated under paragraph (1) shall—

"(A) implement program management policies established by the agency under section 503(c); and

"(B) develop a strategy for enhancing the role of program managers within the agency that includes the following:

"(i) Enhanced training and educational opportunities for program managers that shall include—

"(I) training in the relevant competencies encompassed with program and project manager within the private sector for program managers; and

"(II) training that emphasizes cost containment for large projects and programs.

"(ii) Mentoring of current and future program managers by experienced senior executives and program managers within the agency.

"(iii) Improved career paths and career opportunities for program managers.

"(iv) A plan to encourage the recruitment and retention of highly qualified individuals to serve as program managers.

"(v) Improved means of collecting and disseminating best practices and lessons

learned to enhance program management across the agency.

"(vi) Common templates and tools to support improved data gathering and analysis for program management and oversight purposes.

"(3) APPLICATION TO DEPARTMENT OF DEFENSE.—This subsection shall not apply to the Department of Defense to the extent that the provisions of this subsection are substantially similar to or duplicative of the provisions of chapter 87 of title 10.

"(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

"(1) ESTABLISHMENT.—There is established in the Office of Management and Budget a council to be known as the 'Program Management Policy Council' (in this subsection referred to as the 'Council').

"(2) PURPOSE AND FUNCTIONS.—The Council shall act as the principal interagency forum for improving agency practices related to program and project management. The Council shall—

"(A) advise and assist the Deputy Director for Management of the Office of Management and Budget;

"(B) review programs identified as high risk by the General Accountability Office and make recommendations for actions to be taken by the Deputy Director for Management of the Office of Management and Budget or a designee;

"(C) discuss topics of importance to the workforce, including—

"(i) career development and workforce development needs;

"(ii) policy to support continuous improvement in program and project management; and

"(iii) major challenges across agencies in managing programs;

"(D) advise on the development and applicability of standards governmentwide for program management transparency; and

"(E) review the information published on the website of the Office of Management and Budget pursuant to section 1122.

"(3) MEMBERSHIP.—

"(A) COMPOSITION.—The Council shall be composed of the following members:

"(i) Five members from the Office of Management and Budget as follows:

"(I) The Deputy Director for Management.

"(II) The Administrator of the Office of Electronic Government.

"(III) The Administrator of Federal Procurement Policy.

"(IV) The Controller of the Office of Federal Financial Management.

"(V) The Director of the Office of Performance and Personnel Management.

"(ii) The Program Management Improvement Officer from each agency described in section 901(b).

"(iii) Other individuals as determined appropriate by the Chairperson.

"(B) CHAIRPERSON AND VICE CHAIRPERSON.—

"(i) IN GENERAL.—The Deputy Director for Management of the Office of Management and Budget shall be the Chairperson of the Council. A Vice Chair-

person shall be elected by the members and shall serve a term of not more than 1 year.

"(ii) DUTIES.—The Chairperson shall preside at the meetings of the Council, determine the agenda of the Council, direct the work of the Council, and establish and direct subgroups of the Council as appropriate.

"(4) MEETINGS.—The Council shall meet not less than twice per fiscal year and may meet at the call of the Chairperson or a majority of the members of the Council.

"(5) SUPPORT.—The head of each agency with a Project Management Improvement Officer serving on the Council shall provide administrative support to the Council, as appropriate, at the request of the Chairperson.

"(6) COMMITTEE DURATION.—Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.".

(2) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with each Program Management Improvement Officer designated under section 1126(a)(1) of

1 title 31, United States Code, shall submit to Con-
2 gress a report containing the strategy developed
3 under section 1126(a)(2)(B) of such title, as added
4 by paragraph (1).

5 (c) PROGRAM AND PROJECT MANAGEMENT PER-
6 SONNEL STANDARDS.—

7 (1) DEFINITION.—In this subsection, the term
8 ''agency'' means each agency described in section
9 901(b) of title 31, United States Code.

10 (2) REGULATIONS REQUIRED.—Not later than
11 180 days after the date on which the standards,
12 policies, and guidelines are issued under section
13 503(c) of title 31, United States Code, as added by
14 subsection (a)(1), the Director of the Office of Per-
15 sonnel Management, in consultation with the Direc-
16 tor of the Office of Management and Budget, shall
17 issue regulations that—

18 (A) identify key skills and competencies
19 needed for a program and project manager in
20 an agency;

21 (B) establish a new job series, or update
22 and improve an existing job series, for program
23 and project management within an agency; and

24 (C) establish a new career path for pro-
25 gram and project managers within an agency.

(d) GAO REPORT ON EFFECTIVENESS OF POLICIES ON PROGRAM AND PROJECT MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Government Accountability Office shall issue, in conjunction with the High Risk list of the Government Accountability Office, a report examining the effectiveness of the following on improving Federal program and project management:

(1) The standards, policies, and guidelines for program and project management issued under section 503(c) of title 31, United States Code, as added by subsection (a)(1).

(2) The 5-year strategic plan established under section 503(c)(1)(H) of title 31, United States Code, as added by subsection (a)(1).

(3) Program Management Improvement Officers designated under section 1126(a)(1) of title 31, United States Code, as added by subsection (b)(1).

(4) The Program Management Policy Council established under section 1126(b)(1) of title 31, United States Code, as added by subsection (b)(1).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Department of Defense Matters Generally

SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.

(a) MODIFICATION OF MANAGEMENT LIMITATIONS.—Section 129 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking ''solely'';

(B) in the second sentence—

(i) by striking ''The management of such personnel in any fiscal year shall not be subject to any'' and inserting ''Any''; and

(ii) by inserting before the period the following: ''shall be developed on the basis of those factors and shall be subject to adjustment solely for reasons of changed circumstances''; and

(C) in the third sentence, by striking ''unless such reduction'' and all that follows and inserting ''except in accordance with the require-

ments of this section and section 129a of this title.";

(2) by striking subsections (b), (c), (e), and (f);

(3) by redesignating subsection (d) as subsection (b); and

(4) by adding at the end the following new subsection (c):

"(c)(1) Not later than February 1 of each year—

"(A) the Secretary of Defense shall submit to the congressional defense committees a report on the management of the civilian workforce of the Office of the Secretary of Defense and the Defense Agencies and Field Activities; and

"(B) the Secretary of each military department shall submit to the congressional defense committees a report on the management of the civilian workforces under the jurisdiction of such Secretary.

"(2) Each report under paragraph (1) shall contain, with respect to the civilian workforce under the jurisdiction of the official submitting the report, the following:

"(A) An assessment of the projected size of such civilian workforce in the current year and for each year in the future-years defense program.

"(B) If the projected size of such civilian workforce has changed from the previous year's projected

size, an explanation of the reasons for the increase or decrease from the previous projection, including an explanation of any efforts that have been taken to identify offsetting reductions and avoid unnecessary overall growth in the size of the civilian workforce.

''(C) In the case of a transfer of functions between military, civilian, and contractor workforces, an explanation of the reasons for the transfer and the steps that have been taken to control the overall cost of the function to the Department.''.

(b) CONFORMING AMENDMENTS.—

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

''§ 129. Civilian personnel management''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

''129. Civilian personnel management.''.

SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRATEGIC WORKFORCE PLAN FOR THE DEPARTMENT OF DEFENSE.

(a) REPEAL.—Section 115b of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by striking the item relating to section 115b.

SEC. 1103. TEMPORARY AND TERM APPOINTMENTS IN THE COMPETITIVE SERVICE IN THE DEPARTMENT OF DEFENSE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Secretary of Defense may make a temporary appointment or a term appointment in the Department when the need for the services of an employee in the Department is not permanent.

(2) EXTENSION.—The Secretary may extend a temporary appointment or a term appointment made under paragraph (1).

(b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

(1) IN GENERAL.—If there is a critical hiring need, the Secretary of Defense may make a noncompetitive temporary appointment or a noncompetitive term appointment in the Department of Defense, without regard to the requirements of sections 3327 and 3330 of title 5, United States Code, for a period that is not more than 18 months.

(2) NO EXTENSION AVAILABLE.—An appointment made under paragraph (1) may not be extended.

(c) REGULATIONS.—The Secretary may prescribe regulations to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term ''temporary appointment'' means the appointment of an employee in the competitive service for a period that is not more than one year.

(2) The term ''term appointment'' means the appointment of an employee in the competitive service for a period that is more than one year and not more than five years, unless the Secretary of Defense, before the appointment of the employee, authorizes a longer period.

SEC. 1104. PERSONNEL AUTHORITIES RELATED TO THE DEFENSE ACQUISITION WORKFORCE.

(a) REPLACEMENT FOR ACQUISITION DEMONSTRATION PROGRAM.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1762 the following new section.

''§ 1763. Special system of personnel authorities related to the acquisition workforce

''(a) AUTHORITY.—The Secretary of Defense may establish, and from time to time adjust, a special system

of personnel programs under the authorities provided by this section for employees in the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

"(b) COVERED EMPLOYEES.—

"(1) IN GENERAL.—The Secretary of Defense may determine which employees who meet the requirements in subparagraphs (A) and (B) of subsection (k)(1) are covered by system established under this section, subject to the requirements in subsection (i).

"(2) NOTICE AND WAIT OF COVERAGE OF CATEGORIES OF EMPLOYEES.—A determination by the Secretary under paragraph (1) to cover a category of employees under a system established under this section may not take effect until—

"(A) a general notice of the proposed coverage is provided to affected employees; and

"(B) a period of 30 days has elapsed from the date of the notice, during which those employees (for their representatives) shall be provided an opportunity to provide comments.

"(c) CLASSIFICATION AND RATES OF BASIC PAY.—The Secretary of Defense may determine classification and fix rates of basic pay for covered employees without regard

to chapter 51 and subchapter III of chapter 53 of title 5, subject to the following requirements:

"(1) Broadband or classification levels under the system shall be linked to specific levels of the General Schedule and associated minimum and maximum rates of basic pay.

"(2) Rates of basic pay fixed under this subsection may not exceed the maximum rate of basic pay for a position at GS–15 of the General Schedule under section 5332 of title 5, except for a retained rate established under section 3594 or 5363 of such title.

"(3) Covered employees shall receive locality-based comparability payments under section 5304 of title 5 on the same basis as if they were in a General Schedule position, with rates of basic pay fixed under this subsection treated as scheduled rates of basic pay.

"(4) A covered employee shall be treated as if the covered employee is in a General Schedule position for the purposes of determining eligibility under the following provisions of title 5:

"(A) The pay retention provisions in sections 5363–5366.

"(B) Section 5545(d) (relating to eligibility for hazardous duty differentials).

"(C) Sections 5753–5755 (relating to recruitment, relocation, and retention bonuses, and supervisory differentials).

"(D) Section 5941 (relating to allowances based on living costs and environmental conditions for employees stationed in parts of the United States outside the continental United States or Alaska).

"(d) PERFORMANCE MANAGEMENT APPRAISALS AND ADVERSE ACTIONS.—In applying the provisions of chapter 43 (relating to performance appraisal), chapter 45 (relating to incentive awards), and chapter 75 (relating to adverse actions) of title 5 to a covered employee, the Secretary of Defense—

"(1) shall exclude from the provisions in chapters 43 and 75 dealing with a reduction in grade any reduction in broadband or classification level under the system established under this section, if such reduction in broadband or classification level is the result of a covered employee's rate of basic pay falling below the minimum rate of basic pay for the level to which the covered employee is assigned (because the covered employee did not receive the full amount

of an increase in the rate of basic pay based on inadequate performance or contributions); and

"(2) may provide awards that are integrated within the system of providing performance-based or contribution-based salary adjustments without regard to the limitations on awards in subsections (a) and (b) of section 4502.

"(e) AUTHORITY TO WAIVE CERTAIN PROVISIONS OF LAW.—In applying the provisions of chapter 31 (relating to employment), chapter 33 (relating to examination, selection, and placement, chapter 43 (relating to performance appraisals), chapter 71, and chapter 75 of title 5 to a covered employee, the Secretary of Defense may act without regard to the following provisions:

"(1) Section 3111 (relating to acceptance of volunteer service), to the extent necessary to allow volunteer service under the provisions of a voluntary emeritus program established by the Secretary for covered employees.

"(2) Section 3308 (relating to examination for the competitive service), to the extent necessary to accommodate the requirement for a college degree appointment as part of a scholastic achievement program established by the Secretary for covered employees.

"(3) Section 3317(a) (relating to competitive service registers) and section 3318(a) (relating to competitive service selection).

"(4) Subchapter I of chapter 33 (other than sections 3303 and 3328), to the extent necessary to structure streamlined external recruitment and appointment programs that afford the swiftest and best access to qualified candidates for direct appointment to positions covered by this chapter.

"(5) Section 3341(b) (relating to details within executive or military departments).

"(6) Section 4304(b) (relating to OPM review of agency performance appraisal systems).

"(7) Sections 7105(a)(2)(E), 7114, and 7116, to the extent those provisions are inconsistent with this section or would prohibit the Department or a labor organization from unilaterally terminating negotiations over whether the system will apply to employees represented by a labor organization or would allow for review of such a termination.

"(8) Section 7119 (relating to negotiation impasses and the Federal Service Impasses Panel), to the extent it gives the Federal Service Impasses Panel jurisdiction to resolve impasses referred to it

by either party or both parties during or after implementation of the system.

"(9) Section 7512(4) (relating to adverse actions), to the extent necessary to exclude a conversion from a General Schedule position for which a special rate of pay is in effect under section 5305, or similar provision of law, to a rate of pay under the system that does not result in a reduction in the covered employee's total rate of pay.

"(f) STATUS OF CERTAIN VOLUNTEERS.—A volunteer under a voluntary emeritus program established by the Secretary of Defense for covered employees shall be considered to be an employee of the Federal Government for the purposes specified in section 1588(d) of this title.

"(g) AUTHORITY TO WAIVE CERTAIN OPM REGULATIONS.—The Secretary of Defense may waive application of regulations of the Office of Personnel Management to a system established under this section to the same extent that such regulations were waived for the demonstration project that applied to certain employees in the Department of Defense acquisition workforce under section 1762 of this title as of the day before the date of the enactment of this section.

1 "(h) REGULATIONS.—The Secretary of Defense shall
2 prescribe regulations to carry out the system of personnel
3 programs established under this section.
4 "(i) LABOR ORGANIZATIONS.—
5 "(1) IN GENERAL.—An employee within a unit
6 with respect to which a labor organization is ac-
7 corded exclusive recognition under chapter 71 of title
8 5 shall not be covered by a system established under
9 this section unless the labor organization and the
10 Department of Defense have entered into a written
11 agreement covering participation in such system.
12 "(2) NEW UNITS FOR LABOR ORGANIZATION
13 REPRESENTATION.—If a labor organization is ac-
14 corded exclusive recognition for a newly recognized
15 unit that includes employees who are designated as
16 covered employees before being included in an appro-
17 priate unit under section 7112 of title 5, the labor
18 organization has the right to determine that affected
19 employees (including vacant positions) will be re-
20 moved from such system and placed under the sys-
21 tem that would otherwise apply, under applicable
22 law and regulation. If a labor organization notifies
23 the Secretary of Defense in writing of its determina-
24 tion to remove such an employee (or vacant position)
25 from a system established under this section, the re-

moval may not take effect earlier than 6 months after the date of the receipt by the Secretary of the written notification, unless there is an agreement by the labor organization and the Secretary for an earlier date.

"(3) LIMITATION ON SCOPE OF NEGOTIATIONS.—For purposes of section 7117(a)(1) of title 5, the duty to bargain in good faith with a labor organization regarding a matter arising under a system established under this section shall not extend to any matter relating to the establishment of rates of pay or any other matter which is the subject of any regulation of the Secretary regarding the system in the same manner as if the regulation were a Government-wide regulation.

"(4) LIMITATION ON APPEALS.—Section 7117(c) of title 5 does not apply to a determination by the Secretary that a matter is the subject of regulations prescribed under this section by the Secretary.

"(j) STATUS OF EMPLOYEES MOVING OUT OF SYSTEM.—An employee who, while continuously employed, moves from a position as a covered employee to a General Schedule position—

"(1) shall be treated as if the employee were in a General Schedule position immediately before such movement for the purpose of applying the promotion provision in section 5334(b) of such title; and

"(2) shall be converted to an equivalent level of the General Schedule and rate of basic pay immediately before such movement, under regulations prescribed by the Director of the Office of Personnel Management, for the purpose of applying paragraph (1).

"(k) DEFINITIONS.—In this section:

"(1) The term 'covered employee' means an employee who—

"(A) is—

"(i) in the acquisition workforce of the Department of Defense; or

"(ii) is a supporting employee assigned to work directly with the acquisition workforce;

"(B) would be in a General Schedule position, except for the exercise of the authority under this section; and

"(C) is designated by the Secretary of Defense to be covered under a system established

under this section in accordance with subsection (b).

"(2) The term 'General Schedule position' means a position to which subchapter III of chapter 53 of title 5 applies.".

(b) REPEAL OF ACQDEMO STATUE.—Section 1762 of such title is repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of such title is amended by striking the item relating to section 1762 and inserting the following new item:

"1763. Special system of personnel authorities related to the acquisition workforce.".

(d) TRANSITION PROVISIONS.—

(1) CONTINUITY OF ACQDEMO SYSTEM.—The system established under the demonstration project authority under section 1762 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall be considered a system established under section 1763 of title 10, United States Code, as added by subsection (a).

(2) CONTINUITY OF ACQDEMO REGULATIONS.—The demonstration project plan published in the Federal Register under section 1762 of title, United States Code, for the Department of Defense acquisition workforce, as in effect on the day before the

date of the enactment of this Act, shall be considered to be a regulation prescribed by the Secretary of Defense under subsection (h) of section 1763 of title 10, United States Code, as so added. The provisions of such plan related to the conversion of employees back to the General Schedule pay system shall not apply, except as necessary to allow for possible application of the General Schedule promotion rule in section 5334(b) of title 5, United States Code, pending the issuance of regulation under subsection (j)(2) of section 1763, as so added.

(3) CONTINUITY OF COVERED EMPLOYEES.—The categories of employees covered on the day before the day of the enactment of this Act by the demonstration project referred to in paragraph (1) shall be covered by a system established by the Secretary under section 1763 of title 10, United States Code, as so added, without regard to subsection (b) of that section.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

SEC. 1105. DIRECT HIRE AUTHORITY FOR FINANCIAL MANAGEMENT EXPERTS IN THE DEPARTMENT OF DEFENSE WORKFORCE.

(a) AUTHORITY.—Each Secretary concerned may appoint qualified candidates possessing a finance, accounting, management, or actuarial science degree, or a related degree or equivalent experience, to positions specified in subsection (c) for the Defense Agencies or the applicable military department without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code.

(b) SECRETARY CONCERNED.—For purposes of this section, the Secretary concerned is as follows:

(1) The Secretary of Defense with respect to the Defense Agencies.

(2) The Secretary of a military department with respect to such military department.

(c) POSITIONS.—The positions specified in this subsection are the positions within the Department of Defense workforce as follows:

(1) Financial management positions.

(2) Accounting positions.

(3) Auditing positions.

(4) Actuarial positions.

(5) Cost estimation positions.

(6) Operational research positions.

(d) LIMITATION.—Authority under this section may not, in any calendar year and with respect to any Defense Agency or military department, be exercised with respect to a number of candidates greater than the number equal to 10 percent of the total number of the financial management, accounting, auditing, and actuarial positions within the financial management workforce of such Defense Agency or military department that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(e) NATURE OF APPOINTMENT.—Any appointment under this section shall be treated as an appointment on a full-time equivalent basis, unless such appointment is made on a term or temporary basis.

(f) EMPLOYEE DEFINED.—In this section, the term ''employee'' has the meaning given that term in section 2105 of title 5, United States Code.

(g) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2022.

SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR POST-SECONDARY STUDENTS AND RECENT GRADUATES.

(a) HIRING AUTHORITY.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the

Secretary of Defense may recruit and appoint qualified recent graduates and current post-secondary students to positions within the Department of Defense.

(b) LIMITATION ON APPOINTMENTS.—Subject to subsection (c)(2), the total number of employees appointed by the Secretary under subsection (a) during a fiscal year may not exceed the number equal to 15 percent of the number of hires made into professional and administrative occupations of the Department at the GS–11 level and below (or equivalent) under competitive examining procedures during the previous fiscal year.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall administer this section in accordance with regulations prescribed by the Secretary for purposes of this section.

(2) LOWER LIMIT ON APPOINTMENTS.—The regulations may establish a lower limit on the number of individuals appointable under subsection (a) during a fiscal year than is otherwise provided for under subsection (b), based on such factors as the Secretary considers appropriate.

(d) SUNSET.—The authority in this section terminates on the date that is four years after the date on which the Secretary first appoints a recent graduate or current post-secondary student to a position under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''current post-secondary student'' means a person who—

(A) is currently enrolled in, and in good academic standing at, a full-time program at an institution of higher education;

(B) is making satisfactory progress toward receipt of a baccalaureate or graduate degree; and

(C) has completed at least one year of the program.

(2) The term ''institution of higher education'' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(3) The term ''recent graduate'', with respect to appointment of a person under this section, means a person who was awarded a degree by an institution of higher education not more than two years before the date of the appointment of such person, except that in the case of a person who has completed a period of obligated service in a uniformed service of more than four years, such term means a person who was awarded a degree by an institution of higher education not more than four years before the date of the appointment of such person.

SEC. 1107. PUBLIC-PRIVATE TALENT EXCHANGE.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1599g. Public-private exchange

''(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private-sector organization concerned, arrange for the temporary assignment of a Department of Defense employee to such private-sector organization, or from such private-sector organization to a Department organization under this section.

''(b) AGREEMENTS.—

''(1) IN GENERAL.—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

''(A) shall require that an employee of the Department, upon completion of the assignment, will serve in the Department, or elsewhere in the civil service if approved by the Secretary, for a period equal to the length of the assignment; and

''(B) shall provide that if the employee of the Department or the private-sector organiza-

tion (as the case may be) fails to carry out the agreement, the employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary.

''(2) TREATMENT OF EMPLOYEE LIABILITY.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

''(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private-sector organization concerned.

''(d) DURATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an assignment under this section shall be for a period of not less than three months and not more than two years.

''(2) EXCEPTION TO MEET CRITICAL MISSION OR PROGRAM REQUIREMENTS.—An assignment under this section may be for a period in excess of two years, but not more than four years, if the Secretary determines that such assignment is necessary to meet critical mission or program requirements.

"(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a private-sector organization who is assigned to a Department of Defense organization under this section—

"(1) may continue to receive pay and benefits from the private-sector organization from which such employee is assigned;

"(2) is deemed to be an employee of the Department for the purposes of—

"(A) chapter 73 of title 5;

"(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

"(C) sections 1343, 1344, and 1349(b) of title 31;

"(D) the Federal Tort Claims Act and any other Federal tort liability statute;

"(E) the Ethics in Government Act of 1978; and

"(F) chapter 21 of title 41; and

"(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private-sector organization from which such employee is assigned.

"(f) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to the Department under this section for the period of the assignment.

"(g) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense shall take into consideration how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of 81 of such title is amended by adding at the end the following new item:

"1599g. Public-private exchange.".

SEC. 1108. TRAINING FOR EMPLOYMENT PERSONNEL OF DEPARTMENT OF DEFENSE ON MATTERS RELATING TO AUTHORITIES FOR RECRUITMENT AND RETENTION AT UNITED STATES CYBER COMMAND.

(a) TRAINING REQUIRED.—Section 1599f of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) TRAINING.—(1) The Secretary shall provide training to covered personnel on hiring and pay matters relating to authorities under this section.

''(2) For purposes of this subsection, covered personnel are employees of the Department who—

''(A) carry out functions relating to—

''(i) the management of human resources and the civilian workforce of the Department; or

''(ii) the writing of guidance for the implementation of authorities regarding hiring and pay under this section; or

''(B) are employed in supervisory positions or have responsibilities relating to the hiring of individuals for positions in the Department and to whom the Secretary intends to delegate authority under this section.''.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress (as defined in section 1599f of title 10, United States Code) a report on the

training the Secretary intends to provide to each of the employees described in subsection (f)(2) of such section (as added by subsection (a) of this section) and the frequency with which the Secretary intends to provide such training.

(2) ONGOING REPORTS.—Subsection (h)(2)(E) of such section, as redesignated by subsection (a)(1) of this section, is amended by striking ''supervisors of employees in qualified positions at the Department on the use of the new authorities'' and inserting ''employees described in subsection (f)(2) on the use of authorities under this section''.

SEC. 1109. INCREASE IN MAXIMUM AMOUNT OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZED FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

Section 9902(f)(5)(A)(ii) of title 5, United States Code, is amended by striking ''$25,000'' and inserting ''an amount determined by the Secretary, not to exceed $40,000''.

SEC. 1110. REPEAL OF CERTAIN BASIS FOR APPOINTMENT OF A RETIRED MEMBER OF THE ARMED FORCES TO DEPARTMENT OF DEFENSE POSITION WITHIN 180 DAYS OF RETIREMENT.

Section 3326(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding ''or'' at the end;

(2) in paragraph (2), by striking ''; or'' and inserting a period; and

(3) by striking paragraph (3).

SEC. 1111. PILOT PROGRAMS ON CAREER SABBATICALS FOR DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out one or more pilot programs under which civilian employees of the Department of Defense under the jurisdiction of such Secretary are permitted periods of recess of not more than one year from full-time employment by the Department in order to meet personal, familial, or professional needs and return to their full-time civilian employment by the Department at the end of such periods of recess without loss of civil service status or privilege.

(2) PURPOSE.—The purpose of the pilot programs is to assess whether permitting periods of recess from civilian employment for civilian employees of the Department provides an effective means of enhancing retention of civilian employees of the Department and the capacity of the Department to respond to the personal, familial, and professional needs of individual members of its civilian workforce.

(b) INELIGIBLE EMPLOYEES.—A civilian employee of the Department is not eligible to participate in a pilot program under this section during any period of service required of the employee—

(1) during the initial probationary period before the appointment of the employee in the competitive service becomes final; or

(2) in connection with any recruitment, retention, or relocation bonus, incentive payment, or other additional payment for employment received by the employee pursuant to a provision of title 5 or 10, United States Code, or any other provision of law.

(c) PARTICIPATION.—

(1) IN GENERAL.—Civilian employees of a military department shall be selected for participation in pilot programs of the military department under this section by the Secretary of the military department

in accordance with such procedures as the Secretary of Defense shall establish for purposes of the pilot programs.

(2) LIMITATION ON NUMBER OF PARTICIPANTS.—Not more than 300 civilian employees of each military department may be selected during each of calendar years 2017 through 2022 to participate in pilot programs under this section.

(d) PERIOD OF RECESS FROM CIVILIAN EMPLOYMENT.—

(1) PERIOD OR RECESS.—The period of recess from civilian employment by the Department under a pilot program under this section of an employee participating in the pilot program shall be such period as the Secretary of the military department concerned shall specify in the agreement of the employee under subsection (e), except that such period may not exceed one year.

(2) PERIOD NOT CREDITABLE TOWARD RETIREMENT BENEFITS.—Any period of recess of a civilian employee of the Department under a pilot program shall not count as creditable service for purposes of chapter 83 or 84 of title 5, United States Code.

(3) CONTINUATION OF ENROLLMENT IN HEALTH BENEFITS PLANS.—A civilian employee of

the Department who undertakes a period of recess from full-time employment under a pilot program shall, at the election of the employee, be treated as an employee in nonpay status during such period of recess for purposes of section 890.303(e) of title 5, Code of Federal Regulations (relating to continuation in enrollment in Federal health benefits plans), as such section is in effect on December 15, 2015, for purposes of the eligibility of the employee and any dependents of the employee for enrollment in a Federal health benefits plan.

(4) CONTINUATION OF LIFE INSURANCE.—A civilian employee of the Department who undertakes a period of recess from full-time employment under a pilot program shall be treated as an employee in nonpay status during such period of recess for purposes of continuation of life insurance under the Federal Employees' Group Life Insurance Program without requirement for employee premium payments under section 870.508(a) of title 5, Code of Federal Regulations, or agency premium payments under section 870.404(c) of title 5, Code of Federal Regulations, as such sections are in effect on December 31, 2015.

(e) AGREEMENT.—

(1) IN GENERAL.—Each civilian employee of the Department who participates in a pilot program under this section shall enter into a written agreement with the Secretary of the military department concerned under which agreement such employee shall agree as follows:

(A) To undergo during each period of the recess of such employee from full-time employment by the Department under the pilot program such skills training as the Secretary shall require in order to ensure that such employee retains proficiency, at a level determined by the Secretary to be sufficient, in such employee's professional qualifications and certifications.

(B) Following completion of a period of the recess of such civilian employee under the pilot program, to serve two months as a civilian employee of the Department on a full-time basis for each month of such period of the recess of such employee under the pilot program.

(2) NOTICE ON OBLIGATED SERVICE.—Each employee entering into an agreement under this subsection for purposes of a pilot program shall be notified at the time of entry into the agreement of the obligated service required of the employee as a result

of a period of recess from full-time employment by the Department under the pilot program pursuant to paragraph (1)(B).

(f) TERMS AND CONDITIONS OF RELEASE FOR PERIOD OF RECESS.—A civilian employee of the Department who participates in a pilot program under this section shall be eligible for periods of release from full-time employment by the Department under the pilot program in accordance with such terms and conditions as are specified in the agreement of the employee under subsection (e). Such terms and conditions shall conform to guidelines issued by the Secretary of Defense for purposes of the pilot programs under this section.

(g) INVOLUNTARY RETURN TO FULL-TIME EMPLOYMENT.—

(1) IN GENERAL.—Under guidelines issued by the Secretary of the military department concerned for the purpose of pilots programs of such military department under this section, a civilian employee of the Department who is in a period of recess from full-time employment by the Department under a pilot program may, at the election of Secretary and without the consent of the employee, be required to return to full-time employment by the Department at any time during such period of recess.

(2) GUIDELINES AND PROCEDURES.—The circumstances under which a civilian employee may be required to return to full-time employment pursuant to paragraph (1), and the procedures applicable to requiring such return, shall be specified in guidelines issued by the Secretary of Defense for purposes of the pilot programs.

(h) PAY AND ALLOWANCES.—

(1) PROHIBITION ON RECEIPT OF BASIC PAY AND ALLOWANCES.—While undertaking a period of recess from full-time employment by the Department under a pilot program under this section, a civilian employee of the Department is not entitled to any pay or allowances otherwise payable to the employee under title 5 or 10, United States Code.

(2) PROHIBITION ON RECEIPT OF SPECIAL AND INCENTIVE PAYS.—While undertaking a period of recess from employment under a pilot program, an employee may not be paid any special or incentive pay or bonus to which the employee would otherwise entitled under an employment agreement under a provision of title 5 or 10, United States Code, or any other provision of law, that is in force when the employee commences such period of recess.

(3) REVIVAL OF SPECIAL PAYS UPON RETURN TO FULL-TIME DEPARTMENT EMPLOYMENT.—

(A) REVIVAL REQUIRED.—Subject to subparagraph (B), upon the return of an employee to full-time employment by the Department after completion by the employee of a period of recess from employment under a pilot program—

(i) any employment agreement entered into by the employee under a provision of law referred to in paragraph (2) for the payment of a special or incentive pay or bonus that was in force when the employee commenced such period of recess shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the employee commenced such period of recess; and

(ii) any special or incentive pay or bonus shall be payable to the employee in accordance with the terms of the agreement described in clause (i) for the term specified in that clause.

(B) LIMITATIONS.—

(i) LIMITATIONS AT TIME OF RETURN TO FULL-TIME DEPARTMENT EMPLOYMENT.—Subparagraph (A) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, at the time of the return of the employee to full-time employment as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the employee does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the employee to full-time employment by the Department.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (A) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to an employee if, during the term of the revived agreement of the employee under subparagraph (A)(i), such pay or bonus ceases being authorized by law.

(C) REPAYMENT.—An employee who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (B)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable employment agreement of the employee under a provision of law referred to in paragraph (2).

(D) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of an employee under an agreement covered by this paragraph after the employee returns to full-time employment by the Department as described in subparagraph (A) shall be in addition to any service required of the employee under an agreement under subsection (e).

(i) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1, 2018, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs carried out by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2022, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs carried out under this section.

(3) ELEMENTS OF REPORT.—The interim reports under paragraph (1) and the final report under paragraph (2) shall include the following:

(A) A description of each pilot program covered by such report, including a description of the number of applicants for participation in such pilot program and the criteria used to select applicants for participation in such pilot program.

(B) An assessment by the Secretary submitting such report of the pilot programs covered by such report, including an evaluation of the following:

(i) Whether the authorities of this section provided an effective means of enhancing the retention of civilian employees of the Department possessing critical skills, talents, and leadership abilities.

(ii) Whether the career progression in the Department of civilian employees who

participated in the pilot programs has been or will be adversely affected.

(iii) Whether the pilot programs were useful in responding to the personal, familial, and professional needs of individual civilian employees of the Department.

(C) Such recommendations for legislative or administrative action as the Secretary submitting such report considers appropriate for the modification or continuation of the pilot programs covered by such report.

(j) DURATION OF AUTHORITY.—

(1) COMMENCEMENT.—The authority to carry out a pilot program under this section shall commence on January 1, 2017.

(2) CESSATION.—No civilian employee of the Department may be granted a period of recess from full-time employment by the Department under a pilot program under this section after December 31, 2022.

SEC. 1112. LIMITATION ON NUMBER OF SES EMPLOYEES.

(a) DEFINITION OF COVERED SES EMPLOYEE.—In this section:

(1) IN GENERAL.—The term ''covered SES employee'' means an employee of the Department of Defense—

(A) who is serving in a Senior Executive Service position, as defined under section 3132(a)(2) of title 5, United States Code; and

(B) subject to paragraph (2), who is not serving in such position under an appointment as a highly qualified expert under section 9903 of title 5, United States Code.

(2) MAXIMUM NUMBER OF HIGHLY QUALIFIED EXPERTS.—Not more than 200 employees may be excluded under paragraph (1)(B) for purposes of determining the number of covered SES employees.

(b) LIMITATION.—On and after January 1, 2019, the number of covered SES employees may not exceed the number equal to the product obtained by multiplying—

(1) number of covered SES employees on December 31, 2015; and

(2) 0.75.

SEC. 1113. NO TIME LIMITATION FOR APPOINTMENT OF RELOCATING MILITARY SPOUSES.

Section 3330d(c) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) NO TIME LIMITATION.—A relocating spouse of a member of the Armed Forces may receive an appointment under this section with no time limitation for eligibility from the date of such member's permanent change of station orders.".

Subtitle B—Department of Defense Science and Technology Laboratories and Related Matters

SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR EXPERTS IN SCIENCE AND ENGINEERING.

(a) PERMANENT PERSONNEL MANAGEMENT AUTHORITY.—

(1) IN GENERAL.—Chapter 81 of title 10, United States Code, as amended by section 1107 of this Act, is further amended by adding at the end the following new section:

"§ 1599h. Personnel management authority to attract experts in science and engineering

"(a) PROGRAMS AUTHORIZED.—

"(1) LABORATORIES OF THE MILITARY DEPARTMENTS.—The Secretary of Defense may carry out a program of personnel management authority provided in subsection (b) in order to facilitate re-

cruitment of eminent experts in science or engineering for such laboratories of the military departments as the Secretary shall designate for purposes of the program for research and development projects of such laboratories.

"(2) DARPA.—The Director of the Defense Advanced Research Projects Agency may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering for research and development projects and to enhance the administration and management of the Agency.

"(3) DOTE.—The Director of the Office of Operational Test and Evaluation may carry out a program of personnel management authority provided in subsection (b) in order to facilitate recruitment of eminent experts in science or engineering to support operational test and evaluation missions of the Office.

"(b) PERSONNEL MANAGEMENT AUTHORITY.—Under a program under subsection (a), the official responsible for administration of the program may—

"(1) without regard to any provision of title 5 governing the appointment of employees in the civil service—

"(A) in the case of the laboratories of the military departments designated pursuant to subsection (a)(1), appoint scientists and engineers to a total of not more than 40 scientific and engineering positions in such laboratories;

"(B) in the case of the Defense Advanced Research Projects Agency, appoint individuals to a total of not more than 100 positions in the Agency, of which not more than 15 such positions may be positions of administration or management of the Agency; and

"(C) in the case of the Office of Operational Test and Evaluation, appoint scientists and engineers to a total of not more than 10 scientific and engineering positions in the Office;

"(2) notwithstanding any provision of title 5 governing the rates of pay or classification of employees in the executive branch, prescribe the rates of basic pay for positions to which employees are appointed under paragraph (1)—

"(A) in the case of employees appointed pursuant to paragraph (1)(B) to any of 5 positions designated by the Director of the Defense Advanced Research Projects Agency for purposes of this subparagraph, at rates not in excess of a rate equal to 150 percent of the maximum rate of basic pay authorized for positions at Level I of the Executive Schedule under section 5312 of title 5; and

"(B) in the case of any other employee appointed pursuant to paragraph (1), at rates not in excess of the maximum rate of basic pay authorized for senior-level positions under section 5376 of title 5; and

"(3) pay any employee appointed under paragraph (1), other than an employee appointed to a position designated as described in paragraph (2)(A), payments in addition to basic pay within the limit applicable to the employee under subsection (d).

"(c) LIMITATION ON TERM OF APPOINTMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the service of an employee under an appointment under subsection (b)(1) may not exceed four years.

"(2) EXTENSION.—The official responsible for the administration of a program under subsection (a) may, in the case of a particular employee under the program, extend the period to which service is limited under paragraph (1) by up to two years if the official determines that such action is necessary to promote the efficiency of a laboratory of a military department, the Defense Advanced Research Projects Agency, or the Office of Operational Test and Evaluation, as applicable.

"(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS PAYABLE.—Notwithstanding any other provision of this section or section 5307 of title 5, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title, as so amended, is further amended by adding at the end the following new item:

"1599h. Personnel management authority to attract experts in science and engineering.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is repealed.

(c) APPLICABILITY OF PERSONNEL MANAGEMENT AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED UNDER SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Any individual employed as of the date of the enactment of this Act under section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (as in effect on the day before such date) shall remain employed under section 1599h of title 105, United States Code (as added by subsection (a)), after such date in accordance with such section 1599h and the applicable program carried out under such section 1599h.

(2) DATE OF APPOINTMENT.—For purposes of subsection (c) of section 1599h of title 10, United States Code (as so added), the date of the appointment of any employee who remains employed as described in paragraph (1) shall be the date of the appointment of such employee under section 1101(b)(1) of the Strom Thurmond National De-

fense Authorization Act for Fiscal Year 1999 (as so in effect).

SEC. 1122. PERMANENT EXTENSION AND MODIFICATION OF TEMPORARY AUTHORITIES FOR CERTAIN POSITIONS AT DEPARTMENT OF DEFENSE RESEARCH AND ENGINEERING LABORATORIES.

(a) INCREASE OF APPOINTMENT CEILING FOR STUDENTS ENROLLED IN SCIENTIFIC AND ENGINEERING PROGRAMS.—Subsection (c)(3) of section 1107 of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2358 note) is amended by striking ''3 percent'' and inserting ''10 percent''.

(b) PERMANENT AUTHORITIES.—

(1) IN GENERAL.—Such section is further amended by striking subsection (e).

(2) APPOINTMENT OF SENIOR SCIENTIFIC TECHNICAL MANAGERS.—Subsection (f) of such section is amended by striking paragraph (3).

(c) REPEAL OF ANNUAL REPORTING REQUIREMENT.—Such section is further amended by striking subsection (g).

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by transferring subsection (d) so as to appear after subsection (h); and

(2) by redesignating subsections (f), (h), and (d) (as so transferred) as subsections (d), (e), and (f), respectively.

SEC. 1123. DIRECT HIRE AUTHORITY FOR SCIENTIFIC AND ENGINEERING POSITIONS FOR TEST AND EVALUATION FACILITIES OF THE MAJOR RANGE AND TEST FACILITY BASE.

(a) IN GENERAL.—The Secretary of Defense may, acting through the Director of Operational Test and Evaluation and the Directors of the test and evaluation facilities of the Major Range and Test Facility Base of the Department of Defense, appoint qualified candidates possessing an advanced degree to scientific and engineering positions within the Office of the Director of Operational Test and Evaluation and the test and evaluation facilities of the Major Range and Test Facility Base without regard to the provisions of subchapter I of chapter 33 of title 5, United States Code, other than sections 3303 and 3328 of such title.

(b) LIMITATION ON NUMBER.—

(1) IN GENERAL.—Authority under this section may not, in any calendar year and with respect to the Office of the Director of Operational Test and Evaluation or any test and evaluation facility, be exercised with respect to a number of candidates

greater than the number equal to 3 percent of the total number of scientific and engineering positions within the Office or such facility that are filled as of the close of the fiscal year last ending before the start of such calendar year.

(2) NATURE OF APPOINTMENT.—For purposes of this subsection, any candidate appointed to a position under this section shall be treated as appointed on a full-time equivalent basis.

(c) TERMINATION.—The authority to make appointments under this section shall not be available after December 31, 2021.

(d) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term ''Major Range and Test Facility Base'' means the test and evaluation facilities that are designated by the Secretary as facilities and resources comprising the Major Range and Test Facility Base of the Department.

SEC. 1124. PERMANENT AUTHORITY FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) PERMANENT AUTHORITY.—Subsection (d) of section 1110 of the National Defense Authorization Act for Fiscal Year 2010 (5 U.S.C. 3702 note) is amended by

striking ''; however'' and all that follows and inserting a period.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''SEC. 1110. PROGRAM FOR TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.''.

SEC. 1125. PILOT PROGRAM ON ENHANCED PAY AUTHORITY FOR CERTAIN RESEARCH AND TECHNOLOGY POSITIONS IN THE SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to assess the feasibility and advisability of using the pay authority specified in subsection (d) to fix the rate of basic pay for positions described in subsection (c) in order to assist the military departments in attracting and retaining high quality acquisition and technology experts in positions responsible for managing and performing complex, high cost research and technology development efforts in the science and technology reinvention laboratories of the Department of Defense.

(b) APPROVAL REQUIRED.—The pilot program may be carried out in a military department only with the ap-

proval of the Service Acquisition Executive of the military department.

(c) POSITIONS.—The positions described in this subsection are positions in the science and technology reinvention laboratories of the Department of Defense that—

(1) require expertise of an extremely high level in a scientific, technical, professional, or acquisition management field; and

(2) are critical to the successful accomplishment of an important research or technology development mission.

(d) RATE OF BASIC PAY.—The pay authority specified in this subsection is authority as follows:

(1) Authority to fix the rate of basic pay for a position at a rate not to exceed 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Service Acquisition Executive concerned.

(2) Authority to fix the rate of basic pay for a position at a rate in excess of 150 percent of the rate of basic pay payable for level I of the Executive Schedule, upon the approval of the Secretary of the military department concerned.

(e) LIMITATIONS.—

(1) IN GENERAL.—The authority in subsection (a) may be used only to the extent necessary to competitively recruit or retain individuals exceptionally well qualified for positions described in subsection (c).

(2) NUMBER OF POSITIONS.—The authority in subsection (a) may not be used with respect to more than five positions in each military department at any one time.

(3) TERM OF POSITIONS.—The authority in subsection (a) may be used only for positions having a term of less than five years.

(f) TERMINATION.—

(1) IN GENERAL.—The authority to fix rates of basic pay for a position under this section shall terminate on October 1, 2021.

(2) CONTINUATION OF PAY.—Nothing in paragraph (1) shall be construed to prohibit the payment after October 1, 2021, of basic pay at rates fixed under this section before that date for positions whose terms continue after that date.

(g) SCIENCE AND TECHNOLOGY REINVENTION LABORATORIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''science and technology reinvention laboratories of the Department of Defense''

means the laboratories designated as science and technology reinvention laboratories by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2358 note).

SEC. 1126. DISCHARGE OF CERTAIN AUTHORITIES TO CONDUCT PERSONNEL DEMONSTRATION PROJECTS.

Subparagraph (C) of section 342(b)(3) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as added by section 1114(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–315), is amended by inserting before the period at the end the following: ''through the Under Secretary of Defense for Research and Engineering (who shall place an emphasis in the exercise of such authorities on enhancing efficient operations of the laboratory)''.

Subtitle C—Government-Wide Matters

SEC. 1131. EXPANSION OF PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES TO INCLUDE ALL AGENCIES.

(a) IN GENERAL.—Chapter 96 of title 5, United States Code, is amended as follows:

(1) In section 9601, by striking paragraph (1) and inserting the following:

"(1) the term 'agency' has the meaning given the term in section 101 of title 31; and".

(2) In section 9602—

(A) in subsection (a)—

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

(I) by striking "a land management agency" and inserting "an agency";

(II) by inserting after "appointment in the competitive service" the following: "or a time-limited appointment under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))"; and

(III) by striking "any land management agency or any other agency (as defined in section 101 of title 31) under the internal merit promotion procedures of the applicable agency" and inserting "such agency when the agency is accepting applications from

individuals within the agency's workforce under merit promotion procedures, or any agency when the agency is accepting applications from individuals outside its own workforce under the merit promotion procedures of the applicable agency,'';

(ii) in paragraph (1), by inserting after ''chapter 33'' the following: '', or under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) (regardless of the competitive nature of the appointment),''; and

(iii) in paragraph (2)—

(I) by striking ''a land management agency'' and inserting ''an agency'';

(II) by striking ''more than'' and inserting ''not less than''; and

(III) by inserting before the semicolon the following: '', or, in the case of an employee appointed under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emer-

gency Assistance Act (42 U.S.C. 5149(b)(1)) and serving under an intermittent, time-limited appointment, has been deployed for a period or periods totaling not less than 4,160 hours within a 48-month period without a break of 2 or more years''; and

(B) in subsection (d), in the matter preceding paragraph (1)—

(i) by striking ''a land management agency'' and inserting ''an agency''; and

(ii) by inserting ''of the agency from which the former employee was most recently separated'' after ''deemed a time-limited employee''.

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 96 of such title is amended to read as follows:

''CHAPTER 96—PERSONNEL FLEXIBILITIES FOR FEDERAL AGENCIES''.

(2) TABLE OF CHAPTERS.—The table of chapters for part III of such title is amended by striking the item relating to chapter 96 and inserting the following new item:

''96. Personnel Flexibilities for Federal Agencies ..... 9601''.

SEC. 1132. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE EMPLOYEES.

The Director of the Office of Personnel Management shall permit an agency with delegated examining authority under 1104(a)(2) of title 5, United States Code, to use direct-hire authority under section 3304(a)(3) of such title for a permanent or non-permanent position or group of positions in the competitive services at GS–15 (or equivalent) and below, or for prevailing rate employees, if the Director determines that there is either a severe shortage of candidates or a critical hiring need for such positions.

SEC. 1133. APPOINTMENT AUTHORITY FOR UNIQUELY QUALIFIED PREVAILING RATE EMPLOYEES.

Section 5343 of title 5, United States Code, is amended by adding at the end the following:

''(g)(1) The head of an agency may appoint an individual to a position in accordance with regulations prescribed under paragraph (2) at such a rate of basic pay above the minimum rate of the appropriate grade as the Office of Personnel Management may authorize.

''(2) The Office of Personnel Management may prescribe regulations that authorize the head of an agency to exercise the authority under paragraph (1) in the case of—

''(A) an unusually large shortage of qualified candidates for employment;

"(B) unique qualifications of a candidate for employment; or

"(C) a special need of the Government for the services of a candidate for employment.".

SEC. 1134. LIMITATION ON PREFERENCE ELIGIBLE HIRING PREFERENCES FOR PERMANENT EMPLOYEES IN THE COMPETITIVE SERVICE.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended—

(1) in section 3309—

(A) in the matter preceding paragraph (1), by striking "A preference eligible" and inserting "(a) ADDITIONAL POINTS.—Except as provided in subsection (b), a preference eligible"; and

(B) by adding at the end the following:

"(b) ADDITIONAL POINTS ONLY FOR FIRST APPOINTMENT.—If a preference eligible is selected for a permanent position in the competitive service after the application of subsection (a) or the application of section 3319(b), the preference eligible shall not be awarded any additional points under subsection (a) with respect to a subsequent examination for any position in the competitive service.";

(2) in section 3319—

(A) in subsection (b), in the first sentence, by striking ''Within'' and inserting ''Except as provided in subsection (d), within''; and

(B) by striking subsection (d) and inserting the following:

''(d) If a preference eligible is selected for a permanent position in the competitive service after the application of subsection (b) or the application of section 3309(a), such individual shall not be listed ahead of individuals who are not preference eligibles due to the application of subsection (b) on a subsequent list under this section for any position in the competitive service.''; and

(3) in section 3320, by striking ''3318'' and inserting ''3319''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 703 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–607.3, D.C. Official Code) is amended by striking ''3309(1)'' each place it appears and inserting ''3309(a)(1)''.

SEC. 1135. AUTHORITY FOR ADVANCEMENT OF PAY FOR CERTAIN EMPLOYEES RELOCATING WITHIN THE UNITED STATES AND ITS TERRITORIES.

(a) COVERAGE.—Subsection (a) of section 5524a of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) The head of each agency may provide for the advance payment of basic pay, covering not more than 2 pay periods, to an employee who is assigned to a position in the agency that is located—

''(A) outside of the employee's commuting area; and

''(B) in an area not covered by section 5927.''.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting ''or assigned'' after ''appointed''; and

(2) in paragraph (2)(B)—

(A) by inserting ''or assignment'' after ''appointment''; and

(B) by inserting ''or assigned'' after ''appointed''.

(c) CLERICAL AMENDMENTS.—

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

"§ 5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"5524a. Advance payments for new appointees and for certain current employees relocating within the United States and its territories.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 1136. ELIMINATION OF THE FOREIGN EXEMPTION PROVISION IN REGARD TO OVERTIME FOR FEDERAL CIVILIAN EMPLOYEES TEMPORARILY ASSIGNED TO A FOREIGN AREA.

(a) IN GENERAL.—Section 5542 of title 5, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official

duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.''.

(b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section 5544 of title 5, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 13(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(f)), an employee whose overtime pay is determined in accordance with subsection (a) who is working at a location in a foreign country, or in a territory under the jurisdiction of the United States to which the exemption under such section 13(f) applies, in temporary duty travel status while maintaining an official duty station or worksite in an area of the United States that is not exempted under such section 13(f) shall not be considered, for all purposes, to be exempted from section 7 of such Act (29 U.S.C. 207) on the basis of the employee performing work at such a location.''.

(c) CONFORMING REPEAL.—Section 5542(a) of title 5, United States Code, is amended by striking paragraph (6).

SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1108 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1027), is further amended by striking ''through 2016'' and inserting ''through 2017''.

Subtitle D—Other Matters

SEC. 1151. MODIFICATION OF FLAT RATE PER DIEM REQUIREMENT FOR PERSONNEL ON LONG-TERM TEMPORARY DUTY ASSIGNMENTS.

(a) MODIFICATION OF FLAT RATE.—

(1) IN GENERAL.—The Secretary of Defense shall take such action as may be necessary to provide that, to the extent that regulations implementing travel and transportation authorities for military and civilian personnel of the Department of Defense impose a flat rate per diem for meals and incidental expenses for authorized travelers on long-term temporary duty assignments that is at a reduced rate compared to the per diem rate otherwise

applicable, the Secretary concerned may waive the applicability of such reduced rate and pay such travelers actual expenses up to the full per diem rate for such travel in any case when the Secretary concerned determines that the reduced flat rate per diem for meals and incidental expenses is not sufficient under the circumstances of the temporary duty assignment.

(2) APPLICABILITY.—The Secretary concerned may exercise the authority provided pursuant to paragraph (1) with respect to per diem payable for any day on or after the date of the enactment of this Act.

(b) DELEGATION OF AUTHORITY.—The authority pursuant to subsection (a) may be delegated by the Secretary concerned to any commander or head of an agency, component, or systems command of the Department of Defense at the level of lieutenant general or vice admiral, or above, or civilian equivalent thereof.

(c) WAIVER OF COLLECTION OF RECEIPTS.—The commander or head of an agency, component, or systems command to which the authority pursuant to subsection (a) is delegated pursuant to subsection (b) may waive any requirement for the submittal of receipts by travelers of such agency, component, or systems command for the pur-

pose of receiving the full per diem rate pursuant to subsection (a) if the commander or head personally certifies that requiring such travelers to submit receipts for that purpose will negatively affect mission performance, create an undue administrative burden, or result in significant additional administrative processing costs for such agency, component, or systems command.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101 of title 37, United States Code.

SEC. 1152. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and most recently amended by section 1102 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1022), is further amended by striking ''2017'' and inserting ''2018''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. THREE-YEAR EXTENSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) EXTENSION OF PROGRAM GENERALLY.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619), as most recently amended by section 1211(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1042), is further amended in subsections (a), (b), and (f) by striking ''fiscal year 2016'' and inserting ''fiscal years 2017, 2018, and 2019''.

(b) EXTENSION AND EXPANSION OF AUTHORITY FOR PAYMENTS TO REDRESS INJURY AND LOSS IN IRAQ.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 2016 is amended—

(1) in the subsection heading, by striking ''IRAQ'' and inserting ''AFGHANISTAN, IRAQ, AND SYRIA'';

(2) in paragraph (1)—

(A) by striking ''fiscal year 2016'' and inserting ''fiscal years 2017, 2018, and 2019''; and

(B) by striking ''Iraq'' and inserting ''Afghanistan, Iraq, or Syria''; and

(3) in paragraph (3), by striking ''in fiscal year 2016'' and inserting ''in a fiscal year in which the authority in this subsection is in effect''.

SEC. 1202. INCREASE IN SIZE OF THE SPECIAL DEFENSE ACQUISITION FUND.

(a) INCREASE IN SIZE.—Effective on October 1, 2016, section 114(c)(1) of title 10, United States Code, is amended by striking ''$1,070,000,000'' and inserting ''$2,000,000,000''.

(b) REPORTS.—

(1) INITIAL PLAN ON USE OF AUTHORITY.—Before exercising authority for use of amounts in the Special Defense Acquisition Fund in excess of the size of that Fund as of September 30, 2016, by reason of the amendment made by subsection (a), the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report on the plan for the use of such amounts.

(2) ANNUAL SPENDING PLAN.—Not later than August 1 each year, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a de-

tailed plan for the use of amounts in the Special Defense Acquisition Fund for the fiscal year beginning in the year in which such report is submitted.

(3) QUARTERLY UPDATES.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall, with the concurrence of the Secretary of State, submit to the appropriate committees of Congress a report setting forth the inventory of defense articles and services acquired, possessed, and transferred through the Special Defense Acquisition Fund in such fiscal quarter.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' has the meaning given that term in section 301(1) of title 10, United States Code (as added by section 1252(a)(3) of this Act).

SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) CODIFICATION OF AUTHORITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting before section 128 the following new section:

"§ 127e. Support of special operations to combat terrorism

"(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to $100,000,000 during any fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

"(b) FUNDS.—Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

"(c) LIMITATION.—Of the funds available for support under this section in a fiscal year, not more than $10,000,000 may be used for support in connection with any particular military operation.

"(d) PROCEDURES.—The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section. The Secretary shall notify the congressional defense committees of any material modification of such procedures.

"(e) NOTIFICATION.—

"(1) IN GENERAL.—Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an approved

military operation or changing the scope or funding level of any support for such an operation by $1,000,000 or an amount equal to 20 percent of such funding level (whichever is less), or not later than 48 hours after exercising such authority if the Secretary determines that extraordinary circumstances that impact the national security of the United States exist, the Secretary shall notify the congressional defense committees of the use of such authority with respect to that operation. Any such notification shall be in writing.

"(2) ELEMENTS.—A notification required by this subsection shall include the following:

"(A) The type of support provided or to be provided to United States special operations forces.

"(B) The type of support provided or to be provided to the recipient of the funds.

"(C) The amount obligated under the authority to provide support.

"(f) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

"(g) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such

term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

"(h) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—The Secretary shall submit to the congressional defense committees each year a report on support provided under this section during the fiscal year ending in the preceding calendar year.

"(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

"(A) A description of supported operations.

"(B) A summary of operations.

"(C) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

"(D) The total amount obligated in such fiscal year, including budget details.

"(E) The total amount obligated in prior fiscal years under this section and applicable preceding authority.

"(F) The intended duration of support.

"(G) A description of support or training provided to the recipients of support.

"(H) A value assessment of the operational support provided.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

"127e. Support of special operations to combat terrorism.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is repealed.

SEC. 1204. PROHIBITION ON USE OF FUNDS TO INVITE, ASSIST, OR OTHERWISE ASSURE THE PARTICIPATION OF CUBA IN CERTAIN JOINT OR MULTILATERAL EXERCISES.

(a) PROHIBITION.—The Secretary of Defense may not use any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint or multilateral exercise or related security conference between the United States and Cuba until the Secretary, in coordination with the Director of National Intelligence, submits to Congress written assurances that—

(1) the Cuban military has ceased committing human rights abuses against civil rights activists and other citizens of Cuba;

(2) the Cuban military has ceased providing military intelligence, weapons training, strategic planning, and security logistics to the military and security forces of Venezuela;

(3) the Cuban military and other security forces in Cuba have ceased all persecution, intimidation, arrest, imprisonment, and assassination of dissidents and members of faith based organizations;

(4) the Government of Cuba no longer demands that the United States relinquish control of Guantanamo Bay, in violation of an international treaty; and

(5) the officials of the Cuban military that were indicted in the murder of United States citizens during the shootdown of planes operated by the Brothers to the Rescue humanitarian organization in 1996 are brought to justice.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any joint or multilateral exercise or operation related to humanitarian assistance or disaster response.

Subtitle B—Matters Relating to Afghanistan and Pakistan

SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) EXPIRATION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 1992), as most recently amended by section 1215 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1045), is further amended by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) CONVERSION OF QUARTERLY REPORTS INTO ANNUAL REPORTS.—Effective on January 1, 2017, subsection (f) of such section 1222, as so amended, is further amended—

(1) in the subsection heading, by striking ''QUARTERLY'' and inserting ''ANNUAL''; and

(2) in paragraph (1)—

(A) by striking ''Not later than 90 days'' and all that follows through ''in which the authority in subsection (a) is exercised'' and inserting ''Not later than March 31 of any year

following a year in which the authority in subsection (a) is exercised''; and

(B) by striking ''during the 90-day period ending on the date of such report'' and inserting ''during the preceding year''.

(c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking ''During fiscal years 2013, 2014, 2015, and 2016'' each place it appears and inserting ''Through December 31, 2017,''.

SEC. 1212. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT.

(a) EXTENSION.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1043), is amended by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

(b) MILITARY OPERATIONS COVERED.—Such section 1233 is further amended in subsection (a)(1), by striking ''in Iraq or in Operation Enduring Freedom in Afghanistan'' and inserting ''in Afghanistan, Iraq, or Syria''.

(c) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d)(1) of such section 1233, as so amended, is further amended—

(1) in the second sentence, by striking ''during fiscal year 2016 may not exceed $1,160,000,000'' and inserting ''during fiscal year 2017 may not exceed $350,000,000''; and

(2) by striking the last sentence

(d) TREATMENT OF 2016 UNOBLIGATED BALANCES.—Of the $100,000,000 made available pursuant to section 1212(f) of the National Defense Authorization Act for Fiscal Year 2016, amounts that are unobligated as of September 30, 2016, shall continue to be available in fiscal year 2017 for the purposes specified in such section, in addition to the total amount of reimbursements and support authorized for Pakistan during fiscal year 2017 pursuant to section 1233(d)(1) of the National Defense Authorization Act for Fiscal Year 2008, as amended by this section.

(e) REPEAL AUTHORITY FOR OTHER SUPPORT.—Subsection (b) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as most recently amended by section 1212 of the National Defense Authorization Act for Fiscal Year 2016, is repealed.

SEC. 1213. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROGRAMS AND PROJECTS OF THE DEPARTMENT OF DEFENSE IN AFGHANISTAN THAT CANNOT BE SAFELY ACCESSED BY UNITED STATES GOVERNMENT PERSONNEL.

(a) PROHIBITION.—

(1) IN GENERAL.—Amounts available to the Department of Defense may not be obligated or expended for a construction or other infrastructure project of the Department in Afghanistan if military or civilian personnel of the United States Government or their representatives with authority to conduct oversight of such program or project cannot safely access such program or project.

(2) APPLICABILITY.—Paragraph (1) shall apply only with respect to a program or project that is initiated on or after the date of the enactment of this Act.

(b) WAIVER.—

(1) IN GENERAL.—The prohibition in subsection (a) may be waived with respect to a program or project otherwise covered by that subsection if a determination described in paragraph (2) is made as follows:

(A) In the case of a program or project with an estimated lifecycle cost of less than

$1,000,000, by the contracting officer assigned to oversee the program or project.

(B) In the case of a program or project with an estimated lifecycle cost of $1,000,000 or more, but less than $40,000,000, by the Commander of United States Forces-Afghanistan.

(C) In the case of a program or project with an estimated lifecycle cost of $40,000,000 or more, by the Secretary of Defense.

(2) DETERMINATION.—A determination described in this paragraph with respect to a program or project is a determination of each of the following:

(A) That the program or project clearly contributes to United States national interests or strategic objectives.

(B) That the Government of Afghanistan has requested or expressed a need for the program or project.

(C) That the program or project has been coordinated with the Government of Afghanistan, and with any other implementing agencies or international donors.

(D) That security conditions permit effective implementation and oversight of the program or project.

(E) That the program or project includes safeguards to detect, deter, and mitigate corruption and waste, fraud, and abuse of funds.

(F) That adequate arrangements have been made for the sustainment of the program or project following its completion, including arrangements with respect to funding and technical capacity for sustainment.

(G) That meaningful metrics have been established to measure the progress and effectiveness of the program or project in meeting its objectives.

(3) NOTICE ON CERTAIN WAIVERS.—In the event a waiver is issued under paragraph (1) for a program or project described in subparagraph (C) of that paragraph, the Secretary of Defense shall notify Congress of the waiver not later than 15 days after the issuance of the waiver.

SEC. 1214. REIMBURSEMENT OF PAKISTAN FOR SECURITY ENHANCEMENT ACTIVITIES.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense is authorized to reimburse Pakistan for certain activities meant to enhance the security situation in the northwest regions of Pakistan, including the Federally Administered Tribal Areas and Khyber Pakhtunkhwa.

(2) FUNDS AVAILABLE.—Reimbursement under the authority of this subsection may be provided from amounts available to the Department of Defense for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code (as added by subtitle G of this title).

(3) CITATION.—This section may be referred to as the ''Pakistan Security Enhancement Authorization''.

(b) ACTIVITIES.—Reimbursement may be provided under the authority in subsection (a) for activities as follows:

(1) Counterterrorism activities in the Federally Administered Tribal Areas and Khyber Pakhtunkhwa, including the following:

(A) Eliminating infrastructure, training areas, and sanctuaries used by terrorist groups, and preventing the establishment of new or ad-

ditional infrastructure, training areas, and sanctuaries.

(B) Direct action against individuals that are involved in or supporting terrorist activities.

(C) Any other activity recognized by the Secretary of Defense as a counterterrorism activity for purposes of this subsection.

(2) Border security activities along the Afghanistan-Pakistan border, including the following:

(A) Building and maintaining border outposts.

(B) Strengthening cooperative efforts between the Pakistan military and the Afghan National Defense and Security Forces, including border security cooperation.

(C) Maintaining access to and securing key ground lines of communication.

(D) Providing training and equipment for the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(E) Improving interoperability between the Pakistan military and the Pakistan Frontier Corps Khyber Pakhtunkhwa.

(c) LIMITATIONS.—

(1) IN GENERAL.—Funds available under the authority in subsection (a) may not be used for reimbursement for any activities described in subsection (b) during any period of time when the ground lines of communication through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan and the retrograde of United States equipment out of Afghanistan.

(2) WAIVER.—The Secretary may waive the limitation in paragraph (1) if the Secretary of Defense certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(3) AMOUNT.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2017 may not exceed $800,000,000.

(4) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary may not enter into any contractual obligation to make a reimbursement under the authority in paragraph (1).

(d) ADDITIONAL LIMITATION ON REIMBURSEMENT OF PAKISTAN PENDING CERTIFICATION.—Of the funds available under the authority in subsection (a), $300,000,000 shall not be available for use as reimbursement described in that subsection unless the Secretary of Defense certifies to the congressional defense committees that the Government of Pakistan is taking demonstrable actions—

(1) to significantly disrupt the safe haven and freedom of movement of the Haqqani Network in Pakistan;

(2) to prevent the Haqqani Network from using Pakistan territory as a safe haven; and

(3) to actively coordinate with the Government of Afghanistan to restrict the movement of militants, such as the Haqqani Network, along the Afghanistan-Pakistan border.

(e) AMOUNTS OF REIMBURSEMENT.—Reimbursement authorized by the authority in subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the activities undertaken.

(f) REPORT.—Not later than December 31, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the expenditure of funds under the authority in subsection (a), including a description of the following:

(1) The purpose for which such funds were expended.

(2) Each organization on whose behalf such funds were expended, including the amount expended on such organization and the number of members of such organization supported by such amount.

(3) Any limitation imposed on the expenditure of funds under subsection (a), including on any recipient of funds or any use of funds expended.

(g) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense shall notify the congressional defense committees not later than 15 days before making any reimbursement under the authority in subsection (a).

(2) EXCEPTION.—The requirement to provide notice under paragraph (1) shall not apply with respect to reimbursement for access based on an international agreement.

(3) ELEMENTS.—Each notification under paragraph (1) shall include an itemized description of the activities conducted by the Government of Pakistan for which the United States will provide reimbursement.

(4) FORM.—Each notification under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(h) INFORMATION ON CLAIMS DISALLOWED OR DEFERRED BY THE UNITED STATES.—

(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, in the manner specified in paragraph (2), an itemized description of the costs claimed by the Government of Pakistan for activities specified in subsection (b) provided by Government of Pakistan to the United States for which the United States will disallow or defer reimbursement to the Government of Pakistan under the authority in subsection (a).

(2) MANNER OF SUBMITTAL.—

(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall submit each itemized description of costs required by paragraph (1) not later than 180 days after the

date on which a decision to disallow or defer reimbursement for the costs claimed is made.

(B) FORM.—Each itemized description of costs under subparagraph (A) shall be submitted in an unclassified form, but may include a classified annex.

SEC. 1215. IMPROVEMENT OF OVERSIGHT OF UNITED STATES GOVERNMENT EFFORTS IN AFGHANISTAN.

(a) REPORT ON IG OVERSIGHT ACTIVITIES IN AFGHANISTAN DURING FISCAL YEAR 2017.—Not later than 60 days after the date of the enactment of this Act, the Lead Inspector General for Operation Freedom's Sentinel, as designated pursuant to section 8L of the Inspector General Act of 1978 (5 U.S.C. App.), shall, in coordination with the Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the Special Inspector General for Afghanistan Reconstruction, submit to the appropriate committees of Congress a report on the oversight activities of United States Inspectors General in Afghanistan planned for fiscal year 2017.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the requirements, responsibilities, and focus areas of each Inspector General of the United States planning to conduct oversight activities in Afghanistan during fiscal year 2017.

(2) A comprehensive list of the funding to be used for the oversight activities described in paragraph (1).

(3) A list of the oversight activities and products anticipated to be produced by each Inspector General of the United States in connection with oversight activities in Afghanistan during fiscal year 2017.

(4) An identification of any anticipated overlap among the planned oversight activities of Inspectors General of the United States in Afghanistan during fiscal year 2017, and a justification for such overlap.

(5) A description of the processes by which the Inspectors General of the United States coordinate and reduce redundancies in requests for information to United States Government officials executing funds in Afghanistan.

(6) Any other matters the Lead Inspector General for Operation Freedom's Sentinel considers appropriate.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee Appropriations of the House of Representatives.

Subtitle C—Matters Relating to Syria and Iraq

SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO THE VETTED SYRIAN OPPOSITION.

(a) NOTICE ON NEW INITIATIVES.—

(1) IN GENERAL.—Subsection (f) of section 1209 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), as amended by section 1225(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1055), is further amended to read as follows:

"(f) NOTICE TO CONGRESS BEFORE INITIATION OF NEW INITIATIVES.—Not later than 30 days before initiating a new initiative under subsection (a), the Secretary of Defense shall submit to the appropriate congressional committees a notice setting forth the following:

"(1) The initiative to be carried out, including a detailed description of the assistance provided.

"(2) The budget, implementation timeline and anticipated delivery schedule for the assistance to which the initiative relates, the military department responsible for management and the associated program executive office, and the completion date for the initiative.

"(3) The amount, source, and planned expenditure of funds to carry out the initiative.

"(4) Any financial or other support for the initiation provided by foreign governments.

"(5) Any other information with respect to the initiative that the Secretary considers appropriate.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to new initiatives initiated under section 1209 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year

2015 on or after the date that is 30 days after the date of the enactment of this Act.

(b) EXTENSION OF AUTHORITY.—Subsection (a) of such section is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

SEC. 1222. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

(a) IN GENERAL.—Section 1236(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559) is amended by striking ''December 31, 2016'' and inserting ''December 31, 2019''.

(b) ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS BY GOVERNMENT OF IRAQ.—Subsection (l)(1)(A) of such section, as added by section 1223(e) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92. 129 Stat. 1050), is amended by striking ''120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016'' and inserting ''each of March 25, 2016, and the date that is 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017''.

SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) EXTENSION.—Subsection (f)(1) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

(b) AMOUNT AVAILABLE.—Such section is further amended—

(1) in subsection (c), by striking ''fiscal year 2016'' and all that follows and inserting ''fiscal year 2017 may not exceed $60,000,000''; and

(2) in subsection (d), by striking ''fiscal year 2016'' and inserting ''fiscal year 2017''.

Subtitle D—Matters Relating to Iran

SEC. 1226. ADDITIONAL ELEMENTS IN THE ANNUAL REPORT ON THE MILITARY POWER OF IRAN.

Section 1245(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542), as most recently amended by section 1231(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1057), is further amended—

(1) by striking subparagraph (F) and inserting the following new subparagraph (F):

"(F) an assessment of Iran's cyber capabilities, including an assessment of Iran's ability to mask its cyber operations through the use of proxies, irregular forces, the Iranian Revolutionary Guard Corps, and other actors;"; and

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

"(H) an assessment of any assistance to, assistance from, or cooperation by Iran with other countries and non-state actors to increase cyber capabilities.".

Subtitle E—Matters Relating to the Russian Federation

SEC. 1231. EXTENSION AND ENHANCEMENT OF UKRAINE SECURITY ASSISTANCE INITIATIVE.

(a) FUNDING.—Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1068) is amended—

(1) in subsection (a), by striking "Of the amounts" and all that follows through "shall be available to" and inserting "Amounts available for a fiscal year under subsection (f) shall be available to";

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) FUNDING.—From amounts authorized to be appropriated for the fiscal year concerned for the Department of Defense for overseas contingency operations, the following shall be available for purposes of subsection (a):

''(1) For fiscal year 2016, $300,000,000.

''(2) For fiscal year 2017, $500,000,000.''.

(b) ADDITIONAL AUTHORIZED ASSISTANCE.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

''(10) Equipment and technical assistance to the State Border Guard Service of Ukraine for the purpose of developing a comprehensive border surveillance network for Ukraine.

''(11) Training for staff officers and senior leadership of the military.''.

(c) AVAILABILITY OF FUNDS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by inserting ''for a fiscal year'' after ''pursuant to subsection (a)'';

(2) in paragraph (2), by striking ''pursuant to subsection (a)'' and all that follows and inserting ''pursuant to subsection (a) for a fiscal year, the amount as follows shall be available only for lethal

assistance described in paragraphs (2) and (3) of subsection (b) in that fiscal year:

"(A) In fiscal year 2016, $50,000,000.

"(B) In fiscal year 2017, $150,000,000.";

(3) in paragraph (3)—

(A) in the paragraph heading, by striking "OTHER PURPOSES" and inserting "AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE DEFENSIVE LETHAL ASSISTANCE";

(B) in the matter preceding subparagraph (A), by striking the first sentence and inserting the following new sentence: "Subject to paragraph (5), the amount described in paragraph (2)(B) for fiscal year 2017 shall be available for purposes other than assistance and support described in subsection (a) commencing on the date that is 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017 if the Secretary of Defense, with the concurrence of the Secretary of State, determines that the use of such amount for lethal assistance described in paragraphs (2) and (3) of subsection (b) is not in the national security interests of the United States."; and

(C) in subparagraph (B), by striking ''or the Government of Ukraine''; and

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

''(4) AVAILABILITY FOR NON-UKRAINE PURPOSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE FOR UKRAINE GENERALLY.—

''(A) IN GENERAL.—If the certification described in subparagraph (B) is not made to the congressional defense committees by the end of the 90-day period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017, commencing as of the end of that period $250,000,000 of the amount available for this section for fiscal year 2017 under subsection (f) shall be available in accordance with paragraph (5)(B).

''(B) CERTIFICATION.—A certification described in this subparagraph is a certification by the Secretary of Defense, in coordination with the Secretary of State, that the Government of Ukraine has taken substantial actions to make defense institutional reforms to decrease corruption, increase accountability, and sustain improvements of combat capability en-

abled by such security assistance. The certification shall include an assessment of the substantial actions taken to make defense institutional reforms and the areas in which additional action is needed.

"(5) USE.—In the event funds described in paragraph (2)(B) are not used in fiscal year 2017 for defensive lethal assistance described in paragraphs (2) and (3) of subsection (b) by reason of a determination under paragraph (3), and funds described in paragraph (4) are available under that paragraph in that fiscal year by reason of the lack of a certification described in paragraph (4)(B), of the amount available for this section under subsection (f) for fiscal year 2017—

"(A) $250,000,000 may be used for assistance and support described in subsection (a) for the Government of Ukraine; and

"(B) $250,000,000 may be used for purposes described in paragraph (3), of which not more than $150,000,000 may be used for such purposes for a particular foreign country.

"(6) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or training under paragraph (3), (4), or (5), the Secretary of Defense

shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification containing the following:

"(A) The recipient foreign country.

"(B) A detailed description of the assistance or training to be provided, including—

"(i) the objectives of such assistance or training;

"(ii) the budget for such assistance or training; and

"(iii) the expected or estimated timeline for delivery of such assistance or training.

"(C) Such other matters as the Secretary considers appropriate".

(d) CONSTRUCTION WITH OTHER AUTHORITY.—Such section is further amended by inserting after subsection (f), as amended by subsection (a)(3) of this section, the following new subsection (g):

"(g) CONSTRUCTION WITH OTHER AUTHORITY.—The authority to provide assistance and support pursuant to subsection (a), and the authority to provide assistance and training support under subsection (c), is in addition

to authority to provide assistance and support under title 10, United States Code, the Foreign Assistance Act of 1961, the Arms Export Control Act, or any other provision of law.''.

(e) EXTENSION.—Subsection (h) of such section, as redesignated by subsection (a)(2) of this section, is amended by striking ''December 31, 2017'' and inserting ''December 31, 2019''.

(f) EXTENSION OF REPORTS ON MILITARY ASSISTANCE TO UKRAINE.—Section 1275(e) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3592), as amended by section 1250(g) of the National Defense Authorization Act for Fiscal Year 2016, is further amended by striking ''December 31, 2017'' and inserting ''December 31, 2020''.

SEC. 1232. EXTENSION AND MODIFICATION OF AUTHORITY ON TRAINING FOR EASTERN EUROPEAN NATIONAL MILITARY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.

(a) ADDITIONAL SOURCE OF FUNDING.—Subsection (d)(2) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1070; 10 U.S.C. 2282 note) is amended by adding at the end the following new subparagraph:

"(C) Amounts authorized to be appropriated for a fiscal year for overseas contingency operations for operation and maintenance, Army, and available under Land Forces Operations Support for the European Reassurance Initiative for that fiscal year.".

(b) TWO-YEAR EXTENSION.—Subsection (h) of such section is amended—

(1) by striking "September 30, 2017" and inserting "September 30, 2019"; and

(2) by striking "through 2017" and inserting "through 2019".

SEC. 1233. ADDITIONAL MATTERS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1245 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566), as amended by section 1248 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1066), is further amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (10) through (18) as paragraphs (11) through (19), respectively;

(B) by inserting after paragraph (9) the following new paragraph:

''(10) In consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, an assessment of Russia's diplomatic, economic, and intelligence operations in Ukraine.'';

(C) by striking paragraph (13), as redesignated by subparagraph (A), and inserting the following new paragraph:

''(13) An analysis of the nuclear strategy and associated doctrine of Russia, based on current assessments, including—

''(A) the capacity, capability, and readiness of Russia's active and inactive strategic and tactical nuclear systems;

''(B) the estimated minimum and maximum flight ranges of each of Russia's active and inactive strategic and tactical nuclear systems;

''(C) an assessment of whether Russia's SAM and ABM systems possess surface-to-surface launch capability, and if so, an estimate of the minimum and maximum surface-to-surface flight range of these systems; and

"(D) an assessment of Russia's investments in alternative delivery systems, including—

"(i) air-launched ICBMs;

"(ii) rail-mobile ICBMs; and

"(iii) nuclear-armed, nuclear-powered unmanned underwater vehicles, including the Maritime Multifunctional System Status–6 (Kanyon)."; and

(D) in subparagraph (B) of paragraph (17), as redesignated by subparagraph (A) of this paragraph, by striking "day" and inserting "month";

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

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

"(d) PUBLISHING REQUIREMENT.—Upon submission of the report required under subsection (a) in both classified and unclassified form, the Secretary of Defense shall publish the unclassified form on the Department of Defense website."; and

(4) in subsection (g), as redesignated by paragraph (3), by striking "2018" and inserting "2022".

SEC. 1234. EUROPEAN INVESTMENT IN SECURITY AND STABILITY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the North Atlantic Treaty Organization (NATO) allies and European partners of the United States are indispensable to addressing global security challenges;

(2) the security and stability of Europe is an enduring vital national security interest of the United States;

(3) while the investments of the United States are important to the security and stability of Europe, the investments of North Atlantic Treaty Organization allies and European partners in developing and employing their own security capabilities should meet or exceed such investments of the United States, including in efforts such as the European Deterrence Initiative;

(4) Congress expects an increase in the forward presence of the military forces of the North Atlantic Treaty Organization allies and European partners, especially by the most capable North Atlantic Treaty Organization allies; and

(5) the forces described in paragraph (4) must be interoperable with the additional United States

troops in Eastern Europe, as enabled by the European Deterrence Initiative, and are a critical component of the forward presence of the North Atlantic Treaty Organization to provide improved collective security and increased effective deterrence.

(b) ACCOUNTING OF EUROPEAN INVESTMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall present to the congressional defense committees an accounting of European investment in security capabilities including current and planned efforts to contribute to global security operations such as maintaining security and stability in Afghanistan and countering the Islamic State of Iraq and the Levant, programs and projects designed to deter Russia and maintain the security and stability of Europe, and any other initiative that matches or compliments the efforts the United States is making (such as the European Deterrence Initiative).

(c) ELEMENTS.—The accounting presented pursuant to subsection (b) shall include the following:

(1) A summary of the major outcomes of the 2014 NATO Wales Summit and the 2016 NATO Warsaw Summit including progress towards fulfilment of pledges to increase defense spending as agreed to by Heads of State and Government.

(2) A description of initiatives by other members of the North Atlantic Treaty Organization and European partners to—

(A) deter security challenges posed by Russia;

(B) increase capabilities to respond to unconventional or hybrid warfare tactics such as those used by the Russian Federation to annex Crimea and foment instability in Eastern Ukraine;

(C) enhance security in Europe in ways that match or exceed United States contributions to conventional deterrence in the region;

(D) contribute to the counter-Islamic State of Iraq and the Levant campaign and the North Atlantic Treaty Organization-led mission in Afghanistan; and

(E) counter terrorism elsewhere in Europe and Africa.

(3) Any other matters the Secretary of Defense considers appropriate.

SEC. 1235. SENSE OF SENATE ON EUROPEAN DETERRENCE INITIATIVE.

It is the sense of the Senate that—

(1) the European Deterrence Initiative will bolster efforts to deter further Russian aggression by providing resources to—

(A) train and equip the military forces of North Atlantic Treaty Organization (NATO) and non-North Atlantic Treaty Organization partners in order to improve responsiveness, expand expeditionary capability, and strengthen combat effectiveness across the spectrum of security environments;

(B) enhance the indications and warning, interoperability and logistics capabilities of Allied and partner military forces to increase their ability to respond to external aggression, defend their sovereignty and territorial integrity, and preserve regional stability; and

(C) improve the agility and flexibility of military forces required to address threats across the full spectrum of domains and effectively operate in a wide array of coalition operations across diverse global environments from North Africa and the Middle East to Eastern Europe and the Arctic;

(2) investments that support the security and stability of Europe and that assist European nations

in further developing their security capabilities are in the long-term vital national security interests of the United States; and

(3) funds for such efforts should be authorized and appropriated in the base budget of the Department of Defense in order to ensure continued and planned funding to address long-term stability on the European continent, reassure our European allies and partners, and deter further Russian aggression.

Subtitle F—Matters Relating to Asia-Pacific Region

SEC. 1241. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE FREEDOM OF NAVIGATION REPORT.

(a) IN GENERAL.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives on an annual basis a report setting forth an update of the most current Department of Defense Freedom of Navigation Report under the Freedom of Navigation Operations (FONOPS) program. The purpose of each report shall be to document the types and locations of excessive claims that the Armed Forces of the United States have challenged in the previous year in order to preserve the rights, freedoms, and

uses of the sea and airspace guaranteed to all countries by international law.

(b) ELEMENTS.—Each report under this section shall include, for the year covered by such report, the following:

(1) Each excessive maritime claim challenged by the United States under the program referred to in subsection (a), including the country making each such claim.

(2) The nature of each claim, including the geographic location or area covered by such claim (including the body of water and island grouping, when applicable).

(3) The specific legal challenge asserted through the program.

(c) FORM.—Each report under this section shall be submitted in unclassified form.

SEC. 1242. INCLUSION OF THE PHILIPPINES AMONG ALLIED COUNTRIES WITH WHOM UNITED STATES MAY ENTER INTO COOPERATIVE MILITARY AIRLIFT AGREEMENTS.

Section 2350c(d)(1)(B) of title 10, United States Code, is amended by inserting ''the Philippines,'' after ''Japan,''.

SEC. 1243. MILITARY EXCHANGES BETWEEN THE UNITED STATES AND TAIWAN.

(a) MILITARY EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a program of exchanges of senior military officers and senior officials between the United States and Taiwan designed to improve military to military relations between the United States and Taiwan.

(2) EXCHANGES DESCRIBED.—For the purposes of this subsection, an exchange is an activity, exercise, event, or observation opportunity between members of the Armed Forces and officials of the Department of Defense, on the one hand, and armed forces personnel and officials of Taiwan, on the other hand.

(3) FOCUS OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall include exchanges focused on the following:

(A) Threat analysis.

(B) Military doctrine.

(C) Force planning.

(D) Logistical support.

(E) Intelligence collection and analysis.

(F) Operational tactics, techniques, and procedures.

(G) Humanitarian assistance and disaster relief.

(4) CIVIL-MILITARY AFFAIRS.—The exchanges under the program carried out pursuant to paragraph (1) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(5) LOCATION OF EXCHANGES.—The exchanges under the program carried out pursuant to paragraph (1) shall be conducted in both the United States and Taiwan.

(6) DEFINITIONS.—In this subsection:

(A) The term ''senior military officer'', with respect to the Armed Forces, means a general or flag officer of the Armed Forces on active duty.

(B) The term ''senior official'', with respect to the Department of Defense, means a civilian official of the Department of Defense at the level of Assistant Secretary of Defense or above.

(b) SENSE OF SENATE ON PARTICIPATION OF TAIWAN IN CERTAIN ADVANCED AERIAL COMBAT TRAINING EXERCISES.—It is the sense of the Senate that—

(1) the military forces of Taiwan, in accordance with the Taiwan Relations Act (Public Law 96–8), should be permitted to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan;

(2) Taiwan should be extended an invitation to participate in advanced aerial combat training exercises alongside the United States Air Force upon the completion of the upgrades to the 45 F–16A/B fighter aircraft of Taiwan; and

(3) to maintain a high state of readiness, Taiwan must strive to invest at least 3 percent of its annual gross domestic product on defense.

SEC. 1244. SENSE OF SENATE ON TAIWAN.

It is the sense of the Senate that the United States should strengthen and enhance its long-standing partnership and strategic cooperation with Taiwan, and reinforce its commitment to the Taiwan Relations Act and the ''Six Assurances'' as both countries work toward mutual security objectives, by—

(1) conducting regular transfers of defense articles and defense services necessary to enable Taiwan

to secure common interests and objectives with the United States;

(2) supporting the efforts of Taiwan to integrate innovative and asymmetric capabilities to balance the growing military capabilities of the People's Republic of China, including fast-attack craft, coastal-defense cruise missiles, rapid-runway repair training, and undersea warfare capabilities optimized for the defense of the Taiwan Straits;

(3) assisting Taiwan in building an effective air defense capability consisting of a balance of fighters and more mobile air defense systems; and

(4) permitting Taiwan to participate in bilateral training activities hosted by the United States that increase the credible deterrent capabilities of Taiwan.

SEC. 1245. SENSE OF SENATE ON ENHANCEMENT OF THE MILITARY RELATIONSHIP BETWEEN THE UNITED STATES AND VIETNAM.

It is the sense of the Senate that—

(1) removing the prohibition on the sale of lethal military equipment to the Government of Vietnam at this time would further United States national security interests;

(2) any future sale of arms by the United States Government to the Government of Vietnam should be monitored to ensure that—

(A) the Government of Vietnam is continuing to make progress on human rights; and

(B) the arms sold are not being used in ways that violate the human rights and freedoms of civilians in Vietnam; and

(3) the United States Government should continue to expand the military-to-military relationship with the Government of Vietnam, including by—

(A) increasing participation in bilateral and multilateral naval exercises;

(B) increasing naval port visits by the United States, including at Cam Ranh Bay and Da Nang, Vietnam;

(C) increasing International Military Education and Training (IMET) and Expanded–IMET (E–IMET) programs for military officers of Vietnam;

(D) establishing bilateral arrangements to support increased cooperation on humanitarian assistance and disaster relief and joint personnel accounting cooperative activities; and

(E) seeking opportunities to promote military observation and participation by Vietnam in regional exercises such as the Rim of the Pacific (RIMPAC) exercise, the COBRA GOLD multinational exercises held in Thailand, and the BALIKITAN exercise of the United States and the Philippines.

SEC. 1246. REDESIGNATION OF SOUTH CHINA SEA INITIATIVE.

(a) REDESIGNATION AS SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C. 2282 note) is amended by striking ''the 'South China Sea Initiative' '' and inserting ''the 'Southeast Asia Maritime Security Initiative' ''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.".

SEC. 1247. MILITARY-TO-MILITARY EXCHANGES WITH INDIA.

To enhance military cooperation and encourage engagement in joint military operations between the United States and India, the Secretary of Defense may take ap-

propriate actions to ensure that exchanges between senior military officers and senior civilian defense officials of the Government of India and the United States Government—

(1) are at a level appropriate to enhance engagement between the militaries of the two countries for developing threat analysis, military doctrine, force planning, logistical support, intelligence collection and analysis, tactics, techniques, and procedures, and humanitarian assistance and disaster relief;

(2) include exchanges of general and flag officers; and

(3) significantly enhance joint military operations, including maritime security, counter-piracy, counter-terror cooperation, and domain awareness in the Indo-Asia-Pacific region.

Subtitle G—Reform of Department of Defense Security Cooperation

SEC. 1251. SENSE OF CONGRESS ON SECURITY SECTOR ASSISTANCE.

It is the sense of Congress that—

(1) United States security sector assistance is aimed at strengthening the ability of United States allies and partner nations to build their own security

capacity, consistent with the principles of good governance and rule of law;

(2) in an environment of limited resources and diverse security challenges, it is essential that the United States be selective and focus targeted assistance where it can be most effective and where it is most aligned with broader foreign policy and national security objectives of the United States;

(3) the goals of United States security sector assistance are to—

(A) help partner nations build sustainable capacity to address common security challenges;

(B) promote partner support for United States interests;

(C) promote universal values, such as good governance, citizen security, and respect for human rights;

(D) strengthen collective security and multinational defense arrangements and organizations; and

(E) promote the adoption of United States products and technology, which increases interoperability and interdependence;

(4) the Department of State is the coordinator of United State foreign policy, and is responsible for

policy direction on all matters relating to security sector assistance;

(5) the Department of Defense provides critical implementing support to the Department of State on security assistance programs, and conducts critical security cooperation programs of its own;

(6) other United States Government agencies, such as the United States Agency for International Development, the Department of Treasury, the Department of Justice, and the Department of Homeland Security, also play critical roles in executing a whole-of-government approach to security sector assistance;

(7) security sector assistance must be discharged as a shared responsibility across all departments and agencies of the United States Government, with all departments and agencies operating with a shared commitment to agility, effectiveness, and coordination; and

(8) as the two leading implementers of security sector assistance, the Department of State and Department of Defense should work collaboratively in all matters relating to security sector assistance, including by undertaking joint planning to determine the best application of security sector assistance pro-

grams under title 10, United States Code, the Foreign Assistance Act of 1961, and other laws relating to such programs for the Department of Defense and the Department of State, particularly when the United States Government seeks to introduce a significant new military capability into a foreign country or region, significantly enhance the security capacity of a foreign country, or engage a diplomatically sensitive foreign country.

SEC. 1252. ENACTMENT OF NEW CHAPTER FOR DEFENSE SECURITY COOPERATION.

(a) STATUTORY REORGANIZATION.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapters 13, 15, 17, and 18 as chapters 12, 13, 14, and 15, respectively;

(2) by redesignating sections 261, 311, 312, 331, 332, 333, 334, 335, 351, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, and 384 (as added by section 1006 of this Act) as sections 241, 246, 247, 251, 252, 253, 254, 255, 261 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, and 284, respectively; and

(3) by inserting after chapter 15, as redesignated by paragraph (1), the following new chapter:

"CHAPTER 16—SECURITY COOPERATION

"Subchapter	Sec.
"I. General Matters	301
"II. Military-to-Military Engagements	311
"III. Training With Foreign Forces	321
"IV. Support for Operations and Capacity Building	331
"V. Educational and Training Activities	341
"VI. Limitations on Use of Department of Defense Funds	361
"VII. Administrative and Miscellaneous Matters	381

''SUBCHAPTER I—GENERAL MATTERS

''Sec.
''301. Definitions.

"§ 301. Definitions

''In this chapter:

''(1) The terms 'appropriate congressional committees' and 'appropriate committees of Congress' mean—

''(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

''(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

''(2) The term 'defense article' means—

''(A) any weapon, weapon system, munition, aircraft, boat, or other implement of war;

''(B) any machinery, tool, material, supply, or other item necessary for the repair, servicing,

operation, or use of any article listed in this paragraph; and

"(C) any component or part of any article listed in this paragraph.

"(3) The term 'defense service' means any service, test, inspection, repair, training, publication, technical or other assistance related to a defense article.

"(4) The term 'incremental expenses', with respect to a foreign country—

"(A) means the reasonable and proper costs of rations, fuel, training ammunition, transportation, and other goods and services consumed by the country as a direct result of the country's participation in activities authorized by this chapter; and

"(B) does not include—

"(i) any form of lethal assistance (excluding training ammunition); or

"(ii) pay, allowances, and other normal costs of the personnel of the country.

"(5) The term 'security cooperation programs and activities of the Department of Defense' means any program, activity (including an exercise), or interaction of the Department of Defense with the

security establishment of a foreign country to achieve a purpose as follows:

"(A) To build relationships that promote specific United States security interests.

"(B) To build and develop allied and friendly security capabilities for self-defense and multinational operations.

"(C) To provide the armed forces with access to the foreign country during peacetime or a contingency operation.

"(6) The term 'small-scale construction' means construction at a cost not to exceed $750,000 for any project.

"(7) The term 'training' includes formal or informal instruction of foreign students in the United States or overseas by officers or employees of the United States, contract technicians, or contractors, or technical, educational, or information publications and media of all kinds, training aid, orientation, training exercise, and military advice to foreign military units and forces.

"SUBCHAPTER II—MILITARY-TO-MILITARY ENGAGEMENTS

"Sec.
"311. Exchange of defense personnel between United States and friendly foreign countries: authority.
"312. Payment of personnel expenses necessary for theater security cooperation.

"313. Bilateral or regional cooperation programs: awards and mementos to recognize superior noncombat achievements or performance.

"SUBCHAPTER III—TRAINING WITH FOREIGN FORCES

"Sec.
"321. Training with friendly foreign countries: payment of training and exercise expenses.

"SUBCHAPTER IV—SUPPORT FOR OPERATIONS AND CAPACITY BUILDING

"Sec.
"331. Friendly foreign countries: authority to provide support for conduct of operations.
"332. Friendly foreign countries; international and regional organizations: defense institution capacity building.
"333. Foreign security forces: authority to build capacity.

"SUBCHAPTER V—EDUCATIONAL AND TRAINING ACTIVITIES

"Sec.
"341. Department of Defense State Partnership Program.
"342. Regional centers for security studies.
"343. Western Hemisphere Institute for Security Cooperation.
"344. Participation in multinational military centers of excellence.
"345. Defense Cooperation Fellowship Program.
"346. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.
"347. International engagement authorities for service academies.
"348. Aviation Leadership Program.
"349. Inter-American Air Force Academy.
"350. Inter-European Air Force Academy.

"SUBCHAPTER VI—LIMITATIONS ON USE OF DEPARTMENT OF DEFENSE FUNDS

"Sec.
"361. Prohibition on providing financial assistance to terrorist countries.
"362. Prohibition on use of funds for assistance to units of foreign security forces that have committed a gross violation of human rights.

"SUBCHAPTER VII—ADMINISTRATIVE AND MISCELLANEOUS MATTERS

"Sec.
"381. Security Cooperation Enhancement Fund.
"382. Policy oversight and resource allocation; execution and administration of programs and activities.
"383. Annual assessment, monitoring, and evaluation of programs and activities.
"384. Annual report.".

(b) TRANSFER OF SECTION 1051B.—Section 1051b of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter II of such chapter, and redesignated as section 313.

(c) CODIFICATION OF SECTION 1081 OF FY 2012 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter IV a new section 332 consisting of—

(A) a heading as follows:

"§ 332. Friendly foreign countries; international and regional organizations: defense institution capacity building"; and

(B) a text consisting of the text of subsections (a) through (d) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 168 note).

(2) CONFORMING REPEAL.—Section 1081 of the National Defense Authorization Act for Fiscal Year 2012 is repealed.

(d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP FOREIGN SECURITY FORCES.—

(1) SUPERSEDING AUTHORITY.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 332, as added by subsection (c), the following new section:

"§ 333. Foreign security forces: authority to build capacity

''(a) AUTHORITY.—The Secretary of Defense is authorized to conduct or support a program or programs to provide training and equipment to the national security forces of one or more foreign countries for the purpose of conducting one or more of the following:

''(1) Counterterrorism operations.

''(2) Counter-weapons of mass destruction operations.

''(3) Counter-illicit drug trafficking operations.

''(4) Counter-transnational organized crime operations.

''(5) Maritime and border security operations.

''(6) Military intelligence operations in support of lawful military operations.

"(7) Humanitarian and disaster assistance operations.

"(8) Operations or activities that contribute to an international coalition operation that is determined by the Secretary to be in the national interest of the United States.

"(9) National territorial defense of the foreign country concerned.

"(b) CONCURRENCE AND COORDINATION WITH SECRETARY OF STATE.—

"(1) CONCURRENCE IN CONDUCT OF PROGRAMS.—The concurrence of the Secretary of State is required to conduct any program authorized by subsection (a).

"(2) COORDINATION IN PREPARATION OF CERTAIN NOTICES.—Any notice required by this section to be submitted to the appropriate committees of Congress shall be prepared in coordination with the Secretary of State.

"(c) TYPES OF CAPACITY BUILDING.—

"(1) AUTHORIZED ELEMENTS.—A program under subsection (a) may include the provision and sustainment of defense articles, training, defense services, supplies (including consumables), and small-scale construction.

"(2) REQUIRED ELEMENTS.—A program under subsection (a) shall include elements that promote the following:

"(A) Observance of and respect for the law of armed conflict, fundamental freedoms, and the rule of law.

"(B) Respect for civilian control of the military.

"(3) HUMAN RIGHTS TRAINING.—In order to meet the requirement in paragraph (2)(A) with respect to particular national security forces under a program under subsection (a), the Secretary of Defense shall certify, prior to the initiation of the program, that the Department of Defense is already undertaking, or will undertake as part of the program, human rights training that includes a comprehensive curriculum on human rights and the law of armed conflict to such national security forces.

"(4) DEFENSE INSTITUTION BUILDING.—In order to meet the requirement in paragraph (2)(B) with respect to a particular foreign country under a program under subsection (a), the Secretary shall certify, prior to the initiation of the program, that the Department is already undertaking, or will undertake as part of the program, a program of de-

fense institution building with appropriate defense institutions of such foreign country that is complementary to the program with respect to such foreign country under subsection (a). The purpose of the program of defense institution building shall be to enhance the capacity of such foreign country to exercise responsible civilian control of the national security forces of such foreign country.

''(d) LIMITATIONS.—

''(1) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in subsection (c) that is otherwise prohibited by any provision of law.

''(2) PROHIBITION ON ASSISTANCE TO UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The provision of assistance pursuant to a program under subsection (a) shall be subject to the provisions of section 362 of this title.

''(3) DURATION OF SUSTAINMENT SUPPORT.—Sustainment support may not be provided pursuant to a program under subsection (a), or for equipment previously provided by the Department of Defense under any authority available to the Secretary during fiscal year 205 or 2016, for a period in excess

of five years unless the Secretary provides to the congressional defense committees a written justification that the provision of such support for a period in excess of five years will enhance the security interests of the United States.

"(e) NOTICE AND WAIT ON ACTIVITIES UNDER PROGRAMS.—Not later than 15 days before initiating activities under a program under subsection (a), the Secretary of Defense shall submit to the appropriate committees of Congress a notice of the following:

"(1) The foreign country, and specific unit, whose capacity to engage in activities specified in subsection (a) will be built under the program.

"(2) The cost, implementation timeline and delivery schedule for assistance under the program.

"(3) A description of the arrangements, if any, for the sustainment of the program and the estimated cost and source of funds to support sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable.

"(4) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under this title, the

Foreign Assistance Act of 1961, and any other train and equip authorities of the Department of Defense.

"(5) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned that will be advanced by the program.

"(f) QUARTERLY MONITORING REPORTS.—The Secretary of Defense shall, on a quarterly basis, submit to the appropriate committees of Congress a report setting forth, for the preceding calendar quarter, the following:

"(1) Information, by recipient country, of the delivery and execution status of all defense articles, training, defense services, and small-scale construction under programs under subsection (a).

"(2) Information on the timeliness of delivery of defense articles, defense services, and small-scale construction when compared with delivery schedules for such articles and construction previously provided to Congress.

"(3) Information, by recipient country, on the status of funds allocated for programs under subsection (a), including amounts of unobligated funds, unliquidated obligations, and disbursements.

"(g) FUNDING.—Amounts for programs carried out pursuant to subsection (a) in a fiscal year, and for other

purposes in connection with such programs as authorized by this section, shall be derived from amounts available for such programs and purposes for such fiscal year in the Security Cooperation Enhancement Fund under section 381 of this title or as otherwise provided by law.

''(h) NATIONAL SECURITY FORCES DEFINED.—In this section, the term 'national security forces', in the case of a foreign country, means the national military and national-level security forces of the foreign country that have among their functional responsibilities the operations and activities specified in subsection (a).''.

(2) FUNDING FOR FISCAL YEAR 2017.—Amounts shall be available for fiscal year 2017 for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as added by paragraph (1), as follows:

(A) Amounts authorized to be appropriated by section 301 for operation and maintenance, Defense-wide, and available for such programs and purposes as specified in the funding table in section 4301.

(B) Amounts authorized to be appropriated by section 1504 for operation and maintenance, Defense-wide, for overseas contingency operations and available for such programs and

purposes as specified in the funding table in section 4302.

(C) Amounts authorized to be appropriated by section 1510 for the Counterterrorism Partnerships Fund and available for such programs and purposes as specified in the funding table in section 4502.

(3) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEAR 2017.—Of the amounts available for fiscal year 2017 pursuant to paragraph (2) for programs and other purposes described in subsection (g) of section 333 of title 10, United States Code, as so added, not more than 65 percent of such amounts may be used for such purposes under the guidance required by paragraph (4) is submitted to the congressional defense committees as required by paragraph (4).

(4) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe, and submit to the congressional defense committees, policy guidance on roles, responsibilities, and processes in connection with programs and activities authorized by section 333 of title 10, United States Code, as so added.

(5) CONFORMING AMENDMENTS.—Effective as of the date that is 180 days after the date of the enactment of this Act, section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''tribal, or foreign'' and inserting ''or tribal'';

(ii) in paragraph (1), by adding ''or'' at the end;

(iii) in paragraph (2), by striking ''; or'' and inserting a period; and

(iv) by striking paragraph (3); and

(B) in subsection (b)(4), by striking ''or for the purpose'' and all that follows and inserting a period.

(6) CONFORMING REPEALS.—Effective as of the date that is 180 days after the date of the enactment of this Act, the following provisions of law are repealed:

(A) Section 2282 of title 10, United States Code.

(B) The following provisions of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66):

(i) Section 1203 (127 Stat. 894; 10 U.S.C. 2011 note).

(ii) Section 1204 (127 Stat. 896; 10 U.S.C. 401 note).

(iii) Section 1207 (127 Stat. 902; 22 U.S.C. 2151 note).

(C) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881).

(7) CLERICAL AMENDMENT.—Effective as of the date that is 180 days after the date of the enactment of this Act, the table of sections at the beginning of chapter 136 of title 10, United States Code, is amended by striking the item relating to section 2282.

(e) TRANSFER AND MODIFICATION OF SECTION 184 AND CODIFICATION OF RELATED PROVISIONS.—

(1) TRANSFER AND REDESIGNATION.—Section 184 of title 10, United States Code, is transferred to chapter 16 of such title as added by subsection (a)(3), inserted after the table of sections at the be-

ginning of subchapter V of such chapter, and redesignated as section 342.

(2) MODIFICATION OF AUTHORITIES AND CODIFICATION OF REIMBURSEMENT-RELATED PROVISIONS.—Section 342 of title 10, United States Code, as so transferred and redesignated, is amended—

(A) in subsection (a), by striking ''and exchange of ideas'' and inserting ''and training'';

(B) in subsection (b)—

(i) in paragraph (1)(B), by striking ''and exchange of ideas'' and inserting ''and training'';

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking ''European'';

(II) in subparagraph (B), by striking ''Asia-Pacific'';

(III) in subparagraph (C), by striking ''Hemispheric Defense'' and inserting ''Security''; and

(IV) by striking subparagraphs (D) and (E); and

(iii) in paragraph (3), by striking '', except as specifically provided by law after October 17, 2006'';

(C) in subsection (c), by adding at the end the following new sentence: ''The regulations shall assign regional areas of focus to each Regional Center, and shall prioritize within their respective areas of focus the functional areas for engagement of territorial and maritime security, transnational and asymmetric threats, and defense sector governance.''; and

(D) in subsection (f)—

(i) in paragraph (3)—

(I) by inserting ''(A)'' after ''(3)''; and

(II) in subparagraph (A), as so designated, by striking ''civilian government officials'' and inserting ''personnel''; and

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

''(B)(i) The Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under this subsection of the costs of activities of the Regional Centers for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and inter-

national organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

''(ii) The amount of reimbursement that may be waived under clause (i) in any fiscal year may not exceed $1,000,000.''; and

(ii) in paragraph (5), by striking ''under the Latin American cooperation authority'' and all that follows and inserting ''under section 312 of this title are also available for the costs of the operation of the Regional Centers.''.

(3) CODIFICATION OF PROVISIONS RELATING TO SPECIFIC CENTERS.—Such section 342, as so transferred and redesignated, is further amended by adding at the end the following new subsections:

''(h) AUTHORITIES SPECIFIC TO MARSHALL CENTER.—(1) The Secretary of Defense may authorize participation by a European or Eurasian country in programs of the George C. Marshall Center for Security Studies (in this subsection referred to as the 'Marshall Center') if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

"(2)(A) In the case of any person invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise apply to that person solely by reason of service on such Board.

"(B) A member of the Marshall Center Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

"(C) Notwithstanding section 219 of title 18, a non-United States citizen may serve on the Marshall Center Board of Visitors even though registered as a foreign agent.

"(3)(A) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Marshall Center for military officers and civilian officials from states located in Europe or the territory of the former Soviet Union if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States.

"(B) Costs for which reimbursement is waived pursuant to subparagraph (A) shall be paid from appropriations available for the Center.

"(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—(1) The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Daniel K. Inouye Center for Security Studies for military officers and civilian officials of foreign countries if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States.

"(2) Costs for which reimbursement is waived pursuant to paragraph (1) shall be paid from appropriations available for the Center.".

(4) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(A) Section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 184 note).

(B) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 113 note).

(C) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892).

(D) Section 8073 of the Department of Defense Appropriations Act, 2003 Public Law 107–248 (10 U.S.C. prec. 2161 note).

(f) TRANSFER OF SECTION 2166.—

(1) TRANSFER AND REDESIGNATION.—Section 2166 of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 342, as transferred and redesignated by subsection (e), and redesignated as section 343.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 343, as so transferred and redesignated, is amended by striking ''nations'' each place it appears in subsections (b) and (c) and inserting ''countries''.

(g) TRANSFER OF SECTION 2350M.—Section 2350m of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 343, as transferred and redesignated by subsection (f), and redesignated as section 344.

(h) TRANSFER OF SECTION 2249D.—

(1) TRANSFER AND REDESIGNATION.—Section 2249d of title 10, United States Code, is transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after section 344, as transferred and

redesignated by subsection (g), and redesignated as section 346.

(2) CONFORMING STYLISTIC AMENDMENTS.—Such section 346, as so transferred and redesignated, is amended—

(A) by striking ''nations'' in subsections (a) and (d) and inserting ''countries''; and

(B) by striking subsection (g).

(i) REENACTMENT OF CHAPTER 905.—

(1) CONSOLIDATION OF SECTIONS 9381, 9382, AND 9383.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 346, as transferred and redesignated by subsection (h), the following new section:

''§ 348. Aviation Leadership Program

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may carry out an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, developing foreign countries. Training under this section shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

"(b) SUPPLIES AND CLOTHING.—(1) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this section—

"(A) transportation incident to the training;

"(B) supplies and equipment to be used during the training;

"(C) flight clothing and other special clothing required for the training; and

"(D) billeting, food, and health services.

"(2) The Secretary may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this section.

"(c) ALLOWANCES.—The Secretary of the Air Force may pay to a person receiving training under this section a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.".

(2) CONFORMING REPEAL.—Chapter 905 of such title is repealed.

(j) TRANSFER OF SECTION 9415.—

(1) IN GENERAL.—Section 9415 of title 10, United States Code, is transferred to chapter 16 of

such title, as added by subsection (a)(3), inserted after section 348, as added by subsection (i), and redesignated as section 349.

(2) CONFORMING AMENDMENT FOR STANDARDIZATION WITH CERTAIN OTHER AIR FORCES ACADEMY AUTHORITY.—Such section 349, as so transferred and amended, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) LIMITATIONS.—

''(1) CONCURRENCE OF SECRETARY OF STATE.—Military personnel of a foreign country may be provided education and training under this section only with the concurrence of the Secretary of State.

''(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—Education and training may not be provided under this section to the military personnel of any country that is otherwise prohibited from receiving such type of assistance under any other provision of law.''.

(k) CODIFICATION OF SECTION 1268 OF FY 2015 NDAA.—

(1) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after section 349, as transferred and redesignated by subsection (j), a new section 350 consisting of—

(A) a heading as follows:

"§ 350. Inter-European Air Forces Academy"; and

(B) a text consisting of the text of subsections (a) through (g) of section 1268 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3585; 10 U.S.C. 9411 note).

(2) CONFORMING REPEAL.—Section 1268 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 is repealed.

(l) TRANSFER OF SECTIONS 2249A AND 2249E.—

(1) TRANSFER AND REDESIGNATION.—Sections 2249a and 2249e of title 10, United States Code, are transferred to chapter 16 of such title, as added by subsection (a)(3), inserted after the table of sections at the beginning of subchapter VI of such chapter, and redesignated as sections 361 and 362, respectively.

(2) CONFORMING REPEAL RELATING TO SUPERSEDED DEFINITION OF CONGRESSIONAL COMMITTEES.—Section 362 of title 10, United States Code, as transferred and redesignated by paragraph (1), is amended by striking subsection (f).

(m) ADMINISTRATIVE MATTERS.—Chapter 16 of title 10, United States Code, as added by subsection (a)(3), is amended by inserting after the table of sections at the beginning of subchapter VII the following new sections:

"§ 382. Policy oversight and resource allocation; execution and administration of programs and activities

"(a) POLICY OVERSIGHT AND RESOURCE ALLOCATION.—The Secretary of Defense shall assign responsibility for the oversight of strategic policy and guidance and responsibility for overall resource allocation for security cooperation programs and activities of the Department of Defense to a single official and office in the Office of the Secretary of Defense at the level of Assistant Secretary of Defense or below.

"(b) EXECUTION AND ADMINISTRATION OF CERTAIN PROGRAMS AND ACTIVITIES.—

"(1) IN GENERAL.—The Director of the Defense Security Cooperation Agency shall be responsible for the execution and administration of all se-

curity cooperation programs and activities of the Department of Defense involving the provision of defense articles, military training, and other defense-related services by grant, loan, cash sale, or lease.

"(2) DESIGNATION OF RESPONSIBILITY.—The Director may designate an element of an armed force or a combatant command to execute and administer security cooperation programs and activities described in paragraph (1) if the Director determines that the designation will achieve maximum effectiveness, efficiency, and economy in the activities for which designated.

"§ 383. Assessment, monitoring, and evaluation of programs and activities

"(a) PROGRAM REQUIRED.—The Secretary of Defense shall maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities of the Department of Defense.

"(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

"(1) ELEMENTS.—The program under subsection (a) shall provide for the following:

"(A) Initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and

evaluation of security cooperation programs and activities of the Department of Defense.

"(B) Monitoring of implementation of such programs and activities in order to measure progress in execution and, to the extent possible, achievement of desired outcomes.

"(C) Evaluation of the efficiency and effectiveness of such programs and activities in achieving desired outcomes.

"(D) Identification of lessons learned in carrying out such programs and activities, and development of recommendation for improving future security cooperation programs and activities of the Department of Defense.

"(2) BEST PRACTICES.—The program shall be conducted in accordance with international best practices, interagency standards, and, if applicable, the Government Performance and Results Act of 1993 (Public Law 103–62), and the amendments made by that Act, and the GPRA Modernization Act of 2010 (Public Law 111–352), and the amendments made by that Act.

"(c) REPORTS.—

"(1) REPORTS TO CONGRESS.—The Secretary shall submit to the congressional defense committees

each year a report on the program under subsection (a) during the previous year. Each report shall include, for the year covered by such report, the following:

"(A) A description of the activities under the program.

"(B) An assessment of the efficacy of the activities under the program.

"(2) INFORMATION FOR THE PUBLIC ON EVALUATIONS.—The Secretary shall make available to the public, on an Internet website of the Department of Defense available to the public, a summary of each evaluation conducted pursuant to subsection (b)(1)(C). In making a summary so available, the Secretary may redact or omit any information that the Secretary determines should not be disclosed to the public in order to protect the interests of the United States or the foreign country or countries covered by such evaluation.".

(n) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended—

(A) by revising the chapter references relating to chapters 13, 15, 17, and 18 (and the section references therein) to conform to the redesignations made by paragraphs (1) and (2) of subsection (a); and

(B) by inserting after the item relating to chapter 15, as revised pursuant to subparagraph (A), the following new item:

"16. Security Cooperation ..... 301".

(2) The section references in the tables of sections at the beginning of chapters 12, 13, 14, and 15, as redesignated by paragraph (1) of subsection (a), are revised to conform to the redesignations made by paragraph (2) of such subsection.

(3) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 184.

(4) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051b.

(5) The table of sections at the beginning of chapter 108 is amended by striking the item relating to section 2166.

(6) The table of sections at the beginning of subchapter I of chapter 134 is amended by striking

the items relating to sections 2249a, 2249d, and 2249e.

(7) The table of sections at the beginning of subchapter II of chapter 138 is amended by striking the item relating to section 2350m.

(8) The tables of chapters at the beginning of subtitle D, and at the beginning of part III of subtitle D, are amended by striking the item relating to chapter 905.

(9) The table of sections at the beginning of chapter 907 is amended by striking the item relating to section 9415.

SEC. 1253. MILITARY-TO-MILITARY EXCHANGES.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter II a new section 311 consisting of—

(1) a heading as follows:

"§ 311. Exchange of defense personnel between United States and friendly foreign countries: authority"; and

(2) a text consisting of the text of section 1082 of the National Defense Authorization Act for Fiscal

Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(b) REVISIONS TO INCORPORATE PERMANENT NON-RECIPROCAL EXCHANGE AUTHORITY.—Section 311 of title 10, United States Code, as added by subsection (a), is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking ''an ally of the United States or another friendly foreign country for the exchange'' and inserting ''a friendly foreign country or international or regional security organization for the reciprocal or non-reciprocal exchange'';

(B) in subparagraph (A), by striking ''military'' and inserting ''members of the armed forces''; and

(C) in subparagraph (B)—

(i) by inserting ''or security'' after ''defense''; and

(ii) by inserting before the period at the end the following: ''or international or regional security organization'';

(2) in subsection (c)—

(A) by striking ''Each government shall be required under'' and inserting ''In the case of''; and

(B) by inserting after ''exchange agreement'' the following: ''that provides for reciprocal exchanges, each government shall be required''; and

(3) in subsection (f), by inserting ''defense or security ministry of that'' after ''military personnel of the''.

(c) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 1082 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

(2) Section 1207 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 168 note).

SEC. 1254. CONSOLIDATION AND REVISION OF AUTHORITIES FOR PAYMENT OF PERSONNEL EXPENSES NECESSARY FOR THEATER SECURITY COOPERATION.

(a) CONSOLIDATION AND REVISION OF AUTHORITIES IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as

added by section 1252(a)(3) of this Act, is amended by inserting after section 311, as added by section 1253(a) of this Act, the following new section:

"§ 312. Payment of personnel expenses necessary for theater security cooperation

''(a) AUTHORITY.—The Secretary of Defense may pay expenses specified in subsection (b) that the Secretary considers necessary for theater security cooperation.

''(b) TYPES OF EXPENSES.—The expenses that may be paid under the authority provided in subsection (a) are the following:

''(1) PERSONNEL EXPENSES.—The Secretary of Defense may pay travel and subsistence of, and special compensation for, defense and other security-related personnel of friendly foreign governments that the Secretary considers necessary for theater security cooperation.

''(2) ADMINISTRATIVE SERVICES AND SUPPORT FOR LIAISON OFFICERS.—The Secretary may provide administrative services and support for the performance of duties by a liaison officer of another country while the liaison officer is assigned temporarily to any headquarters in the Department of Defense.

"(3) TRAVEL, SUBSISTENCE, AND MEDICAL CARE FOR LIAISON OFFICERS.—The Secretary may pay the expenses of a liaison officer in connection with the assignment of that officer as described in paragraph (2) if the assignment is requested by the commander of a combatant command, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the head of a Defense Agency as follows:

"(A) Travel and subsistence expenses.

"(B) Personal expenses directly necessary to carry out the duties of that officer in connection with that assignment.

"(C) Expenses for medical care at a civilian medical facility if—

"(i) adequate medical care is not available to the liaison officer at a local military medical treatment facility;

"(ii) the Secretary determines that payment of such medical expenses is necessary and in the best interests of the United States; and

"(iii) medical care is not otherwise available to the liaison officer pursuant to

any treaty or other international agreement.

"(D) Mission-related travel expenses if such travel meets each of the following conditions:

"(i) The travel is in support of the national security interests of the United States.

"(ii) The officer or official making the request directs round-trip travel from the assigned location to one or more travel locations.

"(4) CONFERENCES, SEMINARS, AND SIMILAR MEETINGS.—The authority provided by paragraph (1) includes authority to pay travel and subsistence expenses for personnel described in that paragraph in connection with the attendance of such personnel at any conference, seminar, or similar meeting that is in direct support of enhancing interoperability between the United States armed forces and the national security forces of a friendly foreign country for the purposes of conducting operations, the provision of equipment or training, or the planning for, or the execution of, bilateral or multilateral training, exercises, or military operations.

"(5) OTHER EXPENSES.—In addition to the personnel expenses payable under paragraph (1), the Secretary may pay such other limited expenses in connection with conferences, seminars, and similar meeting covered by paragraph (4) as the Secretary considers appropriate in the national security interests of the United States.

"(c) LIMITATION.—The authority provided in subsection (a) may be used only for the payment of expenses of, and special compensation for, personnel from developing countries, except that the Secretary of Defense may authorize the payment of such expenses and special compensation for personnel from a country other than a developing country if the Secretary determines that such payment is necessary to respond to extraordinary circumstances and is in the national security interest of the United States.

"(d) REIMBURSEMENT.—The Secretary may provide the services and support specified in subsection (b)(2) with or without reimbursement from (or on behalf of) the recipients. The terms of reimbursement (if any) shall be specified in the appropriate agreements used to assign the liaison officer.

"(e) LIMITATIONS.—

"(1) TRAVEL AND SUBSISTENCE EXPENSES GENERALLY.—Travel and subsistence expenses authorized to be paid under subsection (a) may not, in the case of any individual, exceed the amount that would be paid under chapter 7 or 8 of title 37 to a member of the armed forces (of a comparable grade) for authorized travel of a similar nature.

"(2) TRAVEL AND RELATED EXPENSES OF LIAISON OFFICERS.—The amount paid for expenses specified in subsection (b)(3) for any liaison officer in any fiscal year may not exceed $150,000.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of this section. Such regulations shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.".

(b) CONFORMING AMENDMENTS.—

(1) REPEALS.—Sections 1050, 1050a, 1051, and 1051a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 53 of such title is amended by striking the items relating to sections 1050, 1050a, 1051, and 1051a.

(c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—The authority under section 1050 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the Inter-American Defense College during fiscal year 2017 under regulations prescribed by the Secretary of Defense.

SEC. 1255. TRANSFER AND REVISION OF AUTHORITY ON PAYMENT OF EXPENSES IN CONNECTION WITH TRAINING AND EXERCISES WITH FRIENDLY FOREIGN FORCES.

(a) IN GENERAL.—Section 2011 of title 10, United States Code, is transferred to 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of subchapter III, redesignated as section 321, and amended to read as follows:

"§ 321. Training with friendly foreign countries: payment of training and exercise expenses

''(a) TRAINING AUTHORIZED.—

''(1) TRAINING WITH FOREIGN FORCES.—The armed forces under the jurisdiction of the Secretary of Defense may train with the military forces or other security forces of a friendly foreign country if the Secretary determines that it is in the national security interests of the United States to do so.

"(2) TRAINING TO SUPPORT MISSION ESSENTIAL TASKS.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, support the mission essential tasks for which the unit of the armed forces participating in such training is responsible.

"(3) ELEMENTS OF TRAINING.—Any training conducted pursuant to paragraph (1) shall, to the maximum extent practicable, include elements that promote—

"(A) observance of and respect for human rights and fundamental freedoms; and

"(B) respect for legitimate civilian authority within the foreign country concerned.

"(b) AUTHORITY TO PAY TRAINING AND EXERCISE EXPENSES.—Under regulations prescribed pursuant to subsection (e), the commander of a combatant command may pay, or authorize payment for, any of the following expenses:

"(1) Expenses of training forces assigned or allocated to that command in conjunction with training, and training with, the military forces or other security forces of a friendly foreign country under subsection (a).

"(2) Expenses of deploying such forces for that training.

"(3) The incremental expenses of a friendly foreign country as the direct result of participating such training, as specified in the regulations.

"(4) The incremental expenses of a friendly foreign country as the direct result of participating in an exercise with the armed forces under the jurisdiction of the Secretary of Defense.

"(5) Small-scale construction that is directly related to the effective accomplishment of the training described in paragraph (1) or an exercise described in paragraph (4).

"(c) PURPOSE OF TRAINING AND EXERCISES.—

"(1) IN GENERAL.—The primary purpose of the training and exercises for which payment may be made under subsection (b) shall be to train the forces available to the combatant command concerned.

"(2) SELECTION OF FOREIGN PARTNERS.—Training and exercises with friendly foreign countries under subsection (a) should be planned and prioritized consistent with applicable guidance relating to the security cooperation programs and activities of the Department of Defense.

"(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Amounts available for the authority to pay expenses in subsection (b) for a fiscal year may be used to pay expenses under that subsection for training and exercises that begin in such fiscal year but end in the next fiscal year.

"(e) REGULATIONS.—

"(1) IN GENERAL.—The Secretary of Defense shall prescribe regulations for the administration of this section. The Secretary shall submit the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

"(2) ELEMENTS.—The regulations required under this section shall provide the following:

"(A) A requirement that training and exercise activities may be carried out under this section only with the prior approval of the Secretary.

"(B) Accounting procedures to ensure that the expenditures pursuant to this section are appropriate.

"(C) Procedures to limit the payment of incremental expenses to developing countries, except in the case of exceptional circumstances as specified in the regulations.

1 "(e) REPORTS.—Not later than January 31 each
2 year, the Secretary of Defense shall submit to the congres-
3 sional defense committees a report regarding training and
4 exercises during the preceding fiscal year for which ex-
5 penses were paid under this section. Each report shall
6 specify the following:

7 "(1) All countries in which that training was
8 conducted.

9 "(2) The type of training conducted, the dura-
10 tion of that training, the number of members of the
11 armed forces involved, and expenses paid.

12 "(3) The extent of participation by foreign mili-
13 tary forces, including the number and service affili-
14 ation of foreign military personnel involved and the
15 physical and financial contribution, if any, of each
16 host nation to the training effort.

17 "(4) The relationship of that training to other
18 overseas training programs conducted by the armed
19 forces, such as military exercise programs sponsored
20 by the Joint Chiefs of Staff, military exercise pro-
21 grams sponsored by a combatant command, and
22 military training activities sponsored by a military
23 department (including deployments for training,
24 short duration exercises, and other similar unit
25 training events).

"(5) A summary of the expenditures resulting from the training and exercises for which expenses were paid under this section.

"(6) A discussion of the unique military training benefit to United States forces derived from the activities for which expenses were paid under this section.".

(b) CONFORMING REPEALS.—The following provisions of law are repealed:

(1) Section 2010 of title 10, United States Code.

(2) Section 1203 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 894; 10 U.S.C. 2011 note).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of title 10, United States Code, is amended by striking the items relating to sections 2010 and 2011.

SEC. 1256. TRANSFER AND REVISION OF AUTHORITY TO PROVIDE OPERATIONAL SUPPORT TO FORCES OF FRIENDLY FOREIGN COUNTRIES.

(a) TRANSFER AND REVISION.—Section 127d of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after the table of sections at the beginning of sub-

chapter IV, redesignated as section 331, and amended to read as follows:

"§ 331. Friendly foreign countries: authority to provide support for conduct of operations

"(a) AUTHORITY.—The Secretary of Defense may provide support to friendly foreign countries in connection with the conduct of operations designated pursuant to subsection (b).

"(b) DESIGNATED OPERATIONS.—

"(1) IN GENERAL.—The Secretary of Defense shall designate the operations for which support may be provided under the authority in subsection (a).

"(2) NOTICE TO CONGRESS.—The Secretary shall notify the appropriate committees of Congress of the designation of any operation pursuant to this subsection.

"(3) ANNUAL REVIEW FOR CONTINUING DESIGNATION.—The Secretary shall undertake on an annual basis a review of the operations currently designated pursuant to this subsection in order to determine whether each such operation merits continuing designation for purposes of this section for another year. If the Secretary determines that any operation so reviewed merits continuing designation

for purposes of this section for another year, the Secretary—

"(A) may continue the designation of such operation under this subsection for such purposes for another year; and

"(B) if the Secretary so continues the designation of such operation, shall notify the appropriate committees of Congress of the continuation of designation of such operation.

"(c) TYPES OF SUPPORT AUTHORIZED.—The types of support that may be provided under the authority in subsection (a) are the following:

"(1) Logistic support, supplies, and services to security forces of a friendly foreign country participating in—

"(A) an operation with the armed forces under the jurisdiction of the Secretary of Defense; or

"(B) a military or stability operation that benefits the national security interests of the United States.

"(2) Logistic support, supplies, and services—

"(A) to military forces of a friendly foreign country solely for the purpose of enhancing the interoperability of the logistical support systems

of military forces participating in a combined operation with the United States in order to facilitate such operation; or

"(B) to a nonmilitary logistics, security, or similar agency of a friendly foreign government if such provision would directly benefit the armed forces under the jurisdiction of the Secretary of Defense.

"(3) Procurement of equipment for the purpose of the loan of such equipment to the military forces of a friendly foreign country participating in a United States-supported coalition or combined operation and the loan of such equipment to those forces to enhance capabilities or to increase interoperability with the armed forces under the jurisdiction of the Secretary of Defense and other coalition partners.

"(4) Provision of specialized training to personnel of friendly foreign countries in connection with such an operation, including training of such personnel before deployment in connection with such operation.

"(d) CERTIFICATION REQUIRED.—

"(1) OPERATIONS IN WHICH THE UNITED STATES IS NOT PARTICIPATING.—The Secretary of Defense may provide support under subsection (a) to

a friendly foreign country with respect to an operation in which the United States is not participating only—

"(A) if the Secretary of Defense and the Secretary of State jointly certify to Congress that the operation is in the national security interests of the United States; and

"(B) after the expiration of the 15-day period beginning on the date of such certification.

"(2) ACCOMPANYING REPORT.—Any certification under paragraph (1) shall be accompanied by a report that includes the following:

"(A) A description of the operation, including the geographic area of the operation.

"(B) A list of participating countries.

"(C) A description of the type of support and the duration of support to be provided.

"(D) A description of the national security interests of the United States supported by the operation.

"(E) Such other matters as the Secretary of Defense and the Secretary of State consider significant to a consideration of such certification.

"(e) SECRETARY OF STATE CONCURRENCE.—The provision of support under subsection (a) may be made only with the concurrence of the Secretary of State.

"(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of support described in subsection (c) that is otherwise prohibited by any provision of law.

"(g) LIMITATIONS ON VALUE.—

"(1) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(1) in any fiscal year may not exceed $450,000,000.

"(2) The aggregate value of all logistic support, supplies, and services provided under subsection (b)(2) in any fiscal year may not exceed $5,000,000.

"(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES DEFINED.—In this section, the term 'logistic support, supplies, and services' has the meaning given that term in section 2350(1) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 127d.

SEC. 1257. DEPARTMENT OF DEFENSE STATE PARTNERSHIP PROGRAM.

(a) CODIFICATION IN NEW CHAPTER ON SECURITY COOPERATION ACTIVITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter IV a new section 341 consisting of—

(1) a heading as follows:

"§ 341. Department of Defense State Partnership Program"; and

(2) a text consisting of subsections (a) through (g) of section 1205 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note), as amended by section 1203 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1037).

(b) REVISIONS TO STRIKE OBSOLETE PROVISIONS AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Section 341 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking subsection (d) and inserting the following new subsection (d):

''(d) REGULATIONS.—This section shall be carried out in accordance with such regulations as the Secretary

of Defense shall prescribe for purposes of this section. Such regulations shall include accounting procedures to ensure that expenditures of funds to carry out this section are accounted for and appropriate.'';

(2) in subsection (f)—

(A) by striking ''(f) REPORTS AND NOTIFICATIONS.—'' and all that follows through ''(B) MATTERS TO BE INCLUDED.—'' and inserting the following:

''(f) ANNUAL REPORT.—

''(1) IN GENERAL.—Not later than February 1 of each year following a fiscal year in which activities under each program established under subsection (a) are carried out, the Secretary of Defense shall submit to the appropriate congressional committees a report on such activities under such program.

''(2) MATTERS TO BE INCLUDED.—''; and

(B) in paragraph (2), as redesignated by subparagraph (A) of this paragraph—

(i) by redesignating clauses (i) through (vi) as subparagraphs (A) through (F), respectively, and realigning the margin of each such subparagraph two ems to the left; and

(ii) in subparagraph (F), as redesignated by clause (i) of this subparagraph, by striking ''clause (v)'' and inserting ''subparagraph (E)''; and

(3) in subsection (g), by striking ''under title 10'' and all that follows and inserting ''under title 10 as in effect on December 26, 2013.''.

(c) PROHIBITION ON ACTIVITIES WITH UNITS HAVING COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—Subsection (b) of such section is amended—

(1) by striking ''(b) LIMITATION.—An activity'' and inserting the following:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—An activity''; and

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

''(2) PROHIBITION ON ACTIVITIES WITH UNITS THAT HAVE COMMITTED GROSS VIOLATIONS OF HUMAN RIGHTS.—The conduct of any activities under a program established under subsection (a) shall be subject to the provisions of section 362 of this title.''.

(d) CONFORMING REPEAL.—Section 1205 of the National Defense Authorization Act for Fiscal Year 2014

(Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note) is repealed.

SEC. 1258. MODIFICATION OF REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) IN GENERAL.—Section 2249c of title 10, United States Code, is transferred to chapter 16 of such title, as added by section 1252(a)(3) of this Act, inserted after section 344, as transferred and redesignated by section 1252(g) of this Act, redesignated as section 345, and amended to read as follows:

"§ 345. Defense Cooperation Fellowship Program

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary of Defense is authorized to carry out a program (to be known as the 'Defense Cooperation Fellowship Program') under which the Secretary may pay any costs associated with the education and training described in paragraph (2) of foreign military officers, ministry of defense officials, or national-level security officials of friendly foreign countries. Costs for which payment may be made under this section include the costs of transportation and travel and subsistence costs.

''(2) EDUCATION AND TRAINING.—Education and training described in this paragraph is defense

cooperation education and training at a military or civilian educational institution of the United States Government, regional center, conference, seminar, or other training program that is conducted as part of the program under this section.

''(b) REGULATIONS.—The program authorized by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense. The regulations shall ensure that, to the maximum extent practicable, activities under the program do not duplicate or conflict with activities under International Military Education and Training (IMET). The Secretary shall submit a current copy of the regulations to the Committees on Armed Services of the Senate and the House of Representatives.

''(c) AVAILABILITY OF FUNDS.—

''(1) LIMITATION.—Except as provided in paragraph (2), the total amount of costs that may be paid under the program authorized by subsection (a) in any fiscal year may not exceed $35,000,000.

''(2) AVAILABILITY FOR ACTIVITIES THAT CROSS FISCAL YEARS.—Funds available under the authority in subsection (a) for a fiscal year may be used for activities that begin in such fiscal year but end in the next fiscal year.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the item relating to section 2249c.

SEC. 1259. CONSOLIDATION OF AUTHORITIES FOR SERVICE ACADEMY INTERNATIONAL ENGAGEMENT.

(a) CONSOLIDATION OF AUTHORITIES.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 346, as transferred and redesignated by section 1252(h) of this Act, the following new section:

"§ 347. International engagement authorities for service academies

"(a) SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT SERVICE ACADEMIES.—

"(1) ATTENDANCE AUTHORIZED.—

"(A) IN GENERAL.—The Secretary of each military department may permit persons from foreign countries to receive instruction at the Service Academy under the jurisdiction of the Secretary. Such persons shall be in addition to—

"(i) in the case of the United States Military Academy, the authorized strength

of the Corps of the Cadets of the Academy under 4342 of this title;

"(ii) in the case of the United States Naval Academy, the authorized strength of the Brigade of Midshipmen of the Academy under section 6954 of this title; and

"(iii) in the case of the United States Air Force Academy, the authorized strength of the Cadet Wing of the Academy under 9342 of this title.

"(B) LIMITATION ON NUMBER.—The number of persons permitted to receive instruction at each Service Academy under this subsection may not be more than 60 at any one time.

"(2) DETERMINATION OF FOREIGN COUNTRIES FROM WHICH PERSONS MAY BE SELECTION.—The Secretary of a military department, upon approval by the Secretary of Defense, shall determine—

"(A) the countries from which persons may be selected for appointment under this subsection to the Service Academy under the jurisdiction of that Secretary; and

"(B) the number of persons that may be selected from each country.

"(3) QUALIFICATIONS AND SELECTION.—The Secretary of each military department—

"(A) may establish entrance qualifications and methods of competition for selection among individual applicants under this subsection; and

"(B) shall select those persons who will be permitted to receive instruction at the Service Academy under the jurisdiction of the Secretary under this subsection.

"(4) SELECTION PRIORITY TO PERSONS WITH NATIONAL SERVICE OBLIGATION UPON GRADUATION.—In selecting persons to receive instruction under this subsection from among applicants from the countries approved under paragraph (2), the Secretary of the military department concerned shall give a priority to persons who have a national service obligation to their countries upon graduation from the Service Academy concerned.

"(5) PAY, ALLOWANCES, AND EMOLUMENTS OF PERSONS ADMITTED.—A person receiving instruction under this subsection is entitled to the pay, allowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

"(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE ADMITTED.—

"(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a cadet or midshipmen is permitted to receive instruction at one of the Service Academies under this subsection shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (5). The Secretaries of the military departments shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet or midshipmen appointed from the United States.

"(B) WAIVER AUTHORITY.—The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet or midshipmen under subparagraph (A). In the case of a partial waiver, the Secretary of Defense shall establish the amount waived.

"(7) APPLICABILITY OF ACADEMY REGULATIONS, ETC..—

"(A) IN GENERAL.—Except as the Secretary of the military department concerned determines, a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet or midshipmen at that Academy appointed from the United States.

"(B) CLASSIFIED INFORMATION.—The Secretary of the military department concerned may prescribe regulations with respect to access to classified information by a person receiving instruction under this subsection at the Service Academy under the jurisdiction of that Secretary that differ from the regulations that apply to a cadet or midshipmen at that Academy appointed from the United States.

"(8) INELIGIBILITY FOR APPOINTMENT IN THE UNITED STATES ARMED FORCES.—A person receiving instruction at a Service Academy under this subsection is not entitled to an appointment in an

armed force of the United States by reason of graduation from the Academy.

"(9) INAPPLICABILITY OF REQUIREMENT FOR TAKING OATH OF ADMISSION.—A person receiving instruction under this subsection is not subject to section 4346(d), 6958(d), or 9346(d) of this title, as the case may be.

"(b) EXCHANGE PROGRAMS WITH FOREIGN MILITARY ACADEMIES.—

"(1) EXCHANGE PROGRAMS AUTHORIZED.—The Secretary of a military department may permit a student enrolled at a military academy of a foreign country to receive instruction at the Service Academy under the jurisdiction of that Secretary in exchange for a cadet or midshipmen receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. A students receiving instruction at a Service Academy under the exchange program under this subsection shall be in addition to persons receiving instruction at the Academy under subsection (a).

"(2) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this subsection between the Secretary and a foreign

country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 cadets or midshipmen from each Service Academy and a comparable number of students from foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at a Service Academy.

"(3) COSTS AND EXPENSES.—

"(A) NO PAY AND ALLOWANCES.—A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of a cadet or midshipmen by reason of attendance at a Service Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

"(B) SUBSISTENCE, TRANSPORTATION, ETC..—The Secretary of the military department concerned may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsist-

ence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged cadet or midshipmen in that foreign country.

"(C) SOURCE OF FUNDS.—A Service Academy shall bear all costs of the exchange program from funds appropriated for that Academy and such additional funds as may be available to that Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

"(D) LIMITATION ON EXPENDITURES.—Expenditures in support of the exchange program from funds appropriated for each Academy may not exceed $1,000,000 during any fiscal year.

"(4) APPLICATION OF OTHER LAWS.—Paragraphs (7), (8), and (9) of subsection (a) shall apply with respect to a student enrolled at a military academy of a foreign country while attending a Service Academy under the exchange program.

"(5) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations to implement this subsection. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

"(c) FOREIGN AND CULTURAL EXCHANGE ACTIVITIES.—

"(1) ATTENDANCE AUTHORIZED.—The Secretary of a military department may authorize the Service Academy under the jurisdiction of that Secretary to permit students, officers, and other representatives of a foreign country to attend that Academy for periods of not more than four weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets or midshipmen, as the case may be.

"(2) EFFECT OF ATTENDANCE.—Persons attending a Service Academy under paragraph (1) are not considered to be students enrolled at that Academy and are in addition to persons receiving instruction at that Academy under subsection (a) or (b).

"(3) FINANCIAL MATTERS.—

"(A) COSTS AND EXPENSES.—The Secretary of a military department may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Service Academy under the jurisdiction of that Secretary under paragraph (1).

"(B) SOURCE OF FUNDS.—Each Service Academy shall bear the costs of the attendance of persons at that Academy under paragraph (1)—

"(i) from funds appropriated for that Academy; and

"(ii) from such additional funds as may be available to that Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

"(C) LIMITATION ON EXPENDITURES.—Expenditures from appropriated funds in support of activities under this subsection for any Service Academy may not exceed $40,000 during any fiscal year.

"(d) SERVICE ACADEMY DEFINED.—In this section, the term 'Service Academy' means the following:

"(1) The United States Military Academy.

"(2) The United States Naval Academy.

"(3) The United States Air Force Academy.".

(b) CONFORMING REPEALS.—

(1) REPEALS.—Sections 4344, 4345, 4345a, 6957, 6957a, 6957b, 9344, 9345, and 9345a of title 10, United States Code, are repealed.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 403 of such title is amended by striking the items relating to sections 4344, 4345, and 4345a.

(B) The table of sections at the beginning of chapter 603 of such title is amended by striking the items relating to sections 6957, 6957a, and 6957b.

(C) The table of sections at the beginning of chapter 903 of such title is amended by striking the items relating to sections 9344, 9345, and 9345a.

SEC. 1260. SECURITY COOPERATION ENHANCEMENT FUND.

(a) IN GENERAL.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after the table of sections at the beginning of subchapter VII the following new section:

"§ 381. Security Cooperation Enhancement Fund

"(a) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated for the Security Cooperation Enhancement Fund (in this section referred to as the 'Fund') shall be available for the purposes provided in subsections (b) and (c).

"(b) PURPOSES GENERALLY .—

"(1) PURPOSES.—Subject to subsection (c), amounts in the Fund shall be available for security cooperation programs and activities of the Department of Defense.

"(2) DURATION AFTER OBLIGATION.—Upon obligation, amounts in the Fund so obligated shall remain available until expended.

"(c) AVAILABILITY FOR SPECIFIC PURPOSES.—Of the amounts in the Fund for a fiscal year, up to four percent of such amounts may be used to carry out the following:

"(1) Execution and administration of security cooperation programs and activities of the Department of Defense pursuant to section 382 of this title.

"(2) Annual assessment, monitoring, and evaluation of security cooperation programs and activities of the Department of Defense pursuant to section 383 of this title.

"(3) Incremental expenses associated with the implementation of the Department of Defense Security Cooperation Workforce Development Program pursuant to section 1263 of the National Defense Authorization Act for Fiscal Year 2017.

"(d) TRANSFERS FROM FUND.—

"(1) TRANSFERS AUTHORIZED.—Amounts in the Fund may be transferred to any account of the Department of Defense for operation and maintenance for the purposes specified in subsection (b).

"(2) EFFECT ON AUTHORIZATION AMOUNTS.—The transfer of an amount to an account under the authority paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

"(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Fund.

"(e) CONTRIBUTIONS.—

"(1) AUTHORITY TO ACCEPT.—The Secretary of Defense may accept and retain contributions to the Fund from any person, foreign government, or international organization.

"(2) AVAILABILITY.—An amount contributed to the Fund pursuant to this subsection shall remain available until expended for purposes of the Fund.

"(3) NOTICE ON CONTRIBUTIONS.—The Secretary shall notify the congressional defense committees, in writing, upon the receipt, and upon the obligation, of any contribution to the Fund pursuant to this subsection, setting forth the source and amount of such contribution and the intended, and actual, use of such contribution.

"(e) CONSTRUCTION WITH OTHER LIMITATIONS.—Nothing in this section may be construed to terminate, alter, or override any requirement or limitation applicable to activities funded with amounts in the Fund under the authority of the Department of Defense that authorizes such activities.

"(f) QUARTERLY REPORTS.—Not later than 30 days after each calendar quarter, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure of amounts in the Fund during the preceding calendar quarter.".

(b) DISCHARGE OF CERTAIN ACTIVITIES UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) IN GENERAL.—Not later than October 1, 2018, the Secretary of Defense shall provide for the

discharge of all activities funded by accounts specified in paragraph (2) or funds specified in paragraph (3) under applicable authorities in chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, rather than the provision of law or other authority under which such activities are carried out on the day before the date on which discharge in accordance with this paragraph commences.

(2) COVERED ACCOUNTS.—The accounts specified in this paragraph are the following:

(A) The Afghanistan Security Forces Fund.

(B) The Iraq Train and Equip Fund.

(C) The Southeast Asia Maritime Security Initiative.

(3) OTHER SECURITY COOPERATION FUNDS.—The funds specified in this paragraph are all unobligated balances as of the date of transfer provided for in subsection (c)(1) in any account or fund of the Department of Defense (other than an account specified in paragraph (2) of this subsection) of amounts for security cooperation programs and activities of the Department of Defense.

(4) REPORT.—Not later than October 1, 2017, the Secretary shall submit to the congressional defense committees a report setting forth a description of any gaps that exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which activities covered by paragraph (1) are carried out. The report shall include the following:

(A) A description of each discrete set of activities covered by paragraph (1) for which gaps exist between the authorities in chapter 16 of title 10, United States Code, as so added, and current law or other authorities under which such activities are carried out.

(B) For each discrete set of activities covered by subparagraph (A), the following:

(i) A description of the gaps described in subparagraph (A).

(ii) Recommendations for legislative or administrative action to address such gaps.

(c) TRANSFER TO SCEF OF FUNDS IN CONNECTION WITH ACTIVITIES DISCHARGED UNDER NEW SECURITY COOPERATION CHAPTER.—

(1) IN GENERAL.—Not later than October 1, 2017, the Secretary of Defense shall transfer all the unobligated balances that remain in the accounts specified in subsection (b)(2) as of the date of such transfer to the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by subsection (a).

(2) OTHER SECURITY COOPERATION FUNDS.—In addition to the transfer required by paragraph (1), the Secretary shall also transfer to the Security Cooperation Enhancement Fund on the date provided in that paragraph all unobligated balances as of such date in any other account or fund of the Department of Defense of amounts for security cooperation programs and activities of the Department of Defense.

(4) TREATMENT OF FUNDS TRANSFERRED.—Amounts transferred to the Security Cooperation Enhancement Fund under this subsection shall be merged with amounts in the Fund, and shall be available for the same purposes, and subject to the same terms and conditions, as other amounts in the Fund.

(d) SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE DE-

FINED.—In this section, the term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

SEC. 1261. CONSOLIDATION AND STANDARDIZATION OF REPORTING REQUIREMENTS RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) CODIFICATION.—Chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act, is amended by inserting after section 383, as added by section 1252(m) of this Act, a new section 384 consisting of—

(1) a heading as follows:

"§ 384. Annual report"; and

(2) a text consisting of the text of subsections (a) through (e) of section 1211 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3544).

(b) REVISIONS TO PROVIDE FOR PERMANENT, ANNUAL REPORT.—Subsection (a) of section 384 of title 10, United States Code, as added by subsection (a), is amended—

(1) by striking ''BIENNIAL'' and all that follows through ''the Secretary'' and inserting ''ANNUAL REPORT REQUIRED.—Not later than January 31 each year, the Secretary''; and

(2) by striking ''the two fiscal years'' and inserting ''the fiscal year''.

(c) REVISION TO COVERED AUTHORITIES.—Subsection (c) of such section is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) The following sections of this chapter: 332, 333, 344, 346, and 347.'';

(2) by striking paragraphs (3) through (7);

(3) by redesignating paragraph (8) as paragraph (3) and in that paragraph by striking ''Section'' and inserting ''Sections 401 and'';

(4) by inserting after paragraph (3), as redesignated by paragraph (3) of this subsection, the following new paragraph:

''(4) Section 1206 of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2282 note), relating to authority to conduct human rights training of security forces and associated security ministries of foreign countries.'';

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

(6) by striking paragraph (11); and

(7) by redesignating paragraphs (12) through (17) as paragraphs (7) through (12), respectively.

(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

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

''(d) ANNUAL REPORT ON WORKFORCE DEVELOPMENT.—

''(1) IN GENERAL.—At the same time the reports required by subsection (a) are submitted pursuant to that subsection, the Secretary shall submit to the congressional defense committees a report on funding for the Department of Defense Security Cooperation Workforce Development Program under section 1263 of the National Defense Authorization Act for Fiscal Year 2017 and the security cooperation workforce during the fiscal year beginning in the year in which such report is submitted.

"(2) ELEMENTS.—Each report under this subsection shall include, for the fiscal year covered by such report, the following:

"(A) The funds requested for the Program and for the security cooperation workforce.

"(B) A description of how the funds identified pursuant to subparagraph (A) will be implemented for the following:

"(i) To address any gaps in the skills and competencies of the current or anticipated security cooperation workforce.

"(ii) To provide incentives to retain qualified, experienced personnel in the security cooperation workforce.

"(iii) To provide incentives to attract and recruit new, high-quality personnel to the security cooperation workforce."; and

(3) in subsections (e) and (f), as redesignated by paragraph (1) of this section, by striking "subsection (a)" each place it appears and inserting "this section".

(e) REPEAL OF CODIFIED STATUTE.—Section 1211 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015

(Public Law 113–291; 128 Stat. 3544) is amended by striking subsections (a) through (e).

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are repealed:

(1) Section 401(d) of title 10, United States Code, requiring an annual report on humanitarian and civic assistance activities under that section.

(2) Section 1534(g) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3618), requiring semiannual reports on the Counterterrorism Partnerships Fund.

(3) Section 1233(f) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), requiring a quarterly report on the use of authority to reimburse certain coalition nations for support provided to United States military operations.

(4) Section 1234(e) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 394), requiring a quarterly report on the use of authorization for logistical support for coalition forces supporting certain United States military operations.

SEC. 1262. REQUIREMENT FOR SUBMITTAL OF CONSOLIDATED ANNUAL BUDGET FOR SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—The budget of the President for each fiscal year after fiscal year 2018, as submitted to Congress by the President pursuant to section 1105 of title 31, United States Code, shall set forth as a separate item, the amounts requested for the Department of Defense for such fiscal year for all security cooperation programs and activities of the Department of Defense to be conducted in such fiscal year, including the specific country or region, to the extent practicable, for the Security Cooperation Enhancement Fund under section 381 of title 10, United States Code, as added by section 1260 of this Act.

(b) SECURITY COOPERATION PROGRAMS AND ACTIVITIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

SEC. 1263. DEPARTMENT OF DEFENSE SECURITY COOPERATION WORKFORCE DEVELOPMENT.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to be known as the ''Depart-

ment of Defense Security Cooperation Workforce Development Program'' (in this section referred to as the ''Program'') to oversee the development and management of a professional workforce supporting security cooperation programs and activities of the Department of Defense, including—

(1) monitoring, execution, and administration of such programs and activities under chapter 16 of title 10, United States Code, as added by section 1252(a)(3) of this Act; and

(2) execution of security assistance programs and activities under the Foreign Assistance Act of 1961 and the Arms Export Control Act by the Department of Defense.

(b) PURPOSE.—The purpose of the Program is to improve the quality and professionalism of the security cooperation workforce in order to ensure that the workforce—

(1) has the capacity, in both personnel and skills, needed to properly perform its mission, provide appropriate support to the planning, monitoring, execution, and evaluation of security cooperation programs and activities described in subsection (a), and ensure that the Department receives the

best value for the expenditure of public resources on such programs and activities; and

(2) is assigned in a manner that ensures personnel with the appropriate level of expertise and experience are assigned in sufficient numbers to fulfill requirements for the security cooperation programs and activities of the Department of Defense and the execution of security assistance programs and activities described in subsection (a)(2).

(c) ELEMENTS.—The Program shall consist of such elements relating to the development and management of the security cooperation workforce as the Secretary considers appropriate for the purposes specified in subsection (b), including elements on training, certification, assignment, and career development of personnel of the security cooperation workforce.

(d) MANAGEMENT.—The Program shall be managed by the Director of the Defense Security Cooperation Agency.

(e) GUIDANCE.—

(1) INTERIM GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue interim guidance for the execution and administration of the Program.

(2) FINAL GUIDANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall issue final guidance for the execution and administration of the Program.

(3) SCOPE OF GUIDANCE.—The guidance shall do the following:

(A) Provide direction to military departments on the establishment of professional career paths for the personnel of the security cooperation workforce, addressing promotion opportunities and requirements, retention policies, and scope of workforce demands.

(B) Provide for a mechanism for issuing professional certifications for personnel of the security cooperation workforce at different levels of advancement based on requisite training, experience, and seniority.

(C) Establish minimum requirements for training and professional development associated with each level of certification provided for under subparagraph (B).

(D) Provide for a mechanism for assigning appropriately certified personnel of the security cooperation workforce to assignments associated with high-priority missions in connection with

security cooperation programs and activities, and for allocating such personnel assignments based on priority, volume of activity, and other relevant factors.

(E) Identify the appropriate composition of career and temporary personnel necessary to constitute the security cooperation workforce.

(F) Identify specific positions throughout the security cooperation workforce to be managed and assigned through the Program.

(f) USE OF FUNDS.—Amounts available for use for the Program may be transferred to any account of the military departments or the Defense Agencies for purposes of the Program.

(g) DEFINITIONS.—In this section:

(1) The term ''security cooperation programs and activities of the Department of Defense'' has the meaning given that term in section 301(5) of title 10, United States Code, added by section 1252(a)(3) of this Act.

(2) The term ''security cooperation workforce'' means the following:

(A) Members of the Armed Forces and civilian employees of the Department of Defense

working in the security cooperation organizations of United States missions overseas.

(B) Members of the Armed Forces and civilian employees of the Department of Defense in the geographic combatant commands and functional combatant commands conducting security cooperation activities.

(C) Members of the Armed Forces and civilian employees of the Department of Defense in the military departments performing security cooperation activities, including activities in connection with the acquisition and development of technology release policies.

(D) Other personnel of Defense Agencies who perform security cooperation activities.

(E) Personnel of the Department of Defense who perform assessments of security cooperation programs and activities of the Department of Defense, including assessments under section 383 of title 10, United States Code, as added by section 1252(m) of this Act.

(F) Other members of the Armed Forces or civilian employees of the Department of Defense who contribute significantly to the security cooperation programs and activities of the

Department of Defense by virtue of their assigned duties, as determined pursuant to the guidance issued under subsection (e).

SEC. 1264. COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF STATE ON CERTAIN SECURITY COOPERATION AND SECURITY ASSISTANCE PROGRAMS AND ACTIVITIES.

(a) REGULATIONS GOVERNING COORDINATION REQUIRED.—

(1) INTERIM REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly issue interim regulations to facilitate and streamline coordination between the Department of Defense and the Department of State on all matters relating to the policy, planning, and implementation of covered security cooperation and security assistance programs and activities.

(2) FINAL REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly prescribe final regulations on the matters described in paragraph (1).

(3) PERIODIC UPDATE.—The Secretary of Defense and the Secretary of State shall from time to time jointly update the final regulations prescribed pursuant to paragraph (2) in order to ensure that the regulations under this subsection remain current with developments in law and other regulations relating to the matters described in paragraph (1).

(b) ELEMENTS.—The regulations required under subsection (a) shall provide for the following:

(1) Coordination between the Department of Defense and the Department of State on covered security cooperation and security assistance programs and activities.

(2) Wherever the concurrence of, coordination with, or consultation with the Secretary of Defense or the Secretary of State is required by law or regulation for the conduct of covered security cooperation and security assistance programs and activities, mechanisms as follows:

(A) A mechanism to provide for the delegation of such concurrence, coordination, or consultation to an official at the lowest appropriate level of headquarters-based management in the Department concerned.

(B) A mechanism to limit, to the maximum extent practicable, procedural delays in completion of any review required for such concurrence, coordination, or consultation, and in the issuance of such concurrence, coordination, or consultation.

(c) SUBMITTAL TO CONGRESS.—The Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress the interim regulations issued pursuant to subsection (a)(1), the final regulations prescribed pursuant to subsection (a)(2), and any update of the final regulations prescribed pursuant to subsection (a)(3).

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' has the meaning given that term in section 301(1) of title 10, United States Code, as added by section 1252(a)(3) of this Act.

(2) The term ''covered security cooperation and security assistance programs and activities'' means the following:

(A) Security cooperation programs and activities under section 333 of title 10, United States Code, as added by section 1252(d) of this Act.

(B) Operational support to foreign national security forces.

(C) Cooperative Threat Reduction programs and activities.

(D) Defense institution building.

(E) Foreign Military Financing (FMF).

(F) International Military Education and Training (IMET).

(G) Peacekeeping operations and activities.

SEC. 1265. REPEAL OF SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES RELATING TO SECURITY COOPERATION AUTHORITIES.

(a) REPEALS.—The following provisions of title 10, United States Code, are repealed:

(1) Section 168, relating to military-to-military contacts and comparable activities.

(2) Section 1051c, relating to assignment of members of foreign military forces to improve education and training in information security through multilateral, bilateral, or regional cooperation programs.

(3) Section 2562, relating to a limitation on use of excess construction or fire equipment from Department of Defense stocks in foreign assistance or military sales programs.

(4) Sections 4681 and 9681, relating to sale of surplus war material to States and foreign governments.

(b) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 6 is amended by striking the item relating to section 168.

(2) The table of sections at the beginning of chapter 53 is amended by striking the item relating to section 1051c.

(3) The table of sections at the beginning of chapter 152 is amended by striking the item relating to section 2562.

(4) The tables of sections at the beginning of chapter 443 is amended by striking the item relating to section 4681.

(5) The table of sections at the beginning of chapter 943 is amended by striking the item relating to section 9681.

Subtitle H—Miscellaneous Reports and Other Matters

SEC. 1271. FREE TRADE AGREEMENTS WITH SUB-SAHARAN AFRICAN COUNTRIES.

(a) PLAN REQUIREMENTS AND REPORTING.—

(1) IN GENERAL.—Section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723) is amended by striking subsections (b) and (c) and inserting the following:

''(b) PLAN REQUIREMENT.—

''(1) IN GENERAL.—The President shall develop a plan for the purpose of negotiating and entering into one or more free trade agreements with eligible sub-Saharan African countries. The plan shall include a list of eligible sub-Saharan African countries that are most ready for a free trade agreement with the United States.

''(2) ELEMENTS OF PLAN.—The plan required by paragraph (1) shall include, for each country on the list required by that paragraph, the following:

''(A) The steps the country needs to take to be ready to enter into a free trade agreement with the United States, consistent with the Bipartisan Congressional Trade Priorities and Accountability Act of 2015 (title I of Public Law 114–26; 129 Stat. 320), including—

''(i) the effective implementation of the commitments of the country under WTO Agreements; and

"(ii) the development of a bilateral investment treaty or equivalent obligations.

"(B) Milestones for accomplishing each step identified in subparagraph (A) for the country, with the goal of establishing a free trade agreement with the country not later than 10 years after the date on which the country is included on the list required by paragraph (1).

"(C) A description of the resources required to assist the country in accomplishing each milestone described in subparagraph (B).

"(D) The extent to which steps described in subparagraph (A), the milestones described in subparagraph (B), and resources described in subparagraph (C) may be accomplished through regional or subregional organizations in sub-Saharan Africa, including the East African Community, the Economic Community of West African States, the Common Market for Eastern and Southern Africa, and the Economic Community of Central African States.

"(E) Procedures to ensure the following:

"(i) Adequate consultation with Congress and the private sector during the negotiations.

"(ii) Consultation with Congress regarding all matters relating to implementation of the agreement.

"(iii) Approval by Congress of the agreement.

"(iv) Adequate consultations with the relevant African governments and African regional and subregional intergovernmental organizations during the negotiation of the agreement.

"(3) REPORTING REQUIREMENT.—The President shall prepare and submit to Congress a report containing the plan developed pursuant to paragraph (1)—

"(A) not later than 1 year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2017; and

"(B) at the same time as the submission of the report required by section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370) thereafter.

"(4) COORDINATION WITH OTHER AGENCIES.—The United States Trade Representative shall consult and coordinate with other relevant Federal agencies to assist countries on the list required by

paragraph (1), including through the deployment of resources from those agencies to such countries and through trade capacity building, in addressing the steps identified under subparagraph (A) of paragraph (2) and the milestones identified under subparagraph (B) of that paragraph.

''(5) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE SUB-SAHARAN AFRICAN COUNTRY.—The term 'eligible sub-Saharan African country' means a country designated as an eligible sub-Saharan African country under section 104.

''(B) WTO.—The term 'WTO' means the World Trade Organization.

''(C) WTO AGREEMENT.—The term 'WTO Agreement' has the meaning given that term in section 2(9) of the Uruguay Round Agreements Act (19 U.S.C. 3501(9)).

''(D) WTO AGREEMENTS.—The term 'WTO Agreements' means the WTO Agreement and agreements annexed to that Agreement.''.

(2) CONFORMING AMENDMENTS.—Section 110(b) of the Trade Preferences Extension Act of 2015 (Public Law 114–27; 129 Stat. 370) is amended—

(A) in the matter preceding paragraph (1), by striking ''5'' and inserting ''3''; and

(B) in paragraph (3), by striking ''(E)'' and inserting ''(D)''.

(b) COORDINATION OF USAID WITH FREE TRADE AGREEMENT POLICY.—

(1) AUTHORIZATION OF FUNDS.—Funds made available to the United States Agency for International Development under section 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2293) after the date of the enactment of this Act may be used, in consultation with the United States Trade Representative—

(A) to assist eligible countries, including by deploying resources to such countries, in addressing the steps and milestones identified in the plan developed under subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and the WTO Agreements (as defined in subsection (b)(4) of such section 116).

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term ''eligible country'' means a sub-Saharan African country that receives—

(i) benefits under the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term ''sub-Saharan African country'' has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—

(1) IN GENERAL.—After the date of the enactment of this Act, the United States Trade Representative and the Administrator of the United States Agency for International Development shall consult and coordinate with the Chief Executive Officer of the Millennium Challenge Corporation regarding countries described in paragraph (2) for the purpose of developing and carrying out the plan required by subsection (b) of section 116 of the Afri-

can Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a).

(2) COUNTRIES DESCRIBED.—A country is described in this paragraph if the country—

(A) has entered into a Millennium Challenge Compact pursuant to section 609 of the Millennium Challenge Act of 2003 (22 U.S.C. 7708); or

(B) is selected by the Board of Directors of the Millennium Challenge Corporation under subsection (c) of section 607 of that Act (22 U.S.C. 7706) from among the countries determined to be eligible countries under subsection (a) of that section.

SEC. 1272. EXTENSION AND EXPANSION OF AUTHORITY TO SUPPORT BORDER SECURITY OPERATIONS OF CERTAIN FOREIGN COUNTRIES.

(a) EXPANSION OF AUTHORITY.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C. 2551 note) is amended—

(1) in subsection (a)(1)—

(A) by striking ''the Government of Jordan and the Government of Lebanon'' and inserting ''the Government of Egypt, the Government of

Jordan, the Government of Lebanon, and the Government of Tunisia''; (B) by striking ''efforts of the armed forces'' and inserting ''efforts as follows: ''(A) Efforts of the armed forces''; and (C) by adding at the end the following new subparagraph: ''(B) Efforts of the armed forces of Egypt and the armed forces of Tunisia to increase security and sustain increased security along the border of Egypt and the border of Tunisia with Libya, as applicable.''; and

(2) in subsection (c)(4), by striking ''along the border'' and all that follows and inserting ''along the border of the country as specified in subsection (a)(1).''.

(b) EXTENSION.—Subsection (f) of such section is amended by striking ''December 31, 2018'' and inserting ''December 31, 2019''.

(c) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR BORDER SECURITY OPERATIONS.".

SEC. 1273. MODIFICATION AND CLARIFICATION OF UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION AUTHORITY.

(a) AMOUNT OF SUPPORT PROVIDABLE BY THE UNITED STATES.—Paragraph (4) of section 1279(b) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C. 8606 note) is amended by striking "$25,000,000" and inserting "$50,000,000".

(b) SCOPE OF REQUIREMENT FOR MATCHING CONTRIBUTION BY ISRAEL.—Paragraph (3) of such section is amended by inserting before the period at the end the following: "in the calendar year in which the support is provided".

(c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVITIES IN US.—Of the amount contributed by the United States for activities under section 1279 of the National Defense Authorization Act for Fiscal Year 2016, not less than 50 percent of such amount shall be used in fiscal year 2017 for research, development, test, and evaluation activities for purposes of such section in the United States.

SEC. 1274. MODIFICATION TO AND EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) MODIFICATION OF AUTHORIZED ACTIVITIES.—Subsection (c) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578), as amended by section 1205(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1623), is further amended by inserting ''and other individuals as determined by the Secretary of Defense'' before the period at the end of the first sentence.

(b) EXTENSION OF AUTHORITY.—Subsection (h) of such section 943, as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1075), is further amended by striking ''2018'' and inserting ''2021''.

SEC. 1275. ASSESSMENT OF PROLIFERATION OF CERTAIN REMOTELY PILOTED AIRCRAFT SYSTEMS.

(a) REPORT ON ASSESSMENT OF PROLIFERATION OF REMOTELY PILOTED AIRCRAFT SYSTEMS.—Not later than six months after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report setting forth an assessment, obtained by the Chairman for purposes of the report, of the impact to United States na-

tional security interests of the proliferation of remotely piloted aircraft that are assessed to be ''Category I'' items under the Missile Technology Control Regime (MTCR).

(b) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The assessment obtained for purposes of subsection (a) shall be conducted by a federally funded research and development center (FFRDC), or another appropriate independent entity with expertise in the procurement and operation of remotely piloted aircraft, selected by the Chairman for purposes of the assessment.

(2) USE OF PREVIOUS STUDIES.—The entity conducting the assessment may use and incorporate information from previous studies on matters appropriate to the assessment.

(c) ELEMENTS.—The assessment obtained for purposes of subsection (a) shall include the following:

(1) A qualitative and quantitative assessment of the scope and scale of the proliferation of remotely piloted aircraft that are ''Category I'' items under the Missile Technology Control Regime.

(2) An assessment of the threat posed to United States interests as a result of the proliferation of such aircraft to adversaries.

(3) An assessment of the impact of the proliferation of such aircraft on the combat capabilities of and interoperability with partners and allies of the United States.

(4) An analysis of the degree to which the United States has limited the proliferation of such aircraft as a result of the application of a ''strong presumption of denial'' for exports of such aircraft.

(5) An assessment of the benefits and risks of continuing to limit exports of such aircraft.

(6) Such other matters as the Chairman considers appropriate.

(d) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1276. EFFORTS TO END MODERN SLAVERY.

(a) ACTIONS BY THE SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall implement policies and promulgate guidance to ensure that personnel of the Armed Forces, including uniformed personnel and civilians engaged in partnership with foreign nations, receive education and training on human slavery and the

appropriate role of the United States Armed Forces in combatting trafficking in persons.

(2) ELEMENTS.—The training implemented pursuant to paragraph (1) shall include—

(A) a description of resources available for Armed Forces personnel who become aware of instances of human slavery or trafficking in persons while deployed overseas; and

(B) guidance on the requirement to make official reports through the chain of command, the roles and responsibilities of military and civilian officials of the United States Armed Forces and host nations, circumstances in which members of the Armed Forces are authorized to take immediate action to prevent loss of life or serious injury, and the authority to use appropriate force to stop or prevent sexual abuse or exploitation of children.

(b) GRANT AUTHORIZATION.—The Secretary of State is authorized to make grants of funding to provide support for transformational programs and projects that seek to achieve a measurable and substantial reduction of the prevalence of modern slavery in targeted populations within partner countries (or jurisdictions thereof).

(c) MONITORING AND EVALUATION.—Any grantee shall—

(1) develop specific and detailed criteria for the monitoring and evaluation of supported projects;

(2) implement a system for measuring progress against baseline data that is rigorously designed based on international corporate and nongovernmental best practices;

(3) ensure that each supported project is regularly and rigorously monitored and evaluated, on a not less than biennial basis, by an independent monitoring and evaluation entity, against the specific and detailed criteria established pursuant to paragraph (1), and that the progress of the project towards its stated goals is measured by such entity against baseline data;

(4) support the development of a scientifically sound, representative survey methodology for measuring prevalence with reference to existing research and experience, and apply the methodology consistently to determine the baseline prevalence in target populations and outcomes in order to periodically assess progress in reducing prevalence; and

(5) establish, and revise on a not less than annual basis, specific and detailed criteria for the sus-

pension and termination, as appropriate, of projects supported by the grantee that regularly or consistently fail to meet the criteria required by this section.

(d) AUDITING.—

(1) IN GENERAL.—Any grantee shall be subject to the same auditing, recordkeeping, and reporting obligations required under subsections (e), (f), (g), and (i) of section 504 of the National Endowment for Democracy Act (22 U.S.C. 4413).

(2) COMPTROLLER GENERAL AUDIT AUTHORITY.—

(A) IN GENERAL.—The Comptroller General of the United States may evaluate the financial transactions of the grantee as well as the programs or activities the grantee carries out pursuant to this section.

(B) ACCESS TO RECORDS.—Any grantee shall provide the Comptroller General, or the Comptroller General's duly authorized representatives, access to such records as the Comptroller General determines necessary to conduct evaluations authorized by this section.

(e) ANNUAL REPORT.—Any grant recipient shall provide annually the names of each of the projects or sub-

grantees receiving such funding pursuant to this section and the amount of funding provided for, along with a detailed description of, each such project.

(f) RULE OF CONSTRUCTION REGARDING AVAILABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The enactment of this section is deemed to meet the condition of the first proviso of paragraph (2) of section 7060(f) of the Department of State, Foreign Operations, and Related Appropriations Act, 2016 (division K of Public Law 114–113), and the funds referred to in such paragraph shall be made available in accordance with, and for the purposes set forth in, such paragraph.

(g) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2017 THROUGH 2022.—There is authorized to be appropriated to the Department of State for the purpose of making the grants authorized under this section to a single nonprofit organization, for each fiscal year from 2017 through 2022, $37,500,000.

(h) COMPTROLLER GENERAL REVIEW OF EXISTING PROGRAMS.—

(1) IN GENERAL.—Not later than September 30, 2018, and September 30, 2022, the Comptroller General of the United States shall submit to Congress a report on all of the programs conducted by the Department of State, the United States Agency

for International Development, the Department of Labor, the Department of Defense, and the Department of the Treasury that address human trafficking and modern slavery, including a detailed analysis of the effectiveness of such programs in limiting human trafficking and modern slavery and specific recommendations on which programs are not effective at reducing the prevalence of human trafficking and modern slavery and how the funding for such programs may be redirected to more effective efforts.

(2) CONSIDERATION OF REPORT.—The Comptroller General of the United States shall brief the appropriate congressional committees on the report submitted under paragraph (1). The appropriate congressional committees shall review and consider the reports and shall, as appropriate, consider modifications to authorization levels and programs within the jurisdiction of such committees to address the recommendations made in the report.

(i) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

SEC. 1277. SENSE OF CONGRESS ON COMMITMENT TO THE REPUBLIC OF PALAU.

(a) FINDINGS.—Congress makes the following findings:

(1) The Republic of Palau is comprised of 300 islands and covers roughly 177 square miles strategically located in the western Pacific Ocean between the Philippines and the United States territory of Guam.

(2) The United States and Palau have forged close security, economic and cultural ties since the United States defeated the armed forces of Imperial Japan in Palau in 1944.

(3) The United States administered Palau as a District of the United Nations Trust Territory of the Pacific Islands from 1947 to 1994.

(4) In 1994, the United States and Palau entered into a 50-year Compact of Free Association which provided for the independence of Palau and

set forth the terms for close and mutually beneficial relations in security, economic, and governmental affairs.

(5) The security terms of the Compact grant the United States full authority and responsibility for the security and defense of Palau, including the exclusive right to deny any nation's military forces access to the territory of Palau except the United States, an important element of our Pacific strategy for defense of the United States homeland, and the right to establish and use defense sites in Palau.

(6) The Compact entitles any citizen of Palau to volunteer for service in the United States Armed Forces, and they do so at a rate that exceeds that of any of the 50 States.

(7) In 2009, and in accordance with section 432 of the Compact, the United States and Palau reviewed their overall relationship. In 2010, the two nations signed an agreement updating and extending several provisions of the Compact, including an extension of United States financial and program assistance to Palau, and establishing increased post-9/11 immigration protections. However, the United States has not yet approved this Agreement or provided the assistance as called for in the Agreement.

(8) Beginning in 2010 and most recently on February 22, 2016, the Department of the Interior, the Department of State, and the Department of Defense have sent letters to Speaker of the House of Representatives and the President Pro Tempore of the Senate transmitting the legislation to approve the 2010 United States Palau Agreement including an analysis of the budgetary impact of the legislation.

(9) The February 22, 2016, letter concluded, ''Approving the results of the Agreement is important to the national security of the United States, stability in the Western Pacific region, our bilateral relationship with Palau and to the United States' broader strategic interest in the Asia-Pacific region.''

(10) On May 20, 2016, the Department of Defense submitted a letter to the Chairmen and Ranking Members of the congressional defense committees in support of including legislation enacting the agreement in the fiscal year 2017 National Defense Authorization Act and concluded that its inclusion advances United States national security objectives in the region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to fulfill the promise and commitment of the United States to its ally, the Republic of Palau, and reaffirm this special relationship and strengthen the ability of the United States to defend the homeland, Congress and the President should promptly enact the Compact Review Agreement signed by the United States and Palau in 2010; and

(2) Congress and the President should immediately seek a mutually acceptable solution to approving the Compact Review Agreement and ensuring adequate budgetary resources are allocated to meet United States obligations under the Compact through enacting legislation, including through this Act.

Subtitle I—Human Rights Sanctions

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the ''Global Magnitsky Human Rights Accountability Act''.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) FOREIGN PERSON.—The term ''foreign person'' means a person that is not a United States person.

(2) PERSON.—The term ''person'' means an individual or entity.

(3) UNITED STATES PERSON.—The term ''United States person'' means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

SEC. 1283. AUTHORIZATION OF IMPOSITION OF SANCTIONS.

(a) IN GENERAL.—The President may impose the sanctions described in subsection (b) with respect to any foreign person the President determines, based on credible evidence—

(1) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals in any foreign country who seek—

(A) to expose illegal activity carried out by government officials; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections;

(2) acted as an agent of or on behalf of a foreign person in a matter relating to an activity described in paragraph (1);

(3) is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions; or

(4) has materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, an activity described in paragraph (3).

(b) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INADMISSIBILITY TO UNITED STATES.—In the case of a foreign person who is an individual—

(A) ineligibility to receive a visa to enter the United States or to be admitted to the United States; or

(B) if the individual has been issued a visa or other documentation, revocation, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), of the visa or other documentation.

(2) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—The blocking, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), of all transactions in all property and interests in property of a foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) INAPPLICABILITY OF NATIONAL EMERGENCY REQUIREMENT.—The requirements of section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) shall not apply for purposes of this section.

(C) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(i) IN GENERAL.—The authority to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(ii) GOOD.—In this subparagraph, the term ''good'' has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. 4618) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(c) CONSIDERATION OF CERTAIN INFORMATION IN IMPOSING SANCTIONS.—In determining whether to impose sanctions under subsection (a), the President shall consider—

(1) information provided by the chairperson and ranking member of each of the appropriate congressional committees; and

(2) credible information obtained by other countries and nongovernmental organizations that monitor violations of human rights.

(d) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-

TEES.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a foreign person has engaged in an activity described in subsection (a), the President shall—

(1) determine if that person has engaged in such an activity; and

(2) submit a report to the chairperson and ranking member of that committee with respect to that determination that includes—

(A) a statement of whether or not the President imposed or intends to impose sanctions with respect to the person; and

(B) if the President imposed or intends to impose sanctions, a description of those sanctions.

(e) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT OBJECTIVES.—Sanctions under subsection (b)(1) shall not apply to an individual if admitting the individual into the United States would further important law enforcement objectives or is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21,

1947, between the United Nations and the United States, or other applicable international obligations of the United States.

(f) ENFORCEMENT OF BLOCKING OF PROPERTY.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(2) or any regulation, license, or order issued to carry out subsection (b)(2) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(g) TERMINATION OF SANCTIONS.—The President may terminate the application of sanctions under this section with respect to a person if the President determines and reports to the appropriate congressional committees not later than 15 days before the termination of the sanctions that—

(1) credible information exists that the person did not engage in the activity for which sanctions were imposed;

(2) the person has been prosecuted appropriately for the activity for which sanctions were imposed;

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activity for which sanctions were imposed, and has credibly committed to not engage in an activity described in subsection (a) in the future; or

(4) the termination of the sanctions is in the vital national security interests of the United States.

(h) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

(i) IDENTIFICATION OF SANCTIONABLE FOREIGN PERSONS.—The Assistant Secretary of State for Democracy, Human Rights, and Labor, in consultation with the Assistant Secretary of State for Consular Affairs and other bureaus of the Department of State, as appropriate, is authorized to submit to the Secretary of State, for review and consideration, the names of foreign persons who may meet the criteria described in subsection (a).

(j) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1284. REPORTS TO CONGRESS.

(a) IN GENERAL.—The President shall submit to the appropriate congressional committees, in accordance with subsection (b), a report that includes—

(1) a list of each foreign person with respect to which the President imposed sanctions pursuant to section ____03 during the year preceding the submission of the report;

(2) a description of the type of sanctions imposed with respect to each such person;

(3) the number of foreign persons with respect to which the President—

(A) imposed sanctions under section ____03(a) during that year; and

(B) terminated sanctions under section ____03(g) during that year;

(4) the dates on which such sanctions were imposed or terminated, as the case may be;

(5) the reasons for imposing or terminating such sanctions; and

(6) a description of the efforts of the President to encourage the governments of other countries to

impose sanctions that are similar to the sanctions authorized by section ____03.

(b) DATES FOR SUBMISSION.—

(1) INITIAL REPORT.—The President shall submit the initial report under subsection (a) not later than 120 days after the date of the enactment of this Act.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—The President shall submit a subsequent report under subsection (a) on December 10, or the first day thereafter on which both Houses of Congress are in session, of—

(i) the calendar year in which the initial report is submitted if the initial report is submitted before December 10 of that calendar year; and

(ii) each calendar year thereafter.

(B) CONGRESSIONAL STATEMENT.—Congress notes that December 10 of each calendar year has been recognized in the United States and internationally since 1950 as ''Human Rights Day''.

(c) FORM OF REPORT.—

(1) IN GENERAL.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(2) EXCEPTION.—The name of a foreign person to be included in the list required by subsection (a)(1) may be submitted in the classified annex authorized by paragraph (1) only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in a manner consistent with congressional intent and the purposes of this subtitle; and

(C) not later than 15 days before submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including the name in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in section ____03(a).

(d) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—The unclassified portion of the report required by subsection (a) shall be made

available to the public, including through publication in the Federal Register.

(2) NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.—The President shall publish the list required by subsection (a)(1) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION FUNDS.

(a) FISCAL YEAR 2017 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—In this title, the term ''fiscal year 2017 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711).

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2017, 2018, and 2019.

SEC. 1302. FUNDING ALLOCATIONS.

Of the $325,604,000 authorized to be appropriated to the Department of Defense for fiscal year 2017 in section 301 and made available by the funding table in section 4301 for the Department of Defense Cooperative Threat Reduction Program established under section 1321

of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $11,791,000.

(2) For chemical weapons destruction, $2,942,000.

(3) For global nuclear security, $16,899,000.

(4) For cooperative biological engagement, $213,984,000.

(5) For proliferation prevention, $50,709,000.

(6) For threat reduction engagement, $2,000,000.

(7) For activities designated as Other Assessments/Administrative Costs, $27,279,000.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

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

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

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

SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1404. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

SEC. 1406. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Security Cooperation Enhancement Fund, as specified in the funding table in section 4501, for use for authorized purposes of the Security Cooperation Enhancement Fund.

Subtitle B—National Defense Stockpile

SEC. 1411. NATIONAL DEFENSE STOCKPILE MATTERS.

(a) MATERIALS CONSTITUTING THE NATIONAL DEFENSE STOCKPILE.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended—

(1) in subsection (b), by striking ''required for'' and inserting ''suitable for transfer or disposal through''; and

(2) in subsection (c)—

(A) by striking ''(1)'' and all that follows through ''(2)''; and

(B) by striking ''this subsection'' and inserting ''subsection (b)''.

(b) QUALIFICATION OF DOMESTIC SOURCES.—Section 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end ;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(3) by qualifying existing domestic facilities and domestically produced strategic and critical materials to meet the requirements of defense and essential civilian industries in times of national emergency when existing domestic sources of supply are either insufficient or vulnerable to single points of failure; and

''(4) by contracting with domestic facilities to recycle strategic and critical materials, thereby in-

creasing domestic supplies when such materials would otherwise be insufficient to support defense and essential civilian industries in times of national emergency.''.

SEC. 1412. AUTHORITY TO DISPOSE OF CERTAIN MATERIALS FROM AND TO ACQUIRE ADDITIONAL MATERIALS FOR THE NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL AUTHORITY.—

(1) IN GENERAL.—Pursuant to section 5(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(b)), the National Defense Stockpile Manager shall dispose of materials contained in the National Defense Stockpile and specified in paragraph (2) so as to result in receipts to the United States in amounts equal to—

(A) $10,000,000 by the end of fiscal year 2017;

(B) $50,000,000 by the end of fiscal year 2022; and

(C) $150,000,000 by the end of fiscal year 2026.

(2) MATERIALS AND DISPOSAL AMOUNTS.—The total quantities of materials authorized for disposal

pursuant to paragraph (1) may not exceed the amounts as follows:

(A) 27 short tons of beryllium.

(B) 111,149 short tons of chromium, ferroalloy.

(C) 2,973 short tons of chromium metal.

(D) 8,380 troy ounces of platinum.

(E) 275,741 pounds of contained tungsten metal powder.

(F) 12,433,796 pounds of contained tungsten ores and concentrates.

(b) ACQUISITION AUTHORITY.—

(1) AUTHORITY.—Using funds available in the National Defense Stockpile Transaction Fund, the National Defense Stockpile Manager may acquire the following materials determined to be strategic and critical materials required to meet the defense, industrial, and essential civilian needs of the United States:

(A) High modulus and high strength carbon fibers.

(B) Tantalum.

(C) Germanium.

(D) Tungsten rhenium metal.

(E) Boron carbide powder.

(F) Europium.

(G) Silicon carbide fiber.

(2) AMOUNT OF AUTHORITY.—The National Defense Stockpile Manager may use up to $55,000,0000 in the National Defense Stockpile Transaction Fund for the acquisition of the materials specified paragraph (1).

(3) FISCAL YEAR LIMITATION.—The authority under paragraph (1) is available for purchases during fiscal year 2017 through fiscal year 2021.

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. AUTHORITY TO DESTROY CERTAIN SPECIFIED WORLD WAR II-ERA UNITED STATES-ORIGIN CHEMICAL MUNITIONS LOCATED ON SAN JOSE ISLAND, REPUBLIC OF PANAMA.

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of Defense may destroy the chemical munitions described in subsection (c).

(2) EX GRATIA ACTION.—The action authorized by this section is ''ex gratia'' on the part of the United States, as the term ''ex gratia'' is used in section 321 of the Strom Thurmond National De-

fense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2701 note).

(3) CONSULTATION BETWEEN SECRETARY OF DEFENSE AND SECRETARY OF STATE.—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) CONDITIONS.—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—

(1) revised the declaration of the Republic of Panama under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction to indicate that the chemical munitions described in subsection (c) are ''old chemical weapons'' rather than ''abandoned chemical weapons''; and

(2) affirmed, in writing, that it understands—

(A) that the United States intends only to destroy the munitions described in subsections (c) and (d); and

(B) that the United States is not legally obligated and does not intend to destroy any other munitions, munitions constituents, and associated debris that may be located on San

Jose Island as a result of research, development, and testing activities conducted on San Jose Island during the period of 1943 through 1947.

(c) CHEMICAL MUNITIONS.—The chemical munitions described in this subsection are the eight United States-origin chemical munitions located on San Jose Island, Republic of Panama, that were identified in the 2002 Final Inspection Report of the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons.

(d) LIMITED INCIDENTAL AUTHORITY TO DESTROY OTHER MUNITIONS.—In exercising the authority under subsection (a), the Secretary of Defense may destroy other munitions located on San Jose Island, Republic of Panama, but only to the extent essential and required to reach and destroy the chemical munitions described in subsection (c).

(e) FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2017 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense by section 1402, up to $30,000,000 may be used to carry out the authority in subsection (a).

SEC. 1422. NATIONAL ACADEMIES OF SCIENCES STUDY ON CONVENTIONAL MUNITIONS DEMILITARIZATION ALTERNATIVE TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of the Army shall enter into an arrangement with the Board on Army Science and Technology of the National Academies of Sciences, Engineering, and Medicine to conduct a study of the conventional munitions demilitarization program of the Department of Defense.

(b) ELEMENTS.—The study required pursuant to subsection (a) shall include the following:

(1) A review of the current conventional munitions demilitarization stockpile, including types of munitions and types of materials contaminated with propellants or energetics, and the disposal technologies used.

(2) An analysis of disposal, treatment, and reuse technologies, including technologies currently used by the Department and emerging technologies used or being developed by private or other governmental agencies, including a comparison of cost, throughput capacity, personnel safety, and environmental impacts.

(3) An identification of munitions types for which alternatives to open burning, open detonation,

or non-closed loop incineration/combustion are not used.

(4) An identification and evaluation of any barriers to full-scale deployment of alternatives to open burning, open detonation, or non-closed loop incineration/combustion, and recommendations to overcome such barriers.

(5) An evaluation whether the maturation and deployment of governmental or private technologies currently in research and development would enhance the conventional munitions demilitarization capabilities of the Department.

(c) SUBMITTAL TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the study conducted pursuant to subsection (a).

Subtitle D—Other Matters

SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation

and maintenance, $122,400,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

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

SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home

Trust Fund the sum of $64,300,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2017 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1503. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2017 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and De-

fense-wide activities, as specified in the funding table in section 4102.

SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1506. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1507. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for

providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

SEC. 1510. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1511. SECURITY COOPERATION ENHANCEMENT FUND.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for the Security Co-

operation Enhancement Fund, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,500,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations, Reports, and Other Matters

SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2017.

(b) EXTENSION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat. 2057), as most recently amended by section 1532(b) of the National De-

fense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1091), is further amended—

(1) in paragraph (1), by striking ''fiscal year 2016'' and inserting ''fiscal years 2016 and 2017''; and

(2) in paragraph (4), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

SEC. 1532. EXTENSION AND MODIFICATION OF AUTHORITIES ON COUNTERTERRORISM PARTNERSHIPS FUND.

(a) EXTENSION.—Section 1534 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3616) is amended—

(1) in subsection (a), by striking ''Amounts authorized to be appropriated for fiscal year 2015 by this title'' and inserting ''Subject to subsection (b), amounts authorized to be appropriated through fiscal year 2017''; and

(2) in subsection (h), by striking ''December 31, 2016'' and inserting ''December 31, 2017''.

(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2017.—Such section is further amended—

(1) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

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

''(b) LIMITATION ON USE OF FUNDS AUTHORIZED FOR FISCAL YEAR 2017.—Amounts authorized to be appropriated for fiscal year 2017 for the Counterterrorism Partnerships Fund may only be used for the purposes specified in subsection (a)(2). In the use of such amounts, any reference in this section to 'subsection (a)' shall be deemed to be a reference to 'subsection (a)(2)'.''.

(c) ADMINISTRATION OF FUND.—Subsection (e) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) REPORTS.—Subsection (h) of such section, as redesignated by subsection (b)(1) of this section, is amended—

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

(A) by striking ''and 2017'' and inserting ''2017, and 2018''; and

(B) by striking ''and 2016'' and inserting ''2016, and 2017'';

(2) in paragraph (4), by striking ''subsection (d)(5)'' and inserting ''subsection (e)(4)''; and

(3) in paragraph (5), by striking ''subsection (f)'' and inserting ''subsection (g)''.

SEC. 1533. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2017 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(b) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts in the Afghanistan Security Forces Fund authorized under this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under the

authority provided by paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2) regarding equipment, the Commander of United States forces in Afghanistan shall consider alternatives to Secretary of Defense acceptance of the equipment. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report required under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under the authority provided by paragraph (1) may be treated as stocks of the Department of Defense upon notification to the congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—Not later than 90 days after the date of the enactment of this Act and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary of Defense shall submit to the congressional defense committees a report describing the equipment accepted under this subsection, section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 938; 10 U.S.C. 2302 note), and section 1532(b) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3612) during the period covered by the report. Each report shall include a list of all equipment that was accepted during the period covered by the report and treated as stocks of the Department and copies of the determinations made under paragraph (2), as required by paragraph (3).

(c) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) REPORTING REQUIREMENT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall include in each report required under section 1225 of the Carl Levin and Howard P.

"Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3550)—

(A) a current assessment of the security of Afghan women and girls, including information regarding efforts to increase the recruitment and retention of women in the Afghan National Security Forces; and

(B) a current assessment of the implementation of the plans for the recruitment, integration, retention, training, treatment, and provision of appropriate facilities and transportation for women in the Afghan National Security Forces, including the challenges associated with such implementation and the steps being taken to address those challenges.

(2) PLAN REQUIRED.—

(A) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, shall support, to the extent practicable, the efforts of the Government of Afghanistan to promote the security of Afghan women and girls during and after the security transition process through the development and implementation by the Government of Afghanistan of an

Afghan-led plan that should include the elements described in this paragraph.

(B) TRAINING.—The Secretary of Defense, with the concurrence of the Secretary of State and working with the NATO-led Resolute Support mission, should encourage the Government of Afghanistan to develop—

(i) measures for the evaluation of the effectiveness of existing training for Afghan National Security Forces on this issue;

(ii) a plan to increase the number of female security officers specifically trained to address cases of gender-based violence, including ensuring the Afghan National Police's Family Response Units have the necessary resources and are available to women across Afghanistan;

(iii) mechanisms to enhance the capacity for units of National Police's Family Response Units to fulfill their mandate as well as indicators measuring the operational effectiveness of these units;

(iv) a plan to address the development of accountability mechanisms for Afghani-

stan National Army and Afghanistan National Police personnel who violate codes of conduct relating to the human rights of women and girls, including female members of the Afghan National Security Forces;

(v) a plan to address the development of accountability mechanisms for Afghanistan National Army and Afghanistan National Police personnel who violate codes of conduct relating to protecting children from sexual abuse; and

(vi) a plan to develop training for the Afghanistan National Army and the Afghanistan National Police to increase awareness and responsiveness among Afghanistan National Army and Afghanistan National Police personnel regarding the unique security challenges women confront when serving in those forces.

(C) ENROLLMENT AND TREATMENT.—The Secretary of Defense, with the concurrence of the Secretary of State and in cooperation with the Afghan Ministries of Defense and Interior, shall seek to assist the Government of Afghani-

stan in including as part of the plan developed under subparagraph (A) the development and implementation of a plan to increase the number of female members of the Afghanistan National Army and the Afghanistan National Police and to promote their equal treatment, including through such steps as providing appropriate equipment, modifying facilities, and ensuring literacy and gender awareness training for recruits.

(D) ALLOCATION OF FUNDS.—

(i) IN GENERAL.—Of the funds available to the Department of Defense for the Afghan Security Forces Fund for fiscal year 2017, it is the goal that $25,000,000, but in no event less than $10,000,000, shall be used for—

(I) the recruitment, integration, retention, training, and treatment of women in the Afghan National Security Forces; and

(II) the recruitment, training, and contracting of female security personnel for future elections.

(ii) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(I) efforts to recruit women into the Afghan National Security Forces, including the special operations forces;

(II) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender and Child Rights;

(III) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(IV) efforts to address harassment and violence against women within the Afghan National Security Forces;

(V) improvements to infrastructure that address the requirements of women serving in the Afghan National

Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(VI) support for Afghanistan National Police Family Response Units; and

(VII) security provisions for high-profile female police and army officers.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 1531 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088) is amended by striking subsections (b) and (c).

TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

SEC. 1601. REQUIREMENT THAT PILOT PROGRAM FOR ACQUISITION OF COMMERCIAL SATELLITE COMMUNICATION SERVICES DEMONSTRATE ORDER-OF-MAGNITUDE IMPROVEMENTS IN SATELLITE COMMUNICATIONS CAPABILITIES.

(a) IN GENERAL.—Section 1605 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Au-

thorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

''(c) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated or otherwise made available to carry out the pilot program under subsection (a)(1) may be obligated or expended until the Secretary submits to the congressional defense committees a plan to demonstrate that the pilot program will achieve order-of-magnitude improvements in satellite communications capability, as required by subsection (b)(5).''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is disappointing that, despite numerous requests to the Air Force for its plan to meet the requirement of subsection (b)(5) of section 1605 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 2208 note) in carrying out the pilot program under that section, the Air Force has not only failed to meet the statutorily imposed requirement to provide a briefing on that pilot program at the same time as the President submitted to Congress the budget for fiscal year

2017 pursuant to section 1105 of title 31, United States Code, but has also been nonresponsive to requests for information relating to that requirement.

SEC. 1602. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.

(a) IN GENERAL.—The Commander of the Air Force Space Command shall develop a plan to use allied launch vehicles to meet the requirements for achieving the policy relating to assured access to space set forth in section 2273 of title 10, United States Code, in the event that such requirements cannot be met, for a limited period of time, using only United States launch vehicles.

(b) ASSESSMENTS.—In developing the plan required by subsection (a), the Commander shall conduct assessments of—

(1) what United States satellites would be appropriate to be launched on an allied launch vehicle; and

(2) whether any legislation would be necessary to allow for the launch of a national security satellite on an allied launch vehicle.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Commander shall submit to the congressional defense committees a report on the plan required by subsection (a) and the assessments required by subsection (b).

(d) DEFINITIONS.—In this section:

(1) ALLIED LAUNCH VEHICLE.—

(A) IN GENERAL.—The term ''allied launch vehicle'' means a launch vehicle of the government of a country that is an ally of the United States.

(B) EXCLUSIONS.—A launch vehicle of the government of the Russian Federation, the People's Republic of China, Iran, or North Korea may not be considered an allied launch vehicle for purposes of this section.

(2) NATIONAL SECURITY SATELLITE.—The term ''national security satellite'' means a satellite launched for national security purposes, including such a satellite launched by the Air Force, the Navy, or the National Reconnaissance Office, or any other element of the Department of Defense.

SEC. 1603. LONG-TERM STRATEGY ON ELECTROMAGNETIC SPECTRUM FOR WARFARE.

(a) STRATEGY REQUIRED.—Not later than February 28, 2017, the Commander of the United States Strategic Command shall submit to the Committees on Armed Services of the Senate and the House of Representatives a strategy for the Department of Defense for the availability, use, and protection of electromagnetic spectrum

for warfare during the 10-year period beginning on the date of the submittal of the strategy.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) A description of the current intelligence and threat environment for electromagnetic spectrum for warfare.

(2) An assessment of the interoperability among the Agencies, components, elements, and forces of the Department needed to carry out the strategy, and a plan to remedy any shortfalls identified by the assessment.

(3) A plan for developing and maintaining the capability to conduct large-scale simulated exercises involving spectrum with near peer competitors.

(4) A plan to address meaningful capability gaps in providing electromagnetic spectrum for warfare for ground, air, and space layers not currently addressed by any element of the Department.

SEC. 1604. FIVE-YEAR PLAN FOR JOINT INTERAGENCY COMBINED SPACE OPERATIONS CENTER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the Joint Interagency Combined Space Operations Center for

the five-year period beginning on such date of enactment that includes—

(1) a description of the roles and responsibilities of the Center;

(2) an estimate of funding needed for the Center that includes a description of contributions from other Federal agencies;

(3) an estimate of the personnel needed for the Center;

(4) a description of planned activities of the Center; and

(5) a description of how the Center will complement and support the mission of the Joint Space Operations Center.

SEC. 1605. INDEPENDENT ASSESSMENT OF GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with a federally funded research and development center to assess the acquisition strategy of the Air Force for the Global Positioning System Next Generation Operational Control System (in this section referred to as "OCX").

(b) ELEMENTS.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the ability of the Air Force to complete blocks zero through two of the OCX operating system on a schedule necessary to transition the OCX to full operation.

(2) An estimate of the cost of completing blocks zero through two on the schedule described in paragraph (1), taking into account the following:

(A) The rate of software defects.

(B) Earned value management.

(C) Information assurance requirements.

(3) An assessment of the ability of the Air Force to implement contingency plans for sustaining the Global Positioning System constellation to mitigate the effects of delays to the implementation of the OCX and to alleviate challenges with respect to the operations and checkout of the Global Positioning System III satellites.

(4) An assessment of any risks to the viability and required availability of the Global Positioning System constellation associated with efforts to complete blocks zero through two as described in paragraph (1) or the contingency plans described in paragraph (3).

(5) An assessment of whether there are well-defined methods for terminating the OCX program in the event of the inability of the Air Force to successfully complete blocks zero through two or other requirements for the OCX while ensuring that the Global Positioning System constellation meets requirements for the availability of that System.

(c) SUBMISSION TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

SEC. 1606. GOVERNMENT ACCOUNTABILITY OFFICE ASSESSMENT OF SATELLITE ACQUISITION BY NATIONAL RECONNAISSANCE OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an assessment, for calendar year 2017 and each calendar year thereafter, of the cost, schedule, and performance of each program of the National Reconnaissance Office for developing, acquiring, launching, and deploying satellites or overhead reconnaissance systems that, before, on, or after the date of the enactment of this Act, receives funding from the Military Intelligence Program or is supported by personnel of the Department of Defense.

(b) REPORTING TO CONGRESS.—The Comptroller General shall regularly inform the appropriate congressional committees with respect to any matters relating to the cost, schedule, or performance of a program assessed under subsection (a) that the Comptroller General considers significant.

(c) PROVISION OF INFORMATION BY NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall provide to the Comptroller General, in a timely manner, access to the information the Comptroller General requires to conduct the assessment required by subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1607. COST-BENEFIT ANALYSIS OF COMMERCIAL USE OF EXCESS BALLISTIC MISSILE SOLID ROCKET MOTORS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an analysis of the costs and benefits of allowing the use of solid rocket motors from

missiles described in section 50134(c) of title 51, United States Code, for commercial space launch purposes. Such analysis shall include an evaluation of the effect, if any, of allowing such use on national security, the Department of Defense, the solid rocket motor industrial base, the commercial space launch market, and any other areas the Comptroller General considers appropriate.

(b) BRIEFING.—Not later than September 1, 2016, the Comptroller General shall provide a briefing on the analysis required by subsection (a) to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science, Space, and Technology of the House of Representatives.

SEC. 1608. ASSESSMENT OF COST-BENEFIT ANALYSES BY DEPARTMENT OF DEFENSE OF USE OF KA-BAND COMMERCIAL SATELLITE COMMUNICATIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall assess the types of analyses the Department of Defense has conducted to understand the costs and benefits of the use of KA-band commercial satellite communications by the Department.

(b) ELEMENTS.—In conducting the assessment required by subsection (a), the Comptroller General shall—

(1) assess whether the Department of Defense has evaluated the use of KA-band commercial satellite communications, based on total cost, capabilities, and interoperability with existing or planned terminals; and

(2) consider such other matters as the Comptroller General considers appropriate.

(c) BRIEFING.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall provide a briefing on the assessment required by subsection (a) to the congressional defense committees.

SEC. 1609. LIMITATION ON USE OF FUNDS FOR JOINT SPACE OPERATIONS CENTER MISSION SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act and made available for the Joint Space Operations Center Mission System may be obligated or expended for increment three of that System until the Secretary of the Air Force submits to the congressional defense committees a report setting forth a strategy for acquiring a common software and hardware framework for space operating systems described in paragraphs (1) and (2) of subsection (b).

(b) ELEMENTS OF REPORT.—The report described in subsection (a) shall include a description of the following:

(1) Space operating systems that perform space battlement management, communication, and control as of the date of the enactment of this Act.

(2) Space operating systems planned to perform space battlement management, communication, and control in the future.

(3) Schedules for acquisition and an estimate of the cost of space operating systems described in paragraph (2).

(4) Critical elements of space operating systems described in paragraphs (1) and (2) that will require common software and hardware to promote a common operating environment and reduce acquisition costs and long-term maintenance requirements.

SEC. 1610. LIMITATION ON AVAILABILITY OF FISCAL YEAR 2017 FUNDS FOR THE GLOBAL POSITIONING SYSTEM NEXT GENERATION OPERATIONAL CONTROL SYSTEM.

Amounts authorized to be appropriated for fiscal year 2017 by this Act and available for the Global Positioning System Next Generation Operational Control System (GPS–OCX) may not be obligated or expended for the current product development contract for that System, or for any other purpose in connection with that System, until the Secretary of Defense submits to Congress the certifi-

cation on the System required pursuant to section 2433a(c)(2) of title 10, United States Code, as a result of the determination not to terminate procurement of that System.

SEC. 1611. AVAILABILITY OF CERTAIN AMOUNTS TO MEET REQUIREMENTS IN CONNECTION WITH UNITED STATES POLICY ON ASSURED ACCESS TO SPACE.

(a) FISCAL YEAR 2017 AMOUNTS.—Of the amount authorized to be appropriated for fiscal year 2017 by section 201 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle (PE 0604853F) as specified in the funding table in section 4201, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the United States policy on assured access to space specified in section 2273 of title 10, United States Code.

(b) FISCAL YEAR 2016 AMOUNTS.—Of the amount authorized to be appropriated for fiscal year 2016 for research, development, test, and evaluation, Air Force, available for the Evolved Expendable Launch Vehicle, and available for obligation for that purpose as of the date of the enactment of this Act, not more than 50 percent may

be available in fiscal year 2017 to meet requirements in connection with the policy described in subsection (a).

(c) AMOUNTS FOR FISCAL YEARS AFTER FISCAL YEAR 2017.—Of the amount authorized to be appropriated for any fiscal year after fiscal year 2017 for research, development, test, and evaluation, Air Force, and available for the Evolved Expendable Launch Vehicle, not more than 50 percent may be available in that fiscal year to meet requirements in connection with the policy described in subsection (a).

SEC. 1612. AVAILABILITY OF FUNDS FOR CERTAIN SECURE VOICE CONFERENCING CAPABILITIES.

Of amounts authorized to be appropriated or otherwise made available for fiscal year 2015 or 2016 for research, development, test, and evaluation, Air Force, and available for obligation as of the date of the enactment of this Act, not more than $10,200,000 may be used to support the accomplishment by the Air Force of integration and associated critical testing and systems engineering activities for the Presidential and National Voice Conferencing program and the Advanced Extremely High Frequency Extended Data Rate, worldwide, secure, survivable voice conferencing capability for the President and national leaders, as described in the reprogramming action

prior approval request submitted by the Under Secretary of Defense (Comptroller) to Congress on March 3, 2016.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

SEC. 1621. DEPARTMENT OF DEFENSE-WIDE REQUIREMENTS FOR SECURITY CLEARANCES FOR MILITARY INTELLIGENCE OFFICERS.

The Secretary of Defense shall ensure that each military intelligence officer serving as a unit or service intelligence officer, or in command of an intelligence unit or activity, has an active security clearance.

Subtitle C—Cyber Warfare, Cybersecurity, and Related Matters

SEC. 1631. CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) AUTHORITY TO PROVIDE SUPPORT.—The Secretary of Defense may provide cyber protection support to personnel of the Department of Defense while such personnel occupy positions in the Department determined by the Secretary to be of highest risk of vulnerability to cyber attacks on their personal devices, networks, and persons.

(b) NATURE OF SUPPORT.—Subject to the availability of resources, in providing cyber protection support

pursuant to subsection (a), the Secretary may provide personnel described in that subsection training, advisement, and assistance regarding cyber attacks described in that subsection.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the provision of cyber protection support pursuant to subsection (a). The report shall include a description of the methodology used by the Secretary to determine the positions in the Department that are of highest vulnerability to cyber attacks for purposes of subsection (a).

SEC. 1632. CYBER MISSION FORCES MATTERS.

(a) ACTIONS PENDING FULL IMPLEMENTATION OF PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the Secretary of Defense completes implementation of the authority in subsection (a) of section 1599f of title 10, United States Code, for Cyber Mission Force (CMF) positions in accordance with the implementation plan required by subsection (d) of such section, the Secretary shall do each of the following:

(1) Provide for and implement an interagency transfer agreement between excepted service position and competitive service position systems in applica-

ble agencies and components of the Department in order to satisfy the requirements for Cyber Mission Force positions from among a mix of employees in the excepted service and the competitive service in such agencies and components.

(2) Direct the Armed Forces to implement in their Defense Civilian Intelligence Personnel Systems for Cyber Mission Force positions a so-called ''Rank-in-Person'' classification system similar to the classification system used by the National Security Agency.

(3) Implement direct hiring authority for Cyber Mission Force positions up to the GG or GS–15 level.

(4) Authorize officials conducting hiring in the competitive service for Cyber Mission Force positions to set starting salaries at up to a step-five level with no justification and at up to a step-ten level with justification that meets published guidelines applicable to the excepted service.

(b) OTHER MATTERS.—The Principal Cyber Advisor shall, working through the cross-functional team established by section 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2224

note) and in coordination with the Commander of the United States Cyber Command, supervise—

(1) the development of training standards for computer network operations tool developers for military, civilian, and contractor personnel supporting the Cyber Mission Forces;

(2) the rapid enhancement of capacity to train personnel to those standards to meet the needs of the Cyber Mission Forces for tool development; and

(3) actions necessary to ensure timely completion of personnel security investigations and adjudications for tool development personnel.

SEC. 1633. LIMITATION ON ENDING OF ARRANGEMENT IN WHICH THE COMMANDER OF THE UNITED STATES CYBER COMMAND IS ALSO DIRECTOR OF THE NATIONAL SECURITY AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the arrangement (commonly referred to as a ''dual-hat arrangement'') under which the Commander of the United States Cyber Command also serves as the Director of the National Security Agency is in the national security interests of the United States.

(b) LIMITATION ON ENDING OF CURRENT ARRANGEMENT.—The Secretary of Defense may not take action to end the arrangement described in subsection (a) until the

Secretary and the Chairman of the Joint Chiefs of Staff jointly determine and certify to the appropriate committees of Congress that the end of that arrangement will not pose risks to the military effectiveness of the United States Cyber Command that are unacceptable in the national security interests of the United States.

(c) CONDITIONS-BASED CRITERIA.—The Secretary and the Chairman shall develop criteria for assessing the military and intelligence necessity and benefit of the arrangement described in subsection (a). The criteria shall be based on measures of the operational dependence of the United States Cyber Command on the National Security Agency and the ability of each organization to accomplish their roles and responsibilities independent of the other. The conditions to be evaluated shall include the following:

(1) The sufficiency of operational infrastructure.

(2) The sufficiency of command and control systems and processes for planning, deconflicting, and executing military cyber operations, tools and weapons for achieving required effects.

(3) Technical intelligence collection and operational preparation of the environment capabilities.

(4) The ability to train personnel, test capabilities, and rehearse missions.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1634. PILOT PROGRAM ON APPLICATION OF CONSEQUENCE-DRIVEN, CYBER-INFORMED ENGINEERING TO MITIGATE AGAINST CYBERSECURITY THREATS TO OPERATING TECHNOLOGIES OF MILITARY INSTALLATIONS.

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretaries of the military departments, carry out a pilot program to assess the feasibility and advisability of applying consequence-driven, cyber-informed engineering methodologies to the operating technologies of military installations, including industrial control systems, in order

to increase the resilience of military installations against cybersecurity threats and prevent or mitigate the potential for high-consequence cyberattacks.

(b) ELEMENTS.—

(1) DISCHARGING ENTITY.—The Secretary shall carry out the pilot program through a research laboratory of the Department of Defense or, with the approval of the Secretary of Energy, a research laboratory of the Department of Energy, selected by the Secretary for purposes of the pilot program.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at not fewer than two military installations selected by the Secretary for purposes of the pilot program from among military installations supporting the most critical mission-essential functions of the Department of Defense.

(c) DURATION.—The duration of the pilot program shall be two years.

(d) REPORTS.—

(1) REPORTS REQUIRED.—Not later than September 30, 2017, and each year thereafter through 2019, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(2) RECURRING ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) A description of the activities carried out under the pilot program.

(B) An assessment of the value of the methodologies applied during the pilot program in increasing the resilience of military installations against cybersecurity threats.

(3) ADDITIONAL ELEMENT IN FINAL REPORT.—The report under paragraph (1) in 2019 shall also include such recommendations for administrative or legislative action as the Secretary considers appropriate in light of the pilot program, including for actions as follows:

(A) To apply methodologies identified through the pilot program across the Department of Defense.

(B) To require the Armed Forces to build capability of determining whether such methodologies should be included as requirement in applicable future military construction projects.

SEC. 1635. EVALUATION OF CYBER VULNERABILITIES OF F–35 AIRCRAFT AND SUPPORT SYSTEMS.

(a) IN GENERAL.—Subsection (a) of section 1647 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1118) is amended—

(1) in paragraph (2), by striking ''The'' and inserting ''Other than a weapon system described in paragraph (3), the''; and

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

''(3) F–35 AIRCRAFT.—The Secretary shall ensure that a complete evaluation of the F–35 aircraft and its support systems, such as the Autonomic Logistics Information System, is completed under paragraph (1) before February 1, 2017.''.

(b) REPORT.—Such section is amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

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

''(c) TOOLS AND SOLUTIONS.—The Secretary of Defense may—

''(1) develop tools that improve assessments of cyber vulnerabilities;

"(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

"(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

"(d) REPORT ON F–35 AIRCRAFT.—

"(1) IN GENERAL.—Not later than February 28, 2017, the Secretary of Defense shall submit to the congressional defense committees a report on the evaluation completed under subsection (a)(3).

"(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

"(A) The findings of the Secretary with respect to the evaluation completed under subsection (a)(3).

"(B) Identification of any major information assurance deficiencies relating to the F–35 aircraft or its support systems.

"(C) A cyber vulnerability mitigation strategy for such aircraft and systems.".

SEC. 1636. REVIEW AND ASSESSMENT OF TECHNOLOGY STRATEGY AND DEVELOPMENT AT DEFENSE INFORMATION SYSTEMS AGENCY.

(a) STRATEGY REQUIRED.—The Director of the Defense Information Systems Agency shall develop a research and technology development strategy in support of Defense Information Systems Agency missions.

(b) STRATEGIC PLAN FOR DEFENSE INFORMATION SYSTEMS AGENCY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.—

(1) IN GENERAL.—(A) Not less frequently than once every two fiscal years through fiscal year 2022, the Director, in coordination with the Under Secretary of Defense for Acquisition, Technology and Logistics and the Chief Information Officer of the Department of Defense, shall complete a strategic plan, in unclassified and classified formats as necessary, reflecting the needs of the Department of Defense with respect to research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency.

(B) Each such strategic plan required by subparagraph (A) shall cover the period of five fiscal years beginning with the fiscal year in which the plan is developed.

(C) The strategic plan shall be based on a comprehensive review of the research, development, test, and evaluation requirements and missions of the Agency and the adequacy of research, development, test, and evaluation activities, facilities, workforce, and resources of the Agency to meet those requirements and missions.

(2) ELEMENTS.—Each strategic plan required by paragraph (1)(A) shall include the following:

(A) An assessment of the research, development, test, and evaluation requirements of the Department to be supported by the Agency for the period covered by the plan.

(B) An identification of performance measures associated with the successful achievement of objectives for the period covered by the plan.

(C) An assessment of the research and development programs and plans of the Agency.

(D) An assessment of the current state of the test and evaluation facilities and resources of the Agency.

(E) An assessment of plans and business case analyses supporting any significant modification of the facilities, workforce, and resources project, proposed, or recommended by

the Director, including with respect to the expansion, divestment, consolidation, or curtailment of activities.

SEC. 1637. EVALUATION OF CYBER VULNERABILITIES OF DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall, in accordance with the plan under subsection (b), complete an evaluation of the cyber vulnerabilities of Department of Defense critical infrastructure by not later than December 31, 2020.

(b) PLAN FOR EVALUATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan of the Secretary for the evaluation of Department of Defense critical infrastructure under subsection (a), including an identification of each of the facilities and locations to be evaluated and an estimate of the funding required to conduct the evaluation.

(2) PRIORITY IN EVALUATION.—The plan under paragraph (1) shall accord a priority among evaluations based on the criticality of supporting infrastructure, as determined by the Chairman of the

Joint Chiefs of Staff based on an assessment of employment of forces and threats.

(3) INTEGRATION WITH OTHER EFFORTS.—The plan under paragraph (1) shall build upon existing efforts regarding the identification and mitigation of cyber vulnerabilities of major weapon systems and Department of Defense critical infrastructure, and shall not duplicate similar ongoing efforts.

(c) STATUS ON PROGRESS.—The Secretary shall inform the congressional defense committees of the activities undertaken in the evaluation of Department of Defense critical infrastructure under this section as part of the quarterly cyber operations briefings under section 484 of title 10, United States Code.

(d) RISK MITIGATION STRATEGIES.—As part of the evaluation of cyber vulnerabilities of Department of Defense critical infrastructure, the Secretary shall develop strategies for mitigating the risks of cyber vulnerabilities identified in the course of the evaluation.

(e) TOOLS AND SOLUTIONS.—The Secretary may—

(1) develop tools that improve assessments of cyber vulnerabilities of Department of Defense critical infrastructure;

(2) conduct non-recurring engineering for the design of mitigation solutions for such vulnerabilities; and

(3) establish Department-wide information repositories to share findings relating to such assessments and to share such mitigation solutions.

(f) DEPARTMENT OF DEFENSE CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term ''Department of Defense critical infrastructure'' means any asset of the Department of Defense of such extraordinary importance to the functioning of the Department and the operation of the military that its incapacitation or destruction from a cyber attack would have a debilitating effect on the ability of the Department to fulfill its missions.

SEC. 1638. PLAN FOR INFORMATION SECURITY CONTINUOUS MONITORING CAPABILITY AND COMPLY-TO-CONNECT POLICY.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense and the Commander of the United States Cyber Command, in coordination with the Principal Cyber Adviser, shall jointly develop a plan for a modernized, enterprise-wide information security continuous monitoring (ISCM) capability and a comply-to-connect policy.

(2) ELEMENTS.—The plan required by paragraph (1) shall include an architecture, a concept of operations, component functionality, and interoperability requirements for the tools, sensors, systems, and processes that comprise the information security continuous monitoring capability operating under a comply-to-connect policy.

(b) IMPLEMENTATION OF PLAN.—The Chief Information Officer and the Commander shall each issue such directives for Department of Defense components as they each consider appropriate to take actions to comply with the plan and policy developed under paragraph (1).

(c) TIMEFRAME.—The Chief Information Officer and the Commander shall ensure that the plan and policy required by subsection (a) is developed, and the directives required by subsection (b) are issued, before such time as is necessary for components of the Department of Defense to include necessary funding and program plans in program objective memoranda for the budget submitted by the President under section 1105(a) of title 31, United States Code, for fiscal year 2019.

(d) SOFTWARE LICENSE COMPLIANCE MATTERS.—The plan and policy required by subsection (a) shall enable compliance with the software license inventory requirements of the plan issued pursuant to section 937 of the

National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C. 2223 note) and updated pursuant to section 935 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 2223 note).

(e) LIMITATION ON FUTURE SOFTWARE LICENSING.—

(1) IN GENERAL.—The Secretary of Defense may not obligate or expend any funds for a software license for the Department of Defense for which the Department would spend in excess of $5,000,000 annually unless the Department is able, through automated means—

(A) to count the number of such licenses in use; and

(B) to determine the security status of each instance of use of the software licensed.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect—

(A) in the case of a contract for new software licensing, on January 1, 2018; and

(B) in the case of a contract relating to software licensing that was already in effect, on January 1, 2020.

(f) INTEGRATION WITH OTHER CAPABILITIES.—The Chief Information Officer and the Commander of United States Cyber Command shall ensure that information generated through automated- and automation assisted processes for continuous monitoring, asset management, and comply-to-connect policies and processes is accessible and usable in machine-readable form by cyber protection teams and computer network defense service providers.

SEC. 1639. REPORT ON AUTHORITY DELEGATED TO SECRETARY OF DEFENSE TO CONDUCT CYBER OPERATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report outlining in detail the authorities that have been delegated by the President to the Secretary for the conduct of cyber operations.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) A detailed description of the standing authorities and limitations that authorize or limit the Secretary's response to—

(A) a malicious cyber activity carried out against the United States or a United States person by a foreign power (as defined in section

101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)); or

(B) malicious cyber activity against an entity of the Department of Defense.

(2) A detailed description of how the authorities described in subsection (a) compare to the authorities delegated to the Secretary regarding activities in non-cyber domains.

SEC. 1640. DETERRENCE OF ADVERSARIES IN CYBERSPACE.

(a) REPORT ON DETERRENCE OF ADVERSARIES IN CYBERSPACE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the President and the congressional defense committees a report on the military and nonmilitary options available to the United States to deter Russia, China, Iran, North Korea, and terrorist organizations in cyberspace.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) A description of the options described in paragraph (1).

(B) For each option described under subparagraph (A), an assessment of the effectiveness of the option.

(C) An integrated priorities list for cyber deterrence capabilities of the Department of Defense that identifies, at a minimum, high priority capability needs prioritized across armed force and functional lines, risk areas, and long-term strategic planning issues.

(b) REPORT ON ACTS OF WAR IN CYBERSPACE.—

(1) IN GENERAL.—Not later than 60 days after the date on which the Chairman submits the report required by subsection (a)(1), the President shall submit to the congressional defense committees a report on determining when an action carried out in cyberspace constitutes an act of war against the United States.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) Identification of what actions carried out in cyberspace constitute an act of war against the United States.

(B) Identification of how the law of war applies to cyber operations of the Department of Defense.

(C) Identification of the circumstances required for responding to a cyber attack against the United States.

(D) A declaratory policy on the use of cyber weapons by the United States.

(3) CONSIDERATIONS.—In preparing the report required by paragraph (1), the President shall consider the following:

(A) Whether a cyber attack must demonstrate a use of force to be considered an act of war.

(B) The ways in which the effects of a cyber attack may be equivalent to effects of an attack using conventional weapons, including with respect to physical destruction or casualties.

(C) Intangible effects of significant scope, intensity, or duration.

(D) How the law of neutrality applies, how the utilization or exploitation of communications infrastructure in neutral States applies, and what limitations, if any, apply in exercising the right of the United States to act in self-defense through a cyber-operation.

Subtitle D—Nuclear Forces

SEC. 1651. PROCUREMENT AUTHORITY FOR CERTAIN PARTS OF INTERCONTINENTAL BALLISTIC MISSILE FUZES.

(a) AVAILABILITY OF FUNDS.—Notwithstanding section 1502(a) of title 31, United States Code, of the amount authorized to be appropriated for fiscal year 2017 by section 101 and available for Missile Procurement, Air Force, as specified in the funding table in section 4101, $17,095,000 shall be available for the procurement of covered parts pursuant to contracts entered into under section 1645(a) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3651).

(b) COVERED PARTS DEFINED.—In this section, the term ''covered parts'' means commercially available off-the-shelf items as defined in section 104 of title 41, United States Code.

SEC. 1652. MODIFICATION OF REPORT ON ACTIVITIES OF THE COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.

Section 171a(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) An assessment of the readiness of the command, control, and communications system for the national leadership of the United States and of each layer of the system, as that layer relates to nuclear command, control, and communications.".

SEC. 1653. REVIEW BY COMPTROLLER GENERAL OF THE UNITED STATES OF RECOMMENDATIONS RELATING TO NUCLEAR ENTERPRISE OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—During each of fiscal years 2017 through 2021, the Comptroller General of the United States shall conduct a review of the following:

(1) The processes of the Department of Defense for addressing the recommendations of the Department of Defense Internal Nuclear Enterprise Review, the Independent Review of the Department of Defense Nuclear Enterprise, and other recommendations affecting the health of the nuclear enterprise of the Department of Defense identified or tracked by the Nuclear Deterrence Enterprise Review Group, including the process used by the Director of Cost Assessment and Program Evaluation to evaluate the implementation of such recommendations.

(2) The processes used to implement recommendations from other assessments of the nuclear

enterprise of the Department of Defense, including the National Leadership Command Capability and Nuclear Command, Control, and Communications Enterprise Review.

(b) BRIEFING.—After conducting each review under subsection (a), the Comptroller General shall provide to the congressional defense committees a briefing on the review.

(c) CONFORMING REPEAL.—Section 1658 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1125) is repealed.

SEC. 1654. SENSE OF CONGRESS ON NUCLEAR DETERRENCE.

The following is the sense of Congress:

(1) The nuclear forces of the United States continue to play a fundamental role in deterring aggression against the interests of the United States and its allies in an increasingly dangerous world in which foreign adversaries, including the Russian Federation, are making explicit nuclear threats against the United States and its allies. Strong United States nuclear forces assure United States allies that the extended deterrence guarantees of the United States are credible and that the resolve of the United States remains strong even in the face of

nuclear provocations, including nuclear coercion and blackmail.

(2) The prevention of war through effective deterrence requires survivable and flexible nuclear forces that are well exercised and ready to respond to nuclear escalation if necessary. Possessing a range of capabilities and options to counter nuclear threats assures United States allies and enhances the credibility of United States nuclear deterrence by reinforcing the resolve of the United States in the minds of United States allies and potential adversaries.

(3) The declared policy of the United States with respect to the use of nuclear weapons must be coordinated and communicate clearly that the use of nuclear weapons against the United States or its vital interests would ultimately fail and subject the aggressor to incalculable consequences.

(4) In support of a strong and credible nuclear deterrent, the United States must—

(A) maintain a nuclear force with a diverse, flexible range of nuclear yield and delivery modes that are ready, capable, and credible;

(B) afford the highest priority to the modernization of the nuclear triad, dual-capable air-

craft, and related command and control elements; and

(C) ensure the broadest participation of United States allies in nuclear defense planning, training, and exercises to demonstrate the commitment of the United States and its allies and their solidarity against nuclear threats and coercion.

(5) The North Atlantic Treaty Organization (NATO) must make it clear at the NATO summit in Warsaw, Poland, in July 2016 that NATO has taken steps to address the nuclear provocations of the Russian Federation, particularly including steps to counter any calculation by the Russian Federation that the use of nuclear weapons against NATO members could have other than incalculable consequences for the Russian Federation. Effective deterrence requires that NATO clearly communicate that reality to the leaders of the Russian Federation, conduct realistic nuclear planning and exercises, and modernize the full suite of dual-capable aircraft and associated command and control networks and facilities.

SEC. 1655. EXPEDITED DECISION WITH RESPECT TO SECURING LAND-BASED MISSILE FIELDS.

To mitigate any risk posed to the nuclear forces of the United States by the failure to replace the UH–1N helicopter, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff—

(1) decide if the land-based missile fields using UH–1N helicopters meet security requirements and if there are any shortfalls or gaps in meeting such requirements;

(2) not later than 30 days after the date of the enactment of this Act, submit to Congress a report on the decision relating to a request for forces required by paragraph (1); and

(3) if the Chairman determines the implementation of the decision to be warranted to mitigate any risk posed to the nuclear forces of the United States—

(A) not later than 60 days after such date of enactment, implement that decision; or

(B) if the Secretary cannot implement that decision during the period specified in subparagraph (A), not later than 45 days after such date of enactment, submit to Congress a report that includes a proposal for the date by which

the Secretary can implement that decision and a plan to carry out that proposal.

Subtitle E—Missile Defense Programs

SEC. 1661. REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) TESTING REQUIRED.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system.

(b) REQUIREMENTS.—The Director shall ensure that each test carried out under subsection (a) provides, when possible, for one or more of the following:

(1) The validation of technical improvements made to increase system performance and reliability.

(2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.

(3) The use of threat-representative targets and critical engagement conditions.

(4) The evaluation of new configurations of interceptors before they are fielded.

(5) The satisfaction of the ''fly before buy'' acquisition approach for new interceptor components or software.

(6) The evaluation of the interoperability of the ground-based midcourse defense element with other elements of the ballistic missile defense systems.

(c) EXCEPTIONS.—The Director may forgo a test under subsection (a) in a fiscal year under one or more of the following conditions:

(1) It would jeopardize national security.

(2) Insufficient time considerations between post-test analysis and subsequent pre-test design.

(3) Insufficient funding.

(4) An interceptor is unavailable.

(5) A target is unavailable or is insufficiently representative of threats.

(6) The test range or necessary test assets are unavailable.

(7) Inclement weather.

(8) Any other condition the Director considers appropriate.

(d) CERTIFICATION.—Not later than 45 days after forgoing a test for a condition or conditions under subsection (c)(8), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the con-

gressional defense committees a certification setting forth the condition or conditions that caused the test to be forgone under that subsection.

(e) REPORT.—Not later than 45 days after forgoing a test for any condition specified in subsection (c), the Director shall submit to the congressional defense committees a report setting forth the rationale for forgoing the test and a plan to restore an intercept flight test in the Integrated Master Test Plan of the Missile Defense Agency. In the case of a test forgone for a condition or conditions under subsection (c)(8), the report required by this subsection is in addition to the certification required by subsection (d).

SEC. 1662. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM CODEVELOPMENT AND COPRODUCTION.

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated for Procurement, Defense-wide, and available for the Missile Defense Agency, not more than $42,000,000 may be provided to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such inter-

ceptors in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, subject to an amended bilateral agreement for coproduction for Tamir interceptors. In negotiations by the Missile Defense Agency and the Missile Defense Organization of the Government of Israel regarding such production, the goal of the United States is to maximize opportunities for coproduction of the Tamir interceptors described in paragraph (1) in the United States by industry of the United States.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Sec-

retary of Defense for Acquisition, Technology, and Logistics shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral agreement specified in subparagraph (A) is being implemented as provided in such bilateral agreement; and

(ii) an assessment detailing any risks relating to the implementation of such bilateral agreement.

(b) LIMITATION ON FUNDING FOR DAVID'S SLING WEAPON SYSTEM.—None of the amounts appropriated or otherwise made available pursuant to subsection (a)(1) of section 1679 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1135) that remain available and are unobligated on the date of the enactment of this Act may be expended or obligated until the appropriate congressional committees receive the plan required by subsection (d) of such section (Public Law 114–92; 129 Stat. 1136).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1663. NON-TERRESTRIAL MISSILE DEFENSE INTERCEPT AND DEFEAT CAPABILITY FOR THE BALLISTIC MISSILE DEFENSE SYSTEM.

Section 1685 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1142) is amended—

(1) in subsection (c)(2), by inserting before the semicolon at the end the following: ''for each fiscal year over the five fiscal-year period beginning with the fiscal year following the fiscal year in which the report is submitted, assuming such potential program of record is technically feasible and could be deployed by December 31, 2027''; and

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

''(d) COMMENCEMENT OF RDT&E.—Not later than 60 days after the submittal of the report required by subsection (c), the Director may commence coordination and activities associated with research, development, test, and evaluation on the programs described in subsection (c)(2).''.

SEC. 1664. REVIEW OF PRE-LAUNCH MISSILE DEFENSE STRATEGY.

(a) REVIEW.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly conduct a review of the strategy, programs, and capabilities to counter cruise and ballistic missiles prior to launch in support of regional and homeland missile defense, using the full range of active, passive, kinetic, and nonkinetic defense measures.

(b) ELEMENTS.—The review under subsection (a) shall address the following:

(1) The pre-launch missile defense policy, strategy, and objectives of the United States.

(2) The existing and planned programs across the services and the Department to develop pre-launch missile defense capabilities.

(3) The roles and responsibilities of the Office of the Secretary of Defense, Defense Agencies, combatant commands, the Joint Chiefs of Staff, the military departments, and the intelligence community in such programs.

(4) The process for determining requirements for pre-launch missile defense capabilities under such programs, including input from the joint military requirements process.

(5) The plans to include such programs into the Department's Integrated Air and Missile Defense architecture.

(6) The budget profile for such programs across the Future Years Defense Program.

(7) The role of international cooperation on pre-launch missile defense capabilities and the plans, policies, and requirements for integration and interoperability of such capabilities with allies.

(8) Any other matters the Secretary determines relevant.

(c) REPORT.—

(1) RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the results of the review under subsection (a).

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) THREAT REPORT.—In conjunction with the report submitted under paragraph (1), the Secretary, in coordination with the Director of National Intelligence, shall submit to the congressional defense committees a classified report with an assess-

ment of the tactical ballistic and cruise missile threat to the United States, deployed forces of the United States, and allies of the United States.

(d) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(D) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) PRE-LAUNCH MISSILE DEFENSE PROGRAMS.—The term ''pre-launch missile defense programs'' means programs that would lead to improving the capabilities of the United States to counter cruise and ballistic missiles before they are launched against the United States homeland, United States deployed forces, or allies of the United States.

SEC. 1665. MODIFICATION OF NATIONAL MISSILE DEFENSE POLICY.

Section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 10 U.S.C. 2431 note) is amended by striking ''limited''.

SEC. 1666. EXTENSION OF PROHIBITIONS ON PROVIDING CERTAIN MISSILE DEFENSE INFORMATION TO THE RUSSIAN FEDERATION.

Section 130h(d) of title 10, United States Code, is amended by striking ''2017'' and inserting ''2018''.

Subtitle F—Other Matters

SEC. 1671. SURVEY AND REVIEW OF DEFENSE INTELLIGENCE ENTERPRISE.

(a) SURVEY AND REVIEW.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall—

(A) review the organization, resources, and processes of the Defense Intelligence Enterprise, including the defense intelligence agencies and intelligence elements of the combatant commands and military departments, to assess the capabilities and capacity of such Enterprise, along with the intelligence community, to meet present and future defense intelligence requirements; and

(B) conduct a survey of each geographic combatant command to assess—

(i) the current state of intelligence support to military operations;

(ii) the prioritization and allocation of intelligence resources within each combatant command; and

(iii) whether intelligence resources are balanced between support to theater commanders and support to operational commanders.

(2) ELEMENTS.—The review and survey required by paragraph (1) shall include the following:

(A) A comprehensive assessment of the Defense Intelligence Enterprise and whether such Enterprise—

(i) is organized and has resources to meet current and future defense intelligence requirements;

(ii) is balancing resources appropriately between operational and strategic defense intelligence requirements;

(iii) is responding with sufficient agility to emerging or unexpected requirements; and

(iv) is sufficiently integrated with combatant commands, subordinate commands, and joint task forces.

(B) With respect to each geographic combatant command surveyed—

(i) information on the total intelligence workforce assigned to the combatant command, including civilians, military, and contract personnel;

(ii) detailed information on the allocation of intelligence resources to meet combatant commander priorities;

(iii) detailed information on the intelligence priorities of the commander of the combatant command and intelligence resources allocated to each priority; and

(iv) detailed information on the intelligence resources, including personnel and assets, dedicated to each of the following:

(I) Direct support to the combatant commander.

(II) Contingency planning.

(III) Ongoing operations.

(IV) Crisis response.

(b) REPORT.—

(1) REQUIREMENT FOR REPORT.—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees and the Under Secretary of Defense for Intelligence a report on the findings of the Chairman with respect to the review and survey required by subsection (a)(1).

(2) CONTENT.—The report required by paragraph (1) shall include—

(A) a detailed analysis of how each combatant command uses the intelligence resources available to such command; and

(B) the recommendations of the Chairman, if any, to improve the Defense Intelligence Enterprise to fulfill operational military requirements.

(c) DEFENSE INTELLIGENCE ENTERPRISE DEFINED.—In this section, the term ''Defense Intelligence Enterprise'' means the organizations, infrastructure, and measures, including policies, processes, procedures, and products, of the intelligence, counterintelligence, and security components of each of the following:

(1) The Department of Defense.

(2) The Joint Staff.

(3) The combatant commands.

(4) The military departments.

(5) Other elements of the Department of Defense that perform national intelligence, defense intelligence, intelligence-related, counterintelligence, or security functions.

SEC. 1672. MILESTONE A DECISION FOR THE CONVENTIONAL PROMPT GLOBAL STRIKE WEAPONS SYSTEM.

The Secretary of Defense shall make a Milestone A decision for the Conventional Prompt Global Strike Weapons System not later than the earlier of—

(1) September 30, 2020; or

(2) the date that is 8 months after the successful completion of Intermediate Range Flight 2 of that System.

SEC. 1673. CYBER CENTER FOR EDUCATION AND INNOVATION AND NATIONAL CRYPTOLOGIC MUSEUM.

(a) IN GENERAL.—Chapter 449 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4781. Cyber Center for Education and Innovation and National Cryptologic Museum

''(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish at Fort George G. Meade, Maryland, a center to be known as the 'Cyber Center for Education and Innovation and the National Cryptologic Museum' (in this section referred to as the 'Center'). The Center may be used for the identification, curation, storage, and public viewing of materials relating to the activities of the National Security Agency and the Central Security Service, any predecessor or successor organizations, and the history of cryptology. The Center may contain meeting, conference, and classroom facilities that will be used to support such education, training, public outreach, and other purposes as the Secretary considers appropriate.

''(b) DESIGN, CONSTRUCTION, AND OPERATION.—The Secretary may enter into an agreement with the National Cryptologic Museum Foundation (in this section referred to as the 'Foundation'), a non-profit organization, for the design, construction, and operation of the Center.

''(c) ACCEPTANCE AUTHORITY.—

''(1) ACCEPTANCE OF FACILITY.—If the Foundation constructs the Center pursuant to an agreement under subsection (b), upon satisfactory completion of the Center's construction or any phase thereof, as determined by the Secretary, and upon full

satisfaction by the Foundation of any other obligations pursuant to such agreement, the Secretary may accept the Center or such phase from the Foundation, and all right, title, and interest in the Center or such phase shall vest in the United States.

"(2) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, the Secretary may accept services from the Foundation. For purposes of this section and any other provision of law, employees or personnel of the Foundation may not be considered to be employees of the United States.

"(d) USE OF CERTAIN GIFTS.—

"(1) MANAGEMENT OF SMALLER GIFTS.—Under regulations prescribed by the Secretary, the Director of the National Security Agency may, without regard to section 2601 of this title, accept, hold, administer, invest, and spend for the benefit of the Center any gift, devise, or bequest of personal property, or of money of a value of $500,000 or less, made for the benefit of the Center.

"(2) PAYMENT OF EXPENSES.—The Director may pay or authorize the payment of any reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

"(e) AUTHORITY TO ASSESS FEES AND USE OF FUNDS.—

"(1) FEES AND USER CHARGES.—Under regulations prescribed by the Secretary, the Director may assess fees and user charges for the use of Center facilities and property, including rental, user, conference, and concession fees.

"(2) USE OF FUNDS.—Amounts received by the Secretary under paragraph (1) shall be used for the benefit of the Center.

"(f) FUND.—If the Center is established pursuant to subsection (a), there shall be established on the books of the Treasury a fund to be known as the 'Cyber Center for Education and Innovation and National Cryptologic Museum Fund'. Gifts of money under subsection (d), and fees and user charges received under subsection (e), shall be deposited in the fund and be available until expended for the benefit of the Center, including costs of operation and of the acquisition of books, manuscripts, works of art, historical artifacts, drawings, plans, models, and condemned or obsolete combat materiel.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 is amended by adding at the end the following new item:

"4781. Cyber Center for Education and Innovation and National Cryptologic Museum.".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2017''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2020.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-

curity Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2019; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2020 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII shall take effect on the later of—

(1) October 1, 2016; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military

1 construction projects for the installations or locations in-
2 side the United States, and in the amounts, set forth in
3 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$47,000,000
California	Concord	$12,600,000
Colorado	Fort Carson	$13,100,000
Georgia	Fort Gordon	$100,600,000
	Fort Stewart	$14,800,000
Texas	Fort Hood	$7,600,000
Utah	Camp Williams	$7,400,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
5 appropriated pursuant to the authorization of appropria-
6 tions in section 2103(a) and available for military con-
7 struction projects outside the United States as specified
8 in the funding table in section 4601, the Secretary of the
9 Army may acquire real property and carry out the military
10 construction projects for the installations or locations out-
11 side the United States, and in the amounts, set forth in
12 the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	East Camp Grafenwoehr	$22,000,000
	Garmisch	$9,600,000
	Wiesbaden Army Airfield	$19,200,000

13 **SEC. 2102. FAMILY HOUSING.**

14 (a) CONSTRUCTION AND ACQUISITION.—Using
15 amounts appropriated pursuant to the authorization of ap-
16 propriations in section 2103(a) and available for military
17 family housing functions as specified in the funding table

in section 4601, the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

State/Country	Installation or Location	Units	Amount
Korea	Camp Humphreys	Family Housing New Construction	$143,563,000
	Camp Walker	Family Housing New Construction	$54,554,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,618,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 986) for Joint Base Lewis-McChord, Washington, for construction of an aircraft maintenance hangar at the installation, the Secretary of the Army may construct an aircraft washing apron.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (126 Stat. 2119) and extended by section 2107 of the Military

Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1148), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2013 Project Authorizations

State	Installation or Location	Project	Amount
Kansas	Fort Riley	Unmanned Aerial Vehicle Complex	$12,200,000
Japan	Sagami	Vehicle Maintenance Shop ..	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (127 Stat. 986) shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Maryland	Fort Detrick	Entry Control Point	$2,500,000
Marshall Islands.	Kwajalein Atoll	Pier	$63,000,000
Japan	Kyotango City	Company Operations Complex	$33,000,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$48,355,000
California	Coronado	$104,501,000
	Lemoore	$26,723,000
	Miramar	$74,700,000
	Seal Beach	$21,007,000
Florida	Eglin Air Force Base	$20,489,000
Hawaii	Barking Sands	$43,384,000
	Kaneohe Bay	$72,565,000
Maine	Kittery	$47,892,000
Maryland	Patuxent River	$40,576,000
Nevada	Fallon	$13,523,000
North Carolina	Camp Lejeune	$18,482,000
	Cherry Point Marine Corps Air Station	$12,515,000
South Carolina	Beaufort	$83,490,000
	Parris Island	$29,882,000
Virginia	Norfolk Naval Station	$27,000,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
Washington	Bangor	$40,415,000
	Bremerton	$6,704,000
	Whidbey Island	$75,976,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a) and available for military con-
4 struction projects outside the United States as specified
5 in the funding table in section 4601, the Secretary of the
6 Navy may acquire real property and carry out military
7 construction projects for the installations or locations out-
8 side the United States, and in the amounts, set forth in
9 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Guam	Joint Region Marianas	$89,185,000
Japan	Kadena Air Base	$26,489,000
	Sasebo	$16,420,000
Spain	Rota	$23,607,000
Worldwide Unspecified	Unspecified Worldwide Locations	$41,380,000

10 **SEC. 2202. FAMILY HOUSING.**

11 (a) CONSTRUCTION AND ACQUISITION.—Using
12 amounts appropriated pursuant to the authorization of ap-
13 propriations in section 2204(a) and available for military
14 family housing functions as specified in the funding table
15 in section 4601, the Secretary of the Navy may construct
16 or acquire family housing units (including land acquisition
17 and supporting facilities) at the installation or location,

in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Mariana Islands	Guam	Replace Andersen Housing PH 1	$78,815,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,149,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $11,047,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years

beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2201 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 989) for Pearl City, Hawaii, for construction of a water transmission line at that location, the Secretary of the Navy may construct a 591-meter (1,940-foot) long 16-inch diameter water transmission line as part of the network required to provide the main water supply to Joint Base Pearl Harbor-Hickam, Hawaii.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (126 Stat. 2122) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1151), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2013 Project Authorizations

State	Installation or Location	Project	Amount
Greece	Souda Bay	Intermodal Access Road	$4,630,000
South Carolina	Beaufort	Recycling/Hazardous Waste Facility	$3,743,000
Worldwide Unspecified	Various Worldwide	BAMS Operation Facilities	$34,048,000

SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat.

985), the authorizations set forth in the table in subsection (b), as provided in section 2201 of that Act (127 Stat. 989), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Kaneohe	Aircraft Maintenance Hangar Upgrades	$31,820,000
	Pearl City	Water Transmission Line	$30,100,000
Illinois	Great Lakes	Unaccompanied Housing	$35,851,000
Maine	Bangor	NCTAMS VLF Commercial Power Connection	$13,800,000
Nevada	Fallon	Wastewater Treatment Plant	$11,334,000
Virginia	Quantico	Academic Instruction Facility TECOM Schools	$25,731,000
	Quantico	Fuller Road Improvements	$9,013,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the
2 Air Force may acquire real property and carry out mili-
3 tary construction projects for the installations or locations
4 inside the United States, and in the amounts, set forth
5 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$20,000,000
	Eielson Air Force Base	$295,600,000
	Joint Base Elmendorf-Richardson	$29,000,000
Arizona	Luke Air Force Base	$20,000,000
California	Edwards Air Force Base	$24,000,000
Colorado	Buckley Air Force Base	$13,500,000
Delaware	Dover Air Force Base	$39,000,000
Florida	Eglin Air Force Base	$88,600,000
	Patrick Air Force Base	$13,500,000
Georgia	Moody Air Force Base	$30,900,000
Kansas	McConnell Air Force Base	$19,800,000
Louisiana	Barksdale Air Force Base	$21,000,000
Maryland	Joint Base Andrews	$66,500,000
Massachusetts	Hanscom Air Force Base	$20,000,000
Montana	Malmstrom Air Force Base	$14,600,000
Nevada	Nellis Air Force Base	$10,600,000
New Mexico	Cannon Air Force Base	$21,000,000
	Holloman Air Force Base	$10,600,000
	Kirtland Air Force Base	$7,300,000
Ohio	Wright-Patterson Air Force Base	$12,600,000
Oklahoma	Altus Air Force Base	$11,600,000
	Tinker Air Force Base	$43,000,000
Texas	Joint Base San Antonio	$67,300,000
Utah	Hill Air Force Base	$44,500,000
Virginia	Joint Base Langley-Eustis	$59,200,000
Washington	Fairchild Air Force Base	$27,000,000
Wyoming	F. E. Warren Air Force Base	$5,550,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
7 appropriated pursuant to the authorization of appropria-
8 tions in section 2304(a) and available for military con-
9 struction projects outside the United States as specified
10 in the funding table in section 4601, the Secretary of the
11 Air Force may acquire real property and carry out mili-
12 tary construction projects for the installations or locations

outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Australia	Darwin	$30,400,000
Germany	Ramstein Air Base	$43,465,000
	Spangdahlem Air Base	$13,437,000
Guam	Joint Region Marianas	$80,658,000
Japan	Kadena Air Base	$19,815,000
	Yokota Air Base	$32,020,000
Mariana Islands	Unspecified Location	$9,000,000
Turkey	Incirlik Air Base	$13,449,000
United Arab Emirates	Al Dhafra	$35,400,000
United Kingdom	Royal Air Force Croughton	$69,582,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,368,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the

Air Force may improve existing military family housing units in an amount not to exceed $56,984,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.

In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1153) for Malmstrom Air Force Base, Montana, for construction of a Tactical Response Force

Alert Facility at the installation, the Secretary of the Air Force may construct an emergency power generator system consistent with the Air Force's construction guidelines.

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (127 Stat. 992), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2014 Project Authorizations

State or Country	Installation or Location	Project	Amount
Mariana Islands	Saipan	PAR—Airport Pol/ Bulk Storage AST	$18,500,000
	Saipan	PAR—Hazardous Cargo Pad	$8,000,000
	Saipan	PAR—Maintenance Facility	$2,800,000
Worldwide Unspecified (Italy)	Aviano Air Base	Guardian Angel Operations Facility	$22,047,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$155,000,000
	Fort Greely	$9,560,000
	Joint Base Elmendorf-Richardson	$4,900,000
Arizona	Fort Huachuca	$4,493,000
California	Coronado	$175,412,000
	Travis Air Force Base	$26,500,000
Delaware	Dover Air Force Base	$44,115,000
Florida	Patrick Air Force Base	$10,100,000
Georgia	Fort Benning	$4,820,000
	Fort Gordon	$25,000,000
Maine	Portsmouth	$27,100,000
Maryland	Bethesda Naval Hospital	$510,000,000
	Fort Meade	$38,000,000
Missouri	St. Louis	$801,000
North Carolina	Camp Lejeune	$31,000,000
	Fort Bragg	$86,593,000
South Carolina	Joint Base Charleston	$17,000,000
Texas	Red River Army Depot	$44,700,000
	Sheppard Air Force Base	$91,910,000
Virginia	Pentagon	$8,105,000
CONUS Classified	Battalion Complex	$179,924,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Diego Garcia	$30,000,000
Germany	Kaiserslautern	$45,221,000
Japan	Iwakuni	$6,664,000
	Kadena Air Base	$161,224,000
	Yokata Air Base	$113,731,000
Marshall Islands	Kwajalein Atoll	$85,500,000
United Kingdom	Royal Air Force Croughton	$71,424,000
	Royal Air Force Lakenheath	$13,500,000
Wake Island	Wake Island	$11,670,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
American Samoa	American Samoa	$2,100,000
Alaska	Joint Base Elmendorf Richardson	$1,107,000
California	Edwards Air Force Base	$8,400,000
	Fort Hunter Liggett	$5,400,000
	Naval Base San Diego	$4,230,000
Colorado	Fort Carson	$5,000,000
	Schriever Air Force Base	$3,295,000
Georgia	Fort Benning	$2,200,000
	Naval Submarine Base Kings Bay	$3,230,000
Guam	Naval Base Guam	$9,780,000
Louisiana	Fort Polk	$1,900,000
Maryland	Naval Support Activity South Potomac	$1,410,000
Michigan	Detroit Arsenal	$2,050,000
New Mexico	Kirtland Air Force Base	$1,350,000
New York	Fort Drum	$4,500,000
Ohio	Wright Patterson Air Force Base	$14,400,000
Pennsylvania	Tobyhanna Army Dept	$850,000
South Carolina	Marine Corps Air Station Beaufort	$1,395,000
Tennessee	Arnold Air Force Base	$1,215,000
Texas	Fort Hood	$1,300,000
Utah	Dugway Proving Ground	$7,500,000
	Hill Air Force Base	$1,638,000
	Tooele Army Depot	$8,200,000
Virginia	Fort Lee	$1,250,000
Various Locations	Various Locations	$17,473,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Bahamas	Andros Island Naval Air Station Key West	$980,000
Diego Garcia	Naval Support Facility Diego Garcia	$17,010,000
Guantanamo Bay	Naval Station Guantanamo Bay	$6,080,000
Japan	Kadena Air Base	$4,007,000
	Misawa Air Base	$5,315,000
	Yokota Air Base	$1,725,000
Various Locations	Various Locations	$3,710,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization in the table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 996), for Royal Air Force Lakenheath, United Kingdom, for construction of a high school, the Secretary of Defense may construct a combined middle/high school.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2013 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (126 Stat. 2127) and amended by section 2406(a) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1160), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Agencies: Extension of 2013 Project Authorizations

State/Country	Installation or Location	Project	Amount
Japan	Camp Zama	Renovate Zama High School	$13,273,000
Pennsylvania	New Cumberland	Replace reservoir	$4,300,000

SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in section 2401 of that Act (127

1 Stat. 995), shall remain in effect until October 1, 2017,
2 or the date of the enactment of an Act authorizing funds
3 for military construction for fiscal year 2018, whichever
4 is later.

5 (b) TABLE.—The table referred to in subsection (a)
6 is as follows:

Defense Agencies: Extension of 2014 Project Authorizations

State/Country	Installation or Location	Project	Amount
California	Brawley	SOF Desert Warfare Training Center	$23,095,000
Germany	Kaiserslautern	Replace Kaiserslautern Elementary School	$49,907,000
	Ramstein Air Base	Replace Ramstein High School	$98,762,000
Hawaii	Joint Base Pearl Harbor-Hickam	DISA Pacific Facility Upgrade	$2,615,000
Massachusetts	Hanscom Air Force Base	Replace Hanscom Primary School	$36,213,000
United Kingdom	RAF Lakenheath	Replace Lakenheath High School	$69,638,000
Virginia	Marine Corps Base Quantico	Replace Quantico Middle/High School	$40,586,000
	Pentagon	PFPA Support Operations Center	$14,800,000
	Pentagon	Raven Rock Administrative Facility Upgrade	$32,000,000
	Pentagon	Boundary Channel Access Control Point	$6,700,000

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

Subtitle B—Host Country In-Kind Contributions

SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Country	Component	Installation or Location	Project	Amount
Korea	Army	CP Tango	Repair Collective Protection System (CPS)	$11,600,000
	Army	Camp Humphreys	Duplex Company Operations, Zoeckler Station	$10,200,00
	Army	Camp Humphreys	Doppler Very High Frequency Omnidirectional Radio Range (VOR) Infrastructure	$4,100,000
	Army	Camp Humphreys	Vehicle Maintenance Facility & Company Ops Complex (3rd CAB)	$49,500,000
	Army	Camp Humphreys	8th Army Correctional Facility	$14,600,000
	Navy	Chinhae	Upgrade Electrical System, Pier 11	$4,600,000
	Navy	Chinhae	Indoor Training Pool	$2,800,000
	Navy	Camp Mujuk	Marine Air Ground Task Force Operations Center	$68,000,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #2	$14,100,000
	Navy	Camp Mujuk	Camp Mujuk Life Support Area (LSA) Barracks #3	$14,100,000

Republic of Korea Funded Construction Projects—Continued

Country	Component	Installation or Location	Project	Amount
	Air Force	Kunsan Air Base	3rd Generation Hardened Aircraft Shelters (HAS); Phases 4, 5, 6	$132,500,000
	Air Force	Kunsan Air Base	Upgrade Electrical Distribution System	$13,000,000
	Air Force	Osan Air Base	Construct Korea Air Operations Center	$160,000,000
	Air Force	Osan Air Base	Air Freight Terminal Facility	$40,000,000
	Air Force	Osan Air Base	Construct F-16 Quick Turn Pad	$7,500,000
	Defense-Wide ..	Camp Carroll	Sustainment Facilities Upgrade Phase I – DLA Warehouse	$74,600,000
	Defense-Wide ..	USAG Humphreys	Elementary School	$42,000,000
	Defense-Wide ..	Icheon Special Warfare Command	Special Operations Command, Korea (SOCKOR) Contingency Operations Center and Barracks	$9,900,000
	Defense-Wide ..	K–16 Air Base	Special Operations Forces (SOF) Operations Facility, B-606	$11,000,000

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Hawaii	Hilo	$31,000,000
Colorado	Fort Carson	$16,500,000
Iowa	Davenport	$23,000,000
Kansas	Fort Leavenworth	$29,000,000
New Hampshire	Hooksett	$11,000,000
	Rochester	$8,900,000
Oklahoma	Ardmore	$22,000,000
Pennsylvania	York	$9,300,000
Rhode Island	East Greenwich	$20,000,000
Utah	Camp Williams	$37,000,000
Wyoming	Laramie	$21,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
Arizona	Phoenix	$30,000,000
California	Camp Parks	$19,000,000
	Fort Hunter Liggett	$21,500,000
Virginia	Dublin	$6,000,000
Wisconsin	Fort McCoy	$6,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Louisiana	New Orleans	$11,207,000
New York	Brooklyn	$1,964,000
	Syracuse	$13,229,000
Texas	Galveston	$8,414,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Connecticut	Bradley International Airport	$6,300,000
Florida	Jacksonville International Airport	$9,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$11,000,000
Iowa	Sioux Gateway Airport	$12,600,000
Minnesota	Duluth International Airport	$7,600,000
New Hampshire	Pease International Trade Port	$1,500,000
North Carolina	Charlotte/Douglas International Airport.	$50,600,000
South Carolina	McEntire Air National Guard Station	$8,400,000
Texas	Ellington Field	$4,500,000
Vermont	Burlington International Airport	$4,500,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the fund-

ing table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
North Carolina	Seymour Johnson Air Force Base	$97,950,000
Pennsylvania	Pittsburgh International Airport	$85,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1001) for Bullville, New York, for construc-

tion of a new Army Reserve Center at that location, the Secretary of the Army may add to or alter the existing Army Reserve Center at Bullville, New York.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for construction of a Reserve Training Center at that location, the Secretary of the Navy may acquire approximately 8.5 acres (370,260 square feet) of adjacent land, obtain necessary interest in land, and construct road improvements and associated supporting facilities to provide required access to the Reserve Training Center.

SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2603 of that Act (126 Stat. 2135) and extended by section 2614 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1166), shall

remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2013 Project Authorization

State	Installation or Location	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	$19,162,000

SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2014 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 985), the authorizations set forth in the table in subsection (b), as provided in sections 2602, 2603, 2604, and 2605 of that Act (127 Stat. 1001, 1002), shall remain in effect until October 1, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

National Guard and Reserve: Extension of 2014 Project Authorizations

State	Location	Project	Amount
California	Camp Parks	Army Reserve Center	$17,500,000
	March Air Force Base ..	NOSC Moreno Valley Reserve Training Center	$11,086,000

National Guard and Reserve: Extension of 2014 Project Authorizations—Continued

State	Location	Project	Amount
Florida	Homestead Air Reserve Base	Entry Control Complex	$9,800,000
Maryland	Fort Meade	175th Network Warfare Squadron Facility	$4,000,000
	Martin State Airport	Cyber/ISR Facility	$8,000,000
New York	Bullville	Army Reserve Center	$14,500,000

SEC. 2615. REPORT ON REPLACEMENT OF SECURITY FORCES AND COMMUNICATIONS TRAINING FACILITY AT FRANCES S. GABRESKI AIR NATIONAL GUARD BASE, NEW YORK.

(a) FINDINGS.—Congress makes the following findings:

(1) The 106th Rescue Wing at Francis S. Gabreski Air National Guard Base, New York, provides combat search and rescue coverage for United States and allied forces.

(2) The mission of 106th Rescue Wing is to provide worldwide Personnel Recovery, Combat Search and Rescue Capability, Expeditionary Combat Support, and Civil Search and Rescue Support to Federal and State entities.

(3) The current security forces and communications facility at Frances S. Gabreski Air National Guard Base, specifically building 250, has fire safety deficiencies and does not comply with anti-terrorism/force protection standards, creating hazardous con-

ditions for members of the Armed Forces and requiring expeditious abatement.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report setting forth an assessment of the need to replace the security forces and communications training facility at Frances S. Gabreski Air National Guard Base.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013

(division B of Public Law 112–239; 126 Stat. 2140)), as specified in the funding table in section 4601.

SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

Section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2802 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169), is further amended—

(1) in subsection (c)(1)—

(A) by striking ''October 1, 2015'' and inserting ''October 1, 2016'';

(B) by striking ''December 31, 2016'' and inserting ''December 31, 2017''; and

(C) by striking ''fiscal year 2017'' and inserting ''fiscal year 2018''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''December 31, 2016'' and inserting ''December 31, 2017''; and

(B) in paragraph (2), by striking ''fiscal year 2017'' and inserting ''fiscal year 2018''.

SEC. 2802. LIMITED AUTHORITY FOR SCOPE OF WORK INCREASE.

(a) IN GENERAL.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking ''The scope of work'' and inserting ''Except as provided in subsection (d), the scope of work'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

"(d) The limitation in subsection (b)(2) on an increase in the scope of work does not apply if—

"(1) the increase in the scope of work is not more than 10 percent of the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition;

"(2) the increase is approved by the Secretary concerned;

"(3) the Secretary concerned notifies the congressional defense committees in writing of the increase in scope and the reasons therefor; and

"(4) a period of 21 days has elapsed after the date on which the notification is received by the committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.".

(b) CROSS-REFERENCE AMENDMENTS.—(1) Subsection (a) of such section is amended by striking "subsection (c) or (d)" and inserting "subsection (c), (d), or (e)".

(2) Subsection (f) of such section, as redesignated by subsection (a)(2), is amended by striking ''through (d)'' and inserting ''through (e)''.

(c) ADDITIONAL TECHNICAL AMENDMENT.—Subsection (a) of such section is further amended by inserting ''of this title'' after ''section 2805(a)''.

SEC. 2803. PERMANENT AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) PERMANENT AUTHORITY.—Section 2804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2350j note) is amended by striking subsection (f).

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**TEMPORARY**''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECTS FOR ENERGY RESILIENCY AND SECURITY PROJECTS NOT PREVIOUSLY AUTHORIZED.

(a) IN GENERAL.—Section 2914 of title 10, United States Code, is amended—

(1) in the section heading, by inserting ''**RESILIENCY AND**'' before ''**CONSERVATION CONSTRUCTION PROJECTS**''; and

(2) in subsection (a), by striking ''military construction project for energy conservation'' and inserting ''military construction project for energy resiliency and security, in addition to energy conservation''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2914 and inserting the following new item:

''2914. Energy resiliency and conservation construction projects.''.

SEC. 2812. AUTHORITY OF THE SECRETARY CONCERNED TO ACCEPT LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUSTRIAL PLANTS OR FACILITIES.

Section 2535 of title 10, United States Code, is amended—

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

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

''(c) ACCEPTANCE OF LESSEE IMPROVEMENTS AT GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUSTRIAL PLANTS.—(1) A lease of a Government-owned/contractor-operated industrial plant or facility may permit the lessee, with the approval of the Secretary concerned, to alter, expand, or otherwise improve the plant or facility as necessary for the development or production of military weapons systems, munitions, components, or supplies. Such lease may provide, notwithstanding section 2802 of this title, that such alteration, expansion or other improvement shall, upon completion, become the property of the Government, regardless of whether such alteration, expansion, or other improvement constitutes all or part of the consideration for the lease pursuant to section 2667(b)(5) of this title or represents a reimbursable cost allocable to any contract, cooperative agreement, grant, or other in-

strument with respect to activity undertaken at such industrial plant or facility.

"(2) When a decision is made to approve a project to which paragraph (1) applies costing more than the threshold specified under section 2805(c) of this title, the Secretary concerned shall notify the congressional defense committees in writing of that decision, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.".

SEC. 2813. TREATMENT OF INSURED DEPOSITORY INSTITUTIONS OPERATING ON LAND LEASED FROM MILITARY INSTALLATIONS.

Section 2667 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(l) TREATMENT OF INSURED DEPOSITORY INSTITUTIONS.—All Federal or State chartered insured depository institutions operating on a military installation may be treated equally with respect to the financial terms of leases, services, and utilities.".

Subtitle C—Land Conveyances

SEC. 2821. LAND ACQUISITIONS, ARLINGTON COUNTY, VIRGINIA.

(a) ACQUISITION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Army may acquire by purchase, exchange, donation or by other means, including condemnation, which the Secretary determines is sufficient for the expansion of Arlington National Cemetery for purposes of ensuring maximization of interment sites and compatible use of adjacent properties, including any appropriate cemetery or memorial parking, all right, title and interest in and to land—

(A) from Arlington County (in this section referred to as the ''County''), one or more parcels of real property in the area known as the Southgate Road right-of-way, Columbia Pike right-of-way, and South Joyce Street right-of-way located in Arlington County, Virginia; and

(B) from the Commonwealth– of Virginia (in this section referred to as the ''Commonwealth''), one or more parcels of property in the area known as the Columbia Pike right-of-way, including the Virginia Transportation Mainte-

nance Yard, and the Washington Boulevard-Columbia Pike interchange.

(2) SELECTION OF PROPERTY FOR ACQUISITION.—The Memorandum of Understanding between the Department of the Army and Arlington County signed in January 2013 shall be used as a guide in determining the properties to be acquired under this section to expand Arlington National Cemetery to the maximum extent practicable. After consultation with the Commonwealth and the County, the Secretary shall determine the exact parcels to be acquired, and such determination shall be final. In selecting the properties to be acquired under paragraph (1), the Secretary shall seek—

(A) to remove existing barriers to the expansion of Arlington National Cemetery north of Columbia Pike through a realignment of Southgate Road to the western boundary of the former Navy Annex site; and

(B) to support the realignment and straightening of Columbia Pike and redesign of the Washington Boulevard-Columbia Pike interchange.

(3) CONSIDERATION.—The Secretary is authorized to expend amounts up to fair market value con-

sideration for the interests in land acquired under this subsection.

(b) EXCHANGE AUTHORIZED.—

(1) In carrying out the acquisition authorized in subsection (a), in lieu of the consideration authorized under subsection (a)(3), the Secretary may convey through land exchange—

(A) to the County, all right, title, and interest of the United States in and to one or more parcels of real property, together with any improvements thereon, located south of current Columbia Pike and west of South Joyce Street in Arlington County, Virginia;

(B) to the Commonwealth, all right, title, and interest of the United States in and to one or more parcels of property east of Joyce Street in Arlington County, Virginia, necessary for the realignment of Columbia Pike and the Washington Boulevard-Columbia Pike interchange, as well as for future improvements to Interstate 395 ramps; and

(C) to either the County or the Commonwealth, other real property under control of the Secretary determined by the Secretary to be excess to the needs of the Army.

(2) EXCHANGE VALUE.—

(A) MINIMUM VALUE.—The Secretary shall obtain no less than fair market value consideration for any property conveyed under this subsection.

(B) CASH EQUALIZATION.—Where the value of property to be exchanged is greater than the value of property to be acquired by the Secretary, the Secretary may accept cash equalization payments.

(C) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance under subparagraph (B) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection or, in the case of conveyance of excess property located on a military installation closed under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), shall be deposited in the special account established under section 2906 of such Act.

(c) APPRAISALS.—The value of property to be acquired or conveyed under this section shall be determined by appraisals acceptable to the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be acquired or conveyed under this section shall be determined by surveys satisfactory to the Secretary, in consultation with the Commonwealth and the County where practicable.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with transactions authorized under this section as is considered appropriate to protect the interests of the United States.

(f) REPEAL OF AUTHORITY.—Section 2841 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3712) is repealed.

SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE RADAR STATION, GALENA, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Galena, Alaska (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the former Campion Air Force Station,

Alaska, as further described in subsection (b), for the purpose of permitting the Town to use the conveyed property for public purposes. The conveyance under this subsection is subject to valid existing rights.

(b) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) consists of up to approximately 1,300 acres of the remaining land withdrawn under Public Land Order No. 843 of June 24, 1952, and Public Land Order No. 1405 of April 4, 1957, for use by the Secretary of the Air Force as the former Campion Air Force Station. The portions of the former Air Force Station that are not authorized to be conveyed under subsection (a) are those portions that are subject to environmental land use restrictions or are undergoing environmental remediation by the Secretary of the Air Force as of the date of such conveyance.

(c) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A

determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) CONVEYANCE AGREEMENT.—The conveyance of land under this section shall be accomplished using a quit claim deed or other legal instrument and upon terms and conditions mutually satisfactory to the Secretary of the Air Force, after consulting with the Secretary of the Interior, and the Town, including such additional terms and conditions as the Secretary of the Air Force, after consulting with the Secretary of the Interior, considers appropriate to protect the interests of the United States.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the Town to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary of the Air Force and by the Secretary of the Interior, or to reimburse the appropriate Secretary for such costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Town in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually

incurred by the Secretary to carry out the conveyance, the appropriate Secretary shall refund the excess amount to the Town.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary of the Air Force or by the Secretary of the Interior to carry out the conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the appropriate Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the appropriate Secretary for the purposes for which the costs were paid. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Secretary of the Interior, shall finalize a map and the legal description of the real property to be conveyed under subsection (a). The Secretary of the Air Force may correct any minor errors in the map or the legal description. The

map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(g) SUPERSEDENCE OF PUBLIC LAND ORDERS.—Public Land Order Nos. 843 and 1405 are hereby superseded, but only insofar as the orders affect the lands conveyed to the Town under subsection (a).

SEC. 2823. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE AURORAL RESEARCH PROGRAM FACILITY AND ADJACENT PROPERTY, GAKONA, ALASKA.

(a) CONVEYANCES AUTHORIZED.—

(1) CONVEYANCE TO UNIVERSITY OF ALASKA.—The Secretary of the Air Force may convey to the University of Alaska (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1,158 acres near the Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989, contain a High Frequency Active Auroral Research Program facility, and comprise a portion of the property more particularly described in subsection (b), for the purpose of permitting the Uni-

versity to use the conveyed property for public purposes.

(2) CONVEYANCE TO ALASKA NATIVE CORPORATION.—The Secretary of the Air Force may convey to Ahtna, Incorporated, (in this section referred to as ''Ahtna''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4,259 acres near Gulkana Village, Alaska, which was purchased by the Secretary of the Air Force from Ahtna, Incorporated, in January 1989 and comprise the portion of the property more particularly described in subsection (b) that does not contain the High Frequency Active Auroral Research Program facility. The property to be conveyed under this paragraph does not include any of the property authorized for conveyance to the University under paragraph (1).

(b) PROPERTY DESCRIBED.—Subject to the property exclusions specified in subsection (c), the real property authorized for conveyance under subsection (a) consists of portions of sections within township 7 north, range 1 east; township 7 north, range 2 east; township 8 north, range 1 east; and township 8 north, range 2 east; Copper River

Meridian, Chitina Recording District, Third Judicial District, State of Alaska, as follows:

(1) Township 7 north, range 1 east:

(A) Section 1.

(B) E½, S½NW¼, SW¼ of section 2.

(C) S½SE¼, NE¼SE¼ of section 3.

(D) E½ of section 10.

(E) Sections 11 and 12.

(F) That portion of N½, N½S½ of section 13, excluding all lands lying southerly and easterly of the Glenn Highway right-of-way.

(G) N½, N½S½ of section 14.

(H) NE¼, NE¼SE¼ of section 15.

(2) Township 7 north, range 2 east:

(A) W½ of section 6.

(B) NW¼ of section 7, and the portion of N½SW¼ and NW¼SE¼ of such section lying northerly of the Glenn Highway right-of-way.

(3) Township 8 north, range 1 east:

(A) SE¼SE¼ of section 35.

(B) E½, SW¼, SE¼NW¼ of section 36.

(4) Township 8 north, range 2 east:

(A) W½ of section 31.

(c) EXCLUSION OF CERTAIN PROPERTY.—The real property authorized for conveyance under subsection (a) may not include the following:

(1) Public easements reserved pursuant to section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)), as described in the Warranty Deed from Ahtna, Incorporated, to the United States, dated March 1, 1990, recorded in Book 31, pages 665 through 668 in the Chitina Recording District, Third Judicial District, Alaska.

(2) Easement for an existing trail as described in the such Warranty Deed from Ahtna, Incorporated, to the United States.

(3) The subsurface estate.

(d) CONSIDERATION.—

(1) CONVEYANCE TO UNIVERSITY.—As consideration for the conveyance of property under subsection (a)(1), the University shall provide the United States with consideration in an amount that is acceptable to the Secretary of the Air Force, whether in the form of cash payment, in-kind consideration, or a combination thereof.

(2) CONVEYANCE TO AHTNA.—As consideration for the conveyance of property under subsection (a)(2), Ahtna shall provide the United States with

consideration in an amount that is acceptable to the Secretary, whether in the form of cash payment, in-kind consideration, a land exchange under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq), or a combination thereof.

(3) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the Secretary as consideration for a conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(e) REVERSIONARY INTEREST.—If the Secretary of the Air Force determines at any time that the real property conveyed under subsection (a)(1) is not being used by the University in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary of the Air Force shall require the recipient of real property under this section to cover all costs to be incurred by the Secretary, or to reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance of that property, including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the recipient.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under this section shall be credited and made available to the Secretary as provided in section 2695(c) of title 10, United States Code.

(g) CONVEYANCE AGREEMENT.—The conveyance of property under this section shall be accomplished using a quit claim deed or other legal instrument and upon

terms and conditions mutually satisfactory to the Secretary of the Air Force and the recipient of the property, including such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2824. TRANSFER OF FORT BELVOIR MARK CENTER CAMPUS FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF DEFENSE AND APPLICABILITY OF CERTAIN PROVISIONS OF LAW RELATING TO THE PENTAGON RESERVATION.

(a) INCLUSION OF MARK CENTER CAMPUS UNDER PENTAGON RESERVATION AUTHORITIES.—

(1) DEFINITION OF PENTAGON RESERVATION.—Paragraph (1) of subsection (f) of section 2674 of title 10, United States Code, is amended to read as follows:

''(1) The term 'Pentagon Reservation' means the Pentagon, the Mark Center Campus, and the Raven Rock Mountain Complex.''.

(2) OTHER DEFINITIONS.—Such subsection is further amended by adding at the end the following new paragraphs:

''(3) The term 'Pentagon' means that area of land (consisting of approximately 227 acres) and im-

provements thereon, including parking areas, located in Arlington County, Virginia, containing the Pentagon Office Building and its supporting facilities.

''(4) The term 'Mark Center Campus' means that area of land (consisting of approximately 16 acres) and improvements thereon, including parking areas, located in Alexandria, Virginia, and known on the day before the date of the enactment of this paragraph as the Fort Belvoir Mark Center Campus.

''(5) The term 'Raven Rock Mountain Complex' means that area of land (consisting of approximately 720 acres) and improvements thereon, including parking areas, at the Raven Rock Mountain Complex and its supporting facilities located in Maryland and Pennsylvania.''.

(3) CONFORMING AMENDMENT RELATING TO LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1) of such section is amended by inserting ''for the Pentagon Reservation and'' after ''law enforcement and security functions''.

(4) CONFORMING AMENDMENT RELATING TO DEFINITIONS.—Subsection (g) of such section is repealed.

(b) UPDATE TO REFERENCE TO SECRETARY OF DEFENSE AUTHORITY.—Subsection (a) of such section is amended—

(1) by striking ''Jurisdiction'' and inserting ''The Secretary of Defense has jurisdiction''; and

(2) by striking ''is transferred to the Secretary of Defense''.

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Such subsection is further amended—

(1) by striking ''(1)'' after ''(a)''; and

(2) by striking paragraphs (2) and (3).

(d) SUBSECTION CAPTIONS.—Such section is further amended—

(1) in subsection (a), as amended by subsection (c) of this section, by inserting ''PENTAGON RESERVATION.—'' after ''(a)'';

(2) in subsection (b), by striking ''(b)(1)'' and inserting ''(b) LAW ENFORCEMENT AUTHORITIES AND PERSONNEL.—(1)'';

(3) in subsection (c), by striking ''(c)(1)'' and inserting ''(c) REGULATIONS AND ENFORCEMENT.—(1)'';

(4) in subsection (d), by inserting ''AUTHORITY TO CHARGE FOR PROVISION OF CERTAIN SERVICES AND FACILITIES.—'' after ''(d)'';

(5) in subsection (e), by striking ''(e)(1)'' and inserting ''(e) PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.—(1)''; and

(6) in subsection (f), by inserting ''DEFINITIONS.—'' after ''(f)''.

SEC. 2825. TRANSFER OF ADMINISTRATIVE JURISDICTIONS, NAVAJO ARMY DEPOT, ARIZONA.

(a) IN GENERAL.—Except as provided under subsection (b), all administrative jurisdiction of the Secretary of Agriculture over 23,682 acres of National Forest System land located within the Kaibab National Forest and the Coconino National Forest shown on the map entitled ''Navajo Army Depot Jurisdiction'' and dated May 9, 2016, is hereby transferred to the Secretary of the Army.

(b) VOLUNTEER MOUNTAIN LOOKOUT.—The Secretary of Agriculture shall retain road access to the Volunteer Lookout Mountain as depicted on the map referred to in subsection (a).

(c) RESTORATION OR REMEDIATION.—

(1) JURISDICTION TRANSFERRED TO THE SECRETARY OF THE ARMY.—The Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on

the land referenced in subsection (a), and shall hold harmless the Secretary of Agriculture from any financial obligation to contribute to any such restoration or remediation.

(2) JURISDICTION RETAINED BY SECRETARY OF AGRICULTURE.—With respect to the approximately 4,741 acres of land that were withdrawn and reserved for use by the Secretary of the Army pursuant to the Public Land Orders referenced in subsection (d) for which the Secretary of Agriculture will retain administrative jurisdiction, the Secretary of the Army shall be responsible for, and fund any environmental restoration or remediation that is required for, the abatement of any release of hazardous substances, pollutants, contaminants, or petroleum products on the lands that occurred prior to the date of the enactment of this section.

(d) REVOCATION.—Public Land Order 59 (dated November 12, 1942) and Public Land Order 176 (dated September 29, 1943) are hereby revoked.

(e) REVERSIONARY INTEREST.—On the request of the owners of the Camp Navajo railroad 1 parcel and the Camp Navajo railroad 2 parcel, any reversionary interest of the United States pursuant to the Act of July 27, 1866 (14 Stat. 292, chapter 278), in and to the Camp Navajo

railroad 1 parcel shall be transferred to the Camp Navajo railroad 2 parcel.

(f) RELEASE.—On transfer of the reversionary interest under subsection (e), the Camp Navajo railroad 1 parcel shall no longer be subject to the reversionary interest described in that subsection.

(g) DEFINITIONS.—In this section:

(1) CAMP NAVAJO RAILROAD 1 PARCEL.—The term ''Camp Navajo railroad 1 parcel'' means the land described in the deed recorded in Coconino County, Arizona, on October 6, 2014, as document number 3703647.

(2) CAMP NAVAJO RAILROAD 2 PARCEL.—The term ''Camp Navajo railroad 2 parcel'' means the parcel of land as described in the deed recorded in Coconino County, Arizona, on June 2, 2006, as document number 3386576.

SEC. 2826. LEASE, JOINT BASE ELMENDORF-RICHARDSON, ALASKA.

(a) LEASES AUTHORIZED.—

(1) LEASE TO MUNICIPALITY OF ANCHORAGE.—The Secretary of the Air Force may lease to the Municipality of Anchorage, Alaska, certain real property, to include improvements thereon, at Joint Base Elmendorf-Richardson (''JBER''), Alaska, as

more particularly described in subsection (b) for the purpose of permitting the Municipality to use the leased property for recreational purposes.

(2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—The Secretary of the Air Force may lease to the Mountain View Lions Club certain real property, to include improvements thereon, at JBER, as more particularly described in subsection (b) for the purpose of the installation, operation, maintenance, protection, repair and removal of recreational equipment.

(b) DESCRIPTION OF PROPERTY.—

(1) The real property to be leased under subsection (a)(1) consists of the real property described in Department of the Air Force Lease No. DACA85–1–99–14.

(2) The real property to be leased under subsection (a)(2) consists of real property described in Department of the Air Force Lease No. DACA85–1–97–36.

(c) TERM AND CONDITIONS OF LEASES.—

(1) TERM OF LEASES.—The term of the leases authorized under subsection (a) shall not exceed 25 years.

(2) OTHER TERMS AND CONDITIONS.—Except as otherwise provided in this section—

(A) the remaining terms and conditions of the lease under subsection (a)(1) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–99–14; and

(B) the remaining terms and conditions of the lease under subsection (a)(2) shall consist of the same terms and conditions described in Department of the Air Force Lease No. DACA85–1–97–36.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle D—Utah Land Withdrawals and Exchanges.

PART I—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE

SEC. 2831. SHORT TITLE.

This part may be cited as the ''Utah Test and Training Range Encroachment Prevention and Temporary Closure Act''.

SEC. 2832. DEFINITIONS.

In this part:

(1) BLM LAND.—The term ''BLM land'' means certain public land administered by the Bureau of Land Management land in the State comprising approximately 703,621 acres, as generally depicted on the map entitled ''Utah Test and Training Range Enhancement/West Desert Land Exchange'' and dated May 7, 2016.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Utah.

(4) UTAH TEST AND TRAINING RANGE.—The term ''Utah Test and Training Range'' means the portions of the military land and airspace operating

area of the Utah Test and Training Area that are located in the State, including the Dugway Proving Ground.

SEC. 2833. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall enter into a memorandum of agreement to authorize the Secretary of the Air Force, in consultation with the Secretary, to impose limited closures of the BLM land for military operations and national security and public safety purposes, as provided in this part.

(2) DRAFT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary and the Secretary of the Air Force shall complete a draft of the memorandum of agreement required under paragraph (1).

(B) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date on which the draft memorandum of agreement is completed under subparagraph (A), there shall be an opportunity for public comment on the

draft memorandum of agreement, including an opportunity for the Utah Test and Training Range Community Resource Advisory Group established under section 2836 to provide comments on the draft memorandum of agreement.

(3) MANAGEMENT BY SECRETARY.—The memorandum of agreement entered into under paragraph (1) shall provide that the Secretary shall continue to manage the BLM land in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans, while allowing for the temporary closure of the BLM land in accordance with this part.

(4) PERMITS AND RIGHTS-OF-WAY.—

(A) IN GENERAL.—The Secretary shall consult with the Secretary of the Air Force regarding Utah Test and Training Range mission requirements before issuing new use permits or rights-of-way on the BLM land.

(B) FRAMEWORK.—The Secretary and the Secretary of the Air Force shall establish within the memorandum of agreement entered into under paragraph (1) a framework agreed to by the Secretary and the Secretary of the Air Force for resolving any disagreement on the

issuance of permits or rights-of-way on the BLM land.

(5) TERMINATION.—

(A) IN GENERAL.—The memorandum of agreement entered into under paragraph (1) shall be for a term to be determined by the Secretary and the Secretary of the Air Force, not to exceed 25 years.

(B) EARLY TERMINATION.—The memorandum of agreement may be terminated before the date determined under subparagraph (A) if the Secretary of the Air Force determines that the temporary closure of the BLM land is no longer necessary to fulfill Utah Test and Training Range mission requirements.

(b) MAP.—The Secretary may correct any minor errors in the map described in section 2832(1).

(c) LAND SAFETY.—If corrective action is necessary on the BLM land due to an action of the Air Force, the Secretary of the Air Force shall—

(1) render the BLM land safe for public use; and

(2) appropriately communicate the safety of the land to the Secretary on the date on which the BLM

land is rendered safe for public use under paragraph (1).

(d) CONSULTATION.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the BLM land before entering into any agreement under this part.

(e) GRAZING.—

(1) EFFECT.—Nothing in this part impacts the management of grazing on the BLM land.

(2) CONTINUATION OF GRAZING MANAGEMENT.—The Secretary shall continue grazing management on the BLM land pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable resource management plans.

(f) MEMORANDUM OF UNDERSTANDING ON EMERGENCY ACCESS AND RESPONSE.—Nothing in this section precludes the continuation of the memorandum of understanding between the Department of the Interior and the Department of the Air Force with respect to emergency access and response, as in existence on the date of enactment of this Act.

(g) WITHDRAWAL.—Subject to valid existing rights, the BLM land is withdrawn from all forms of appropria-

tion under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws.

SEC. 2834. TEMPORARY CLOSURES.

(a) IN GENERAL.—If the Secretary of the Air Force determines that military operations (including operations relating to the fulfillment of the mission of the Utah Test and Training Range), public safety, or national security require the temporary closure to public use of any road, trail, or other portion of the BLM land, the Secretary of the Air Force may take such action as the Secretary of the Air Force, in consultation with the Secretary, determines necessary to carry out the temporary closure.

(b) LIMITATIONS.—Any temporary closure under subsection (a)—

(1) shall be limited to the minimum areas and periods during which the Secretary of the Air Force determines are required to carry out a closure under this section;

(2) shall not occur on a State or Federal holiday, unless notice is provided in accordance with subsection (c)(1)(B);

(3) shall not occur on a Friday, Saturday, or Sunday, unless notice is provided in accordance with subsection (c)(1)(B); and

(4)(A) if practicable, shall be for not longer than a 3-hour period per day;

(B) shall only be for longer than a 3-hour period per day—

(i) for mission essential reasons; and

(ii) as infrequently as practicable and in no case for more than 10 days per year; and

(C) shall in no case be for longer than a 6-hour period per day.

(c) NOTICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Air Force shall—

(A) keep appropriate warning notices posted before and during any temporary closure; and

(B) provide notice to the Secretary, public, and relevant stakeholders concerning the temporary closure—

(i) at least 30 days before the date on which the temporary closure goes into effect;

(ii) in the case of a closure during the period beginning on March 1 and ending on May 31, at least 60 days before the

date on which the closure goes into effect; or

(iii) in the case of a closure described in paragraph (3) or (4) of subsection (b), at least 90 days before the date on which the closure goes into effect.

(2) SPECIAL NOTIFICATION PROCEDURES.—In each case for which a mission-unique security requirement does not allow for the notifications described in paragraph (1)(B), the Secretary of the Air Force shall work with the Secretary to achieve a mutually agreeable timeline for notification.

(d) MAXIMUM ANNUAL CLOSURES.—The total cumulative hours of temporary closures authorized under this section with respect to the BLM land shall not exceed 100 hours annually.

(e) PROHIBITION ON CERTAIN TEMPORARY CLOSURES.—The northernmost area identified as ''Newfoundland's'' on the map described in section 2832(1) shall not be subject to any temporary closure between August 21 and February 28, in accordance with the lawful hunting seasons of the State of Utah.

(f) EMERGENCY GROUND RESPONSE.—A temporary closure of a portion of the BLM land shall not affect the

conduct of emergency response activities on the BLM land during the temporary closure.

(g) LIVESTOCK.—Livestock authorized by a Federal grazing permit shall be allowed to remain on the BLM land during a temporary closure of the BLM land under this section.

(h) LAW ENFORCEMENT AND SECURITY.—The Secretary and the Secretary of the Air Force may enter into cooperative agreements with State and local law enforcement officials with respect to lawful procedures and protocols to be used in promoting public safety and operation security on or near the BLM land during noticed test and training periods.

SEC. 2835. LIABILITY.

The United States (including all departments, agencies, officers, and employees of the United States) shall be held harmless and shall not be liable for any injury or damage to any individual or property suffered in the course of any mining, mineral, or geothermal activity, or any other authorized nondefense-related activity, conducted on the BLM land.

SEC. 2836. COMMUNITY RESOURCE ADVISORY GROUP.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, there shall be established the Utah Test and Training Range Community Re-

source Advisory Group (referred to in this section as the "Community Group") to provide regular and continuing input to the Secretary and the Secretary of the Air Force on matters involving public access to, use of, and overall management of the BLM land.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Secretary shall appoint members to the Community Group, including—

(A) 1 representative of Indian tribes in the vicinity of the BLM land, to be nominated by a majority vote conducted among the Indian tribes in the vicinity of the BLM land;

(B) not more than 1 county commissioner from each of Box Elder, Tooele, and Juab Counties, Utah;

(C) 2 representatives of off-road and highway use, hunting, or other recreational users of the BLM land;

(D) 2 representatives of livestock permittees on public land located within the BLM land;

(E) 1 representative of the Utah Department of Agriculture and Food; and

(F) not more than 3 representatives of State or Federal offices or agencies, or private

groups or individuals, if the Secretary determines that such representatives would further the goals and objectives of the Community Group.

(2) CHAIRPERSON.—The members described in paragraph (1) shall elect from among the members of the Community Group—

(A) 1 member to serve as Chairperson of the Community Group; and

(B) 1 member to serve as Vice-Chairperson of the Community Group.

(3) AIR FORCE PERSONNEL.—The Secretary of the Air Force shall appoint appropriate operational and land management personnel of the Air Force to serve as a liaison to the Community Group.

(c) CONDITIONS AND TERMS OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Community Group shall serve voluntarily and without compensation.

(2) TERM OF APPOINTMENT.—

(A) IN GENERAL.—Each member of the Community Group shall be appointed for a term of 4 years.

(B) ORIGINAL MEMBERS.—Notwithstanding subparagraph (A), the Secretary shall

select ½ of the original members of the Community Group to serve for a term of 4 years and the ½ to serve for a term of 2 years to ensure the replacement of members shall be staggered from year to year.

(C) REAPPOINTMENT AND REPLACEMENT.—The Secretary may reappoint or replace a member of the Community Group appointed under subsection (b)(1), if—

(i) the term of the member has expired;

(ii) the member has retired; or

(iii) the position held by the member described in subparagraph (A) through (F) of paragraph (1) has changed to the extent that the ability of the member to represent the group or entity that the member represents has been significantly affected.

(d) MEETINGS.—

(1) IN GENERAL.—The Community Group shall meet not less than once per year, and at such other frequencies as determined by 5 or more of the members of the Community Group.

(2) RESPONSIBILITIES OF COMMUNITY GROUP.—The Community Group shall be responsible

for determining appropriate schedules for, details of, and actions for meetings of the Community Group.

(3) NOTICE.—The Chairperson shall provide notice to each member of the Community Group not less than 10 business days before the date of a scheduled meeting.

(4) EXEMPT FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to meetings of the Community Group.

(e) RECOMMENDATIONS OF COMMUNITY GROUP.—The Secretary and Secretary of the Air Force, consistent with existing laws (including regulations), shall take under consideration recommendations from the Community Group.

(f) TERMINATION OF AUTHORITY.—The Community Group shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 2837. SAVINGS CLAUSES.

(a) EFFECT ON WEAPON IMPACT AREA.—Nothing in this part expands the boundaries of the weapon impact area of the Utah Test and Training Range.

(b) EFFECT ON SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this part precludes—

(1) the designation of new units of special use airspace; or

(2) the expansion of existing units of special use airspace.

(c) EFFECT ON EXISTING MILITARY SPECIAL USE AIRSPACE AGREEMENT.—Nothing in this part limits or alters the Military Operating Areas of Airspace Use Agreement between the Federal Aviation Administration and the Air Force in effect on the date of enactment of this Act.

(d) EFFECT ON EXISTING RIGHTS AND AGREEMENTS.—

(1) KNOLLS SPECIAL RECREATION MANAGEMENT AREA; BLM COMMUNITY PITS.—Except as otherwise provided in section 2834, nothing in this part limits or alters any existing right or right of access to—

(A) the Knolls Special Recreation Management Area; or

(B)(i) the Bureau of Land Management Community Pits Central Grayback and South Grayback; and

(ii) any other county or community pit located within close proximity to the BLM land.

(e) INTERSTATE 80.—Nothing in this part authorizes any additional authority or right to the Secretary or the Secretary of the Air Force to temporarily close Interstate 80.

(f) EFFECT ON LIMITATION ON AMENDMENTS TO CERTAIN INDIVIDUAL RESOURCE MANAGEMENT PLANS.—Nothing in this part affects the limitation established under section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(g) EFFECT ON PREVIOUS MEMORANDUM OF UNDERSTANDING.—Nothing in this part affects the memorandum of understanding entered into by the Air Force, the Bureau of Land Management, the Utah Department of Natural Resources, and the Utah Division of Wildlife Resources relating to the reestablishment of bighorn sheep in the Newfoundland Mountains and signed by the parties to the memorandum of understanding during the period beginning on January 24, 2000, and ending on February 4, 2000.

(h) EFFECT ON FEDERALLY RECOGNIZED INDIAN TRIBES.—Nothing in this part alters any right reserved by treaty or Federal law for a Federally recognized Indian tribe for tribal use.

(i) PAYMENTS IN LIEU OF TAXES.—Nothing in this part diminishes, enhances, or otherwise affects any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land, under section 6901 of title 31, United States Code.

(j) WILDLIFE IMPROVEMENTS.—The Secretary and the Utah Division of Wildlife Resources shall continue the management of wildlife improvements, including guzzlers, in existence as of the date of enactment of this Act on the BLM land.

PART II—BUREAU OF LAND MANAGEMENT LAND EXCHANGE WITH STATE OF UTAH

SEC. 2841. DEFINITIONS.

In this part:

(1) EXCHANGE MAP.—The term ''Exchange Map'' means the map prepared by the Bureau of Land Management entitled ''Utah Test and Training Range Enhancement/West Desert Land Exchange'' and dated May 7, 2016.

(2) FEDERAL LAND.—The term ''Federal land'' means the Bureau of Land Management land located in Box Elder, Millard, Juab, Tooele, and Beaver Counties, Utah, that is identified on the Exchange Map as ''BLM Lands Proposed for Transfer to State Trust Lands''.

(3) NON-FEDERAL LAND.—The term ''non-Federal land'' means the land owned by the State in Box Elder, Tooele, and Juab Counties, Utah, that is identified on the Exchange Map as—

(A) ''State Trust Land Proposed for Transfer to BLM''; and

(B) ''State Trust Minerals Proposed for Transfer to BLM''.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Utah, acting through the School and Institutional Trust Lands Administration.

SEC. 2842. EXCHANGE OF FEDERAL LAND AND NON-FEDERAL LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest in and to the non-Federal land, convey to the State (or a designee) all right, title, and interest of the United States in and to the Federal land.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The land exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) and other applicable law.

(2) EFFECT OF STUDY.—The Secretary shall carry out the land exchange under this title notwithstanding section 2815(d) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852).

(3) LAND USE PLANNING.—The Secretary shall not be required to undertake any additional land use planning under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) before the conveyance of the Federal land under this part.

(c) VALID EXISTING RIGHTS.—The exchange authorized under subsection (a) shall be subject to valid existing rights.

(d) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this part shall be in a format acceptable to the Secretary and the State.

(e) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be exchanged under this part shall be determined by appraisals

conducted by 1 or more independent and qualified appraisers.

(2) STATE APPRAISER.—The Secretary and the State may agree to use an independent and qualified appraiser retained by the State, with the consent of the Secretary.

(3) APPLICABLE LAW.—The appraisals under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(4) MINERALS.—

(A) MINERAL REPORTS.—The appraisals under paragraph (1) may take into account mineral and technical reports provided by the Secretary and the State in the evaluation of minerals in the Federal land and non-Federal land.

(B) MINING CLAIMS.—Federal land that is encumbered by a mining or millsite claim located under sections 2318 through 2352 of the Revised Statutes (commonly known as the ''Mining Law of 1872'') (30 U.S.C. 21 et seq.) shall be appraised in accordance with standard

appraisal practices, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(C) VALIDITY EXAMINATION.—Nothing in this part requires the Secretary to conduct a mineral examination for any mining claim on the Federal land.

(5) APPROVAL.—An appraisal conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(6) DURATION.—An appraisal conducted under paragraph (1) shall remain valid for 3 years after the date on which the appraisal is approved by the Secretary and the State.

(7) COST OF APPRAISAL.—

(A) IN GENERAL.—The cost of an appraisal conducted under paragraph (1) shall be paid equally by the Secretary and the State.

(B) REIMBURSEMENT BY SECRETARY.—If the State retains an appraiser in accordance with paragraph (2), the Secretary shall reimburse the State in an amount equal to 50 percent of the costs incurred by the State.

(f) CONVEYANCE OF TITLE.—It is the intent of Congress that the land exchange authorized under this part

shall be completed not later than 1 year after the date of final approval by the Secretary and the State of the appraisals conducted under subsection (e).

(g) PUBLIC INSPECTION AND NOTICE.—

(1) PUBLIC INSPECTION.—At least 30 days before the date of conveyance of the Federal land and non-Federal land, all final appraisals and appraisal reviews for the Federal land and non-Federal land to be exchanged under this part shall be available for public review at the office of the State Director of the Bureau of Land Management in the State.

(2) NOTICE.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals conducted under subsection (e) are available for public inspection.

(h) CONSULTATION WITH INDIAN TRIBES.—The Secretary shall consult with any federally recognized Indian tribe in the vicinity of the Federal land and non-Federal land to be exchanged under this part before the completion of the land exchange.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this part—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—

(i) IN GENERAL.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized by the State conveying to the Secretary, as necessary to equalize the value of the Federal land and non-Federal land—

(I) State trust land parcel 1, as described in the assessment entitled ''Bureau of Land Management Environmental Assessment UT–100–06–EA'', numbered UTU–82090, and dated March 2008; or

(II) State trust land located within any of the wilderness areas or national conservation areas in Washington County, Utah, established under subtitle O of title I of the Omnibus Public Land Management Act

of 2009 (Public Law 111–11; 123 Stat. 1075).

(ii) ORDER OF CONVEYANCES.—Any non-Federal land required to be conveyed to the Secretary under clause (i) shall be conveyed until the value of the Federal land and non-Federal land is equalized.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and the non-Federal land shall be equalized—

(i) by the Secretary making a cash equalization payment to the State, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) by removing non-Federal land from the exchange.

(j) GRAZING PERMITS.—

(1) IN GENERAL.—If the Federal land or non-Federal land exchanged under this part is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to

continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this part prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the Federal land or non-Federal land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or

contract has been leased for mineral development.

(4) BASE PROPERTIES.—If non-Federal land conveyed by the State under this part is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for—

(A) the remaining term of the lease or permit; and

(B) the term of any renewal or extension of the lease or permit.

(k) WITHDRAWAL OF FEDERAL LAND FROM MINERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid existing rights, the Federal land to be conveyed to the State under this part is withdrawn from mineral location, entry, and patent under the mining laws pending conveyance of the Federal land to the State.

SEC. 2843. STATUS AND MANAGEMENT OF NON-FEDERAL LAND ACQUIRED BY THE UNITED STATES.

(a) IN GENERAL.—On conveyance to the United States under this part, the non-Federal land shall be managed by the Secretary in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and applicable land use plans.

(b) NON-FEDERAL LAND WITHIN CEDAR MOUNTAINS WILDERNESS.—On conveyance to the Secretary under this part, the non-Federal land located within the Cedar Mountains Wilderness shall, in accordance with section 206(c) of the Federal Land Policy Act of 1976 (43 U.S.C. 1716(c)), be added to, and administered as part of, the Cedar Mountains Wilderness.

(c) NON-FEDERAL LAND WITHIN WILDERNESS AREAS OR NATIONAL CONSERVATION AREAS.—On conveyance to the Secretary under this part, non-Federal land located in a national wilderness area or national conservation area shall be managed in accordance with the applicable provisions of subtitle O of title I of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

SEC. 2844. HAZARDOUS MATERIALS.

(a) COSTS.—Except as provided in subsection (b), the costs of remedial actions relating to hazardous materials on land acquired under this part shall be paid by those entities responsible for the costs under applicable law.

(b) REMEDIATION OF PRIOR TESTING AND TRAINING ACTIVITY.—The Secretary of the Air Force shall bear all costs of evaluation, management, and remediation caused by the previous testing of military weapons systems and the training of military forces on non-Federal land to be conveyed to the United States under this part.

Subtitle E—Other Matters

SEC. 2851. CERTIFICATION OF OPTIMAL LOCATION FOR 4TH AND 5TH GENERATION COMBAT AIRCRAFT BASING AND FOR ROTATION OF FORCES AT NAVAL AIR STATION EL CENTRO OR MARINE CORPS AIR STATION KANEOHE BAY.

(a) NEXT GENERATION FACILITY CERTIFICATION.—No amounts may be expended for the construction of hangars, housing, maintenance or related facilities to support any current or future F/A–18 or F–35 squadrons at Naval Air Station Lemoore, California, as authorized by section 2201, until the Secretary of Defense certifies to the congressional defense committees that the Secretary has determined, based on an analysis of United States operational requirements, that Naval Air Station Lemoore remains the optimal location for F/A–18 or F–35 squadrons. The certification shall include an explanation of the basis for the certification.

(b) EL CENTRO AND KANEOHE BAY UTILIZATION.—

(1) DETERMINATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chief of Naval Operations, shall submit to the congressional defense committees a determination of the oper-

ational viability of the use of Naval Air Facility El Centro, California, or Marine Corps Air Station Kaneohe Bay, Hawaii, for the rotational presence of—

(A) fighter aircraft for air-to-air training; or

(B) naval forces.

(2) BASIS OF DETERMINATION.—The submission to the congressional defense committees under paragraph (1) shall include an explanation of the basis for the determination.

(3) PLAN.—If the Secretary of Defense determines that Naval Air Facility El Centro or Marine Corps Air Station Kaneohe Bay is a viable option for one or more of the uses specified in paragraph (1), the Secretary shall, not later than April 1, 2018, submit to the congressional defense committees a plan for such uses that includes the following elements:

(A) The types and number of naval forces or air-to-air training fighter aircraft considered for rotational purposes.

(B) The duration and frequency of such assignment.

(C) A description of any additional infrastructure investment required to support such assignment.

(D) An assessment of the impact to permanent manpower levels necessary to support such assignment.

SEC. 2852. REPLENISHMENT OF SIERRA VISTA SUBWATERSHED REGIONAL AQUIFER, ARIZONA.

The Secretary of the Army or the Secretary of the Interior may enter into agreements with the Cochise Conservation Recharge Network, Arizona, in support of water conservation, recharge, and reuse efforts for the regional aquifer identified under Section 321(g) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1439).

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of the Navy may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	$37,409,000
Iceland	Keflavik	$19,600,000

1 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
2 **LAND ACQUISITION PROJECTS.**

3 The Secretary of the Air Force may acquire real
4 property and carry out the military construction projects
5 for the installations outside the United States, and in the
6 amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation	Amount
Bulgaria	Graf Ignatievo	$13,400,000
Djibouti	Chabelley Airfield	$10,500,000
Estonia	Amari Air Base	$6,500,000
Germany	Spangdahlem Air Base	$18,700,000
Lithuania	Siauliai	$3,000,000
Poland	Powidz Air Base	$4,100,000
	Lask Air Base	$4,100,000
Romania	Campia Turzii	$18,500,000

7 **SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2016, for the
10 military construction projects outside the United States
11 authorized by this title as specified in the funding table
12 in section 4602.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 17–D–401, Saltstone Disposal Unit Number 7, Savannah River Site, Aiken, South Carolina, $125,443,000.

Project 17–D–630, Expand Electrical Distribution System, Lawrence Livermore National Laboratory, Livermore, California, $25,000,000.

Project 17–D–640, U1a Complex Enhancements Project, Nevada National Security Site, Mercury, Nevada, $11,500,000.

Project 17–D–911, BL Fire System Upgrade, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $1,400,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for other defense activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3104. NUCLEAR ENERGY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2017 for nuclear energy as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. COMMON FINANCIAL SYSTEMS FOR THE NUCLEAR SECURITY ENTERPRISE.

(a) IN GENERAL.—By not later than three years after the date of the enactment of this Act, the Administrator for Nuclear Security shall complete the implementation of a common financial system for the nuclear security enterprise.

(b) ELEMENTS.—The common financial system implemented pursuant to subsection (a) shall include the following:

(1) Common data reporting requirements for work performed using funds for the National Nuclear Security Administration, including reporting of financial data by standardized labor categories, labor hours, functional elements, and cost elements.

(2) A common work breakdown structure for the Administration that aligns contractor work breakdown structures with the budget structure of the Administration.

(3) Definitions and methodologies for identifying costs for programs of records and base capabilities within the Administration.

(4) A capability to use the Defense Cost Analysis Resource Center of the Office of Cost Assessment and Program Evaluation of the Department of Defense using historical costing data by the Administration.

(c) REPORTS.—

(1) IN GENERAL.—Not later than March 1, 2017, and each year thereafter, the Administrator shall submit to the congressional defense committees a report on progress of the Administration toward implementing a common financial system for the nuclear security enterprise as required by subsection (a).

(2) REPORT.—Each report under this subsection shall include the following:

(A) A summary of activities, accomplishments, and challenges in connection with the implementation of a common financial system for the nuclear security enterprise during the year preceding the year in which such report is submitted.

(B) A summary of planned activities in connection with the implementation of a common financial system for the nuclear security

enterprise in the year in which such report is submitted.

(C) A description of any anticipated modifications to the schedule for implementing a common financial system for the nuclear security enterprise, including an update on possible risks or challenges in connection with the implementation.

(3) TERMINATION.—No report is required under this subsection after the completion of the implementation of a common financial system for the nuclear security enterprise.

(d) NUCLEAR SECURITY ENTERPRISE DEFINED.—In this section, the term ''nuclear security enterprise'' has the meaning given that term in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501).

SEC. 3112. INDUSTRY BEST PRACTICES IN OPERATIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION FACILITIES AND SITES.

(a) COMMITTEE ON INDUSTRY BEST PRACTICES IN OPERATIONS.—The Administrator for Nuclear Security shall establish within the National Nuclear Security Administration a committee (in this section referred to as the ''committee'') to identify and oversee the implementation of best practices of industry in the operations of the

facilities and sites of the Administration for the purpose of—

(1) lowering costs and administrative burdens; while

(2) also both—

(A) maintaining or reducing risks; and

(B) preserving and protecting health, safety, and security.

(b) MEMBERSHIP.—The committee shall be composed of personnel of the Administration assigned by the Administrator to the committee as follows:

(1) The Principal Deputy Administrator for Nuclear Security, who shall serve as chair of the committee.

(2) Government personnel representing the headquarters of the Administration.

(3) Government personnel representing offices of facilities and sites of the Administration.

(4) Contractor personnel representing facilities and sites of the Administration, including the following:

(A) Laboratories.

(B) Production plants.

(C) Such other facilities and sites as the Administrator considers appropriate.

(5) Such other personnel as the Administrator considers appropriate.

(c) DUTIES.—The duties of the committee shall include the following:

(1) To identify and oversee the implementation of best practices of industry in the operations of the facilities and sites of the Administration for the purpose described in subsection (a).

(2) To conduct surveys of the facilities and sites of the Administration in order to assess the adoption, implementation, and use by such facilities and sites of best practices of industry described in subsection (a).

(3) To carry out such other activities consistent with the duties of the committee under this subsection as the Administration may specify for purposes of this section.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date on which the budget of the President for a fiscal year after fiscal year 2017 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Administrator shall submit to the congressional defense committees a report on

the activities of the committee under this section during the preceding calendar year.

(2) ELEMENTS.—Each report under this subsection shall include, for the calendar year covered by such report, the following:

(A) A description of the activities of the committee.

(B) The results of the surveys undertaken pursuant to subsection (c)(2).

(C) As a result of the surveys, recommendations for modifications to the scope or applicability of regulations and orders of the Department of Energy to particular facilities and sites of the Administration in order to implement best practices of industry in the operation of such facilities and sites, including—

(i) a list of the facilities and sites at which such regulations and orders could be so modified; and

(ii) for each such facility and site, the manner in which such the scope or applicability of such regulations and orders could be so modified.

(D) An assessment of the progress of the Administration in implementing best practices

of industry in the operations of the facilities and sites of the Administration.

(E) An estimate of the costs to be saved as a result of the best practices of industry implemented by the Administration at the facilities and sites of the Administration, set forth by fiscal year.

(e) TERMINATION.—The committee shall terminate after the submittal under subsection (d) of the report required by that subsection that covers 2026.

SEC. 3113. LIMITATION ON ACCELERATION OF DISMANTLEMENT OF RETIRED NUCLEAR WEAPONS.

(a) LIMITATION.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this Act or otherwise made available for any of fiscal years 2017 through 2021 for the National Nuclear Security Administration may be obligated or expended to accelerate the dismantlement of the nuclear weapons of the United States to a rate faster than the rate mandated by the total projected dismantlement schedule included in table 2–7 of the annex to the stockpile stewardship and management plan for fiscal year 2016 submitted to Congress in March 2015 under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

(b) EXCEPTION FOR COMPLIANCE WITH CERTAIN COMMITMENTS.—

(1) CERTIFICATION.—The limitation under subsection (a) shall not apply with respect to a fiscal year if the President submits to the appropriate congressional committees a certification that the President has—

(A) requested, in the budget of the President for that fiscal year submitted to Congress under section 1105(a) of title 31, United States Code, sufficient amounts to fulfill for that fiscal year all commitments related to nuclear modernization funding, capabilities, and schedules that the President made to the Senate during the consideration by the Senate of the resolution of advice and consent to ratification of the New START Treaty, as described in—

(i) the document entitled, ''Message from the President on the New START Treaty'', dated February 2, 2011; and

(ii) the fiscal year 2012 update to the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.

2549), submitted to Congress in February 2011; and

(B) except as provided in paragraph (2), fulfilled all such commitments.

(2) EXCEPTION.—If, for any fiscal year covered by the limitation under subsection (a), an appropriations Act is enacted that appropriates amounts that are insufficient for the President to fulfill the commitments described in paragraph (1)(A), the President may certify under paragraph (1)(B) that the President has fulfilled such commitments to the extent possible with available funds.

(c) EXCEPTION FOR CERTAIN STOCKPILE MANAGEMENT AND LIFE EXTENSION COMPONENTS.—The limitation under subsection (a) shall not apply if the President submits to the appropriate congressional committees a written certification that the funds described in subsection (a) are required for activities necessary to obtain critical components that could not reasonably be acquired elsewhere for use in life extension, weapon alteration, or weapon modification programs as described in the stockpile stewardship and management plan for fiscal year 2016 submitted to Congress in March 2015 under section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) NEW START TREATY.—The term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 3114. CONTRACT FOR MIXED-OXIDE FUEL FABRICATION FACILITY CONSTRUCTION PROJECT.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement pursuant to sections 1535 and 1536 of title 31, United States Code, with the Chief of Engineers to act as an owner's agent with respect to the following:

(1) Assessing the contractual, technical, and managerial risks for the Department of Energy and the contractor responsible for the mixed-oxide fuel fabrication facility at the Savannah River Site, Aiken, South Carolina, as of such date of enactment.

(2) Assessing what elements of the contract in effect on such date of enactment between the Department of Energy and that contractor can be changed to—

(A) a fixed price provision;

(B) a fixed price incentive fee provision; or

(C) another contractual mechanism designed to minimize risk to the Department of Energy while reducing cost.

(3) Assessing the options under paragraph (2), including milestones, cost, schedules, and any damage fees for those options.

(4) Making recommendations on changes to the contract, based on the assessments described in paragraphs (1), (2), and (3), to reduce risk and cost to the Department of Energy while preserving a fair and reasonable contract.

(5) For each element of the contract that the Chief of Engineers does not recommend be changed pursuant to paragraph (4), an assessment of the

risks and costs associated with that element and a description of why that element is not appropriate for the provision types described in paragraph (2).

(b) CONSULTATIONS.—In acting as an owner's agent under subsection (a), the Chief of Engineers shall consult with the Secretary of Energy, the contractor described in subsection (a)(1), and other knowledgeable parties, as appropriate.

(c) REPORT OF OWNER'S AGENT.—Not later than 30 days after entering into the arrangement under subsection (a), the Chief of Engineers shall submit to the Secretary of Energy a report on the matters assessed under that subsection.

(d) SUBMISSIONS BY DEPARTMENT OF ENERGY.—Not later than 60 days after receiving the report required by subsection (c), the Secretary of Energy shall transmit to the congressional defense committees and the Comptroller General of the United States—

(1) the report;

(2) any comments of the Secretary with respect to the report;

(3) a determination of whether the contractor described in subsection (a)(1) will or will not agree to the revisions to the contract recommended by the

Chief of Engineers and offered by the Secretary to the contractor; and

(4) if the contractor will not agree to such revisions, a description of the reasons given for not agreeing to such revisions.

(e) ASSESSMENT BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 30 days after receiving the report and other matters under subsection (d), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the actions taken by the Secretary of Energy under this section.

SEC. 3115. UNAVAILABILITY FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS OF AMOUNTS SPECIFIED FOR CERTAIN LABORATORIES FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 4811(c) of the Atomic Energy Defense Act (50 U.S.C. 2791(c)) is amended—

(1) by striking "(c) FUNDING.—Of the funds" and inserting the following:

"(c) FUNDING.—

"(1) IN GENERAL.—Of the funds"; and

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

"(2) UNAVAILABILITY FOR CERTAIN COSTS.—The amount specified for such laboratories pursuant to paragraph (1) may not be used to cover the costs of such laboratories for general and administrative overhead.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 3116. INCREASE IN CERTAIN LIMITATIONS APPLICABLE TO FUNDS FOR CONCEPTUAL AND CONSTRUCTION DESIGN OF THE DEPARTMENT OF ENERGY.

(a) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—Subsection (a)(2) of section 4706 of the Atomic Energy Defense Act (50 U.S.C. 2746) is amended by striking "$3,000,000" and inserting "$5,000,000".

(b) CONSTRUCTION DESIGN.—Subsection (b) of such section is amended by striking "$1,000,000" each place it appears and inserting "$2,000,000".

Subtitle C—Plans and Reports

SEC. 3121. ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK WASTE CLEANUP AT HANFORD RESERVATION.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a rough estimate of the total life cycle cost of the cleanup of tank waste at Hanford Reservation, Richland, Washington.

(b) ELEMENTS.—The total life cycle cost estimate required by subsection (a) shall include the following:

(1) Cost estimates for the following:

(A) The Waste Treatment and Immobilization Plant, assuming full startup and commissioning in 2036.

(B) Operations of the Waste Treatment and Immobilization Plant, for two scenarios, assuming operations continue to 2047 and assuming operations continue to 2057.

(C) Tank waste management and treatment operations for two scenarios, assuming operations continue through 2047 and assuming operations continue through 2057.

(2) Cost estimates associated with the following:

(A) Anticipated increases in the volume of tank waste.

(B) A second, supplemental low-activity waste treatment facility.

(C) The effects of extending the schedule for cleanup of tank waste at Hanford Reservation from 2047 to 2057.

(D) High-level waste canister temporary storage, transportation, and permanent disposal.

(E) Any additional facilities that may be needed to treat tank waste at Hanford Reservation.

(c) COST ESTIMATING BEST PRACTICES.—The total life cycle cost estimate required by subsection (a) shall be developed in accordance with the cost estimating best practices of the Government Accountability Office.

(d) SUBMISSION OF ADDITIONAL INDEPENDENT COST ESTIMATES.—The Secretary shall submit to the congressional defense committees, with the total life cycle cost estimate required by subsection (a), any other independent cost estimates for the Waste Treatment and Immobilization Plant or related facilities conducted before

the date on which the total life cycle cost estimate is required to be submitted under subsection (a).

SEC. 3122. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL TREATMENT OF LOW-ACTIVITY WASTE AT HANFORD NUCLEAR RESERVATION.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct an analysis of approaches for treating the portion of low-activity waste at the Hanford Nuclear Reservation, Richland, Washington, that, as of such date of enactment, is intended for supplemental treatment.

(b) ELEMENTS.—The analysis required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following approaches for treating the low-activity waste described in subsection (a):

(A) Further processing of the low-activity waste to remove long-lived radioactive constituents, particularly technetium-99 and iodine-129, for immobilization with high-level waste.

(B) Vitrification, grouting, and steam reforming, and other alternative approaches identified by the Department of Energy for immo-

bilizing the low-activity waste, in whole or after further processing or reclassification.

(2) An analysis of the following:

(A) The risks of the approaches described in paragraph (1) relating to treatment and final disposition.

(B) The benefits and costs of such approaches.

(C) Anticipated schedules for such approaches, including the time needed to complete necessary construction and to begin treatment operations.

(D) The compliance of such approaches with applicable technical standards associated with and contained in regulations prescribed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly referred to as the ''Resource Conservation and Recovery Act''), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''), and the Clean Air Act (42 U.S.C. 7401 et seq.).

(E) Any obstacles that would inhibit the ability of the Department of Energy to pursue such approaches.

(c) ANALYTICAL APPROACH.—The analysis required by subsection (a) shall be conducted using state-of-the art risk assessment practices such as probabilistic risk assessment.

(d) REVIEW OF ANALYSIS.—

(1) IN GENERAL.—Concurrent with entering into an arrangement with a federally funded research and development center under subsection (a), the Secretary shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a review of the analysis conducted by the federally funded research and development center.

(2) METHOD OF REVIEW.—The review required by paragraph (1) shall be conducted concurrent with the analysis required by subsection (a), and in a manner that is parallel to that analysis, so that the results of the review may be used to improve the quality of the analysis.

(e) SUBMISSION TO CONGRESS.—

(1) BRIEFINGS ON PROGRESS.—Not later than 180 days after the date of the enactment of this Act,

and every 180 days thereafter, the Secretary shall provide to the congressional defense committees a briefing on the progress being made on the analysis required by subsection (a) and the review required by subsection (d).

(2) COMPLETED ANALYSIS AND REVIEW.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the analysis required by subsection (a), the review of the analysis required by subsection (d), and any comments of the Secretary on the analysis or review.

SEC. 3123. ANALYSES OF OPTIONS FOR DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTE.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an arrangement with a federally funded research and development center to conduct comprehensive analyses of the costs, schedules, benefits, and risks of the options for the disposal of high-level radioactive waste managed by the Department of Energy referenced in the report of the Department, dated October 2014, on the disposal of high-level radioactive waste and spent nuclear fuel managed by the Department.

(b) ELEMENTS.—The analyses required by subsection (a) shall include the following:

(1) An analysis of, at a minimum, the following options for the disposal of high-level radioactive waste managed by the Department of Energy:

(A) A single common repository for commercial and defense high-level radioactive waste.

(B) Various options for separate repositories for commercial and defense high-level radioactive waste.

(2) An estimate of the total system life cycle cost and schedule for each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) includes estimates for each phase of work on each such option, including site selection and characterization, licensing activities, design and construction of the repositories, operation of the repositories, transportation of waste, and closure and monitoring; and

(B) is developed in accordance with the cost and schedule best practices of the Government Accountability Office.

(3) An assessment of the benefits and risks associated with each of the options described in subparagraphs (A) and (B) of paragraph (1) that—

(A) uses sensitivity analysis and other techniques, as appropriate, to determine the potential effects of those benefit and risks on the cost and schedule estimates required by paragraph (2); and

(B) includes benefit-cost or cost-effectiveness analyses following the guidelines established by the Office of Management and Budget in Circular A–94.

(c) SUBMISSION OF ANALYSES.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees and the Comptroller General of the United States the analyses required by subsection (a).

(d) REVIEW BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 60 days after receiving the analyses pursuant to subsection (c), the Comptroller General shall submit to the congressional defense committees a review of the design, methodology, and conclusions of the analyses.

(e) LIMITATION ON USE OF FUNDS.—Except to the extent necessary to execute the arrangement required by

subsection (a), the Secretary may not obligate or expend any amounts authorized to be appropriated by this Act for fiscal year 2017 for the Department of Energy for the development of a repository for only defense waste until the Comptroller General submits the review required by subsection (d) to the congressional defense committees.

SEC. 3124. ELIMINATION OF DUPLICATION IN REVIEWS BY COMPTROLLER GENERAL OF THE UNITED STATES.

Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

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

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

''(b) TEMPORARY SUSPENSION.—The requirements of subsection (a) shall not apply with respect to the nuclear security budget materials submitted for fiscal year 2018 or 2019.''.

SEC. 3125. REPEAL OF REQUIREMENT FOR COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

Section 3122 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.

2176), as amended by section 3125 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 127 Stat. 1063), is further amended—

(1) in subsection (b)(1), by striking ", and to the Comptroller General of the United States,"; and

(2) by striking subsection (e).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2017, $31,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—FEDERAL AVIATION ADMINISTRATION THIRD CLASS MEDICAL REFORM AND GENERAL AVIATION PILOT PROTECTIONS

SEC. 3301. SHORT TITLE.

This subtitle may be cited as the "Pilot's Bill of Rights 2".

SEC. 3302. MEDICAL CERTIFICATION OF CERTAIN SMALL AIRCRAFT PILOTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue or revise regulations to ensure that an individual may operate as pilot in command of a covered aircraft if—

(1) the individual possesses a valid driver's license issued by a State, territory, or possession of the United States and complies with all medical requirements or restrictions associated with that license;

(2) the individual holds a medical certificate issued by the Federal Aviation Administration on the date of the enactment of this Act, held such a certificate at any point during the 10-year period preceding such date of the enactment, or obtains such a certificate after such date of enactment;

(3) the most recent medical certificate issued by the Federal Aviation Administration to the individual—

(A) indicates whether the certificate is first, second, or third class;

(B) may include authorization for special issuance;

(C) may be expired;

(D) cannot have been revoked or suspended; and

(E) cannot have been withdrawn;

(4) the most recent application for airman medical certification submitted to the Federal Aviation Administration by the individual cannot have been completed and denied;

(5) the individual has completed a medical education course described in subsection (c) during the 24 calendar months before acting as pilot in command of a covered aircraft and demonstrates proof of completion of the course;

(6) the individual, when serving as a pilot in command, is under the care and treatment of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly;

(7) the individual has received a comprehensive medical examination from a State-licensed physician during the previous 48 months and—

(A) prior to the examination, the individual—

(i) completed the individual's section of the checklist described in subsection (b); and

(ii) provided the completed checklist to the physician performing the examination; and

(B) the physician conducted the comprehensive medical examination in accordance with the checklist described in subsection (b), checking each item specified during the examination and addressing, as medically appropriate, every medical condition listed, and any medications the individual is taking; and

(8) the individual is operating in accordance with the following conditions:

(A) The covered aircraft is carrying not more than 5 passengers.

(B) The individual is operating the covered aircraft under visual flight rules or instrument flight rules.

(C) The flight, including each portion of that flight, is not carried out—

(i) for compensation or hire, including that no passenger or property on the flight is being carried for compensation or hire;

(ii) at an altitude that is more than 18,000 feet above mean sea level;

(iii) outside the United States, unless authorized by the country in which the flight is conducted; or

(iv) at an indicated air speed exceeding 250 knots.

(b) COMPREHENSIVE MEDICAL EXAMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a checklist for an individual to complete and provide to the physician performing the comprehensive medical examination required in subsection (a)(7).

(2) REQUIREMENTS.—The checklist shall contain—

(A) a section, for the individual to complete that contains—

(i) boxes 3 through 13 and boxes 16 through 19 of the Federal Aviation Administration Form 8500–8 (3–99);

(ii) a signature line for the individual to affirm that—

(I) the answers provided by the individual on that checklist, including the individual's answers regarding

medical history, are true and complete;

(II) the individual understands that he or she is prohibited under Federal Aviation Administration regulations from acting as pilot in command, or any other capacity as a required flight crew member, if he or she knows or has reason to know of any medical deficiency or medically disqualifying condition that would make the individual unable to operate the aircraft in a safe manner; and

(III) the individual is aware of the regulations pertaining to the prohibition on operations during medical deficiency and has no medically disqualifying conditions in accordance with applicable law;

(B) a section with instructions for the individual to provide the completed checklist to the physician performing the comprehensive medical examination required in subsection (a)(7); and

(C) a section, for the physician to complete, that instructs the physician—

(i) to perform a clinical examination of—

(I) head, face, neck, and scalp;

(II) nose, sinuses, mouth, and throat;

(III) ears, general (internal and external canals), and eardrums (perforation);

(IV) eyes (general), ophthalmoscopic, pupils (equality and reaction), and ocular motility (associated parallel movement, nystagmus);

(V) lungs and chest (not including breast examination);

(VI) heart (precordial activity, rhythm, sounds, and murmurs);

(VII) vascular system (pulse, amplitude, and character, and arms, legs, and others);

(VIII) abdomen and viscera (including hernia);

(IX) anus (not including digital examination);

(X) skin;

(XI) G–U system (not including pelvic examination);

(XII) upper and lower extremities (strength and range of motion);

(XIII) spine and other musculoskeletal;

(XIV) identifying body marks, scars, and tattoos (size and location);

(XV) lymphatics;

(XVI) neurologic (tendon reflexes, equilibrium, senses, cranial nerves, and coordination, etc.);

(XVII) psychiatric (appearance, behavior, mood, communication, and memory);

(XVIII) general systemic;

(XIX) hearing;

(XX) vision (distant, near, and intermediate vision, field of vision, color vision, and ocular alignment);

(XXI) blood pressure and pulse; and

(XXII) anything else the physician, in his or her medical judgment, considers necessary;

(ii) to exercise medical discretion to address, as medically appropriate, any medical conditions identified, and to exercise medical discretion in determining whether any medical tests are warranted as part of the comprehensive medical examination;

(iii) to discuss all drugs the individual reports taking (prescription and non-prescription) and their potential to interfere with the safe operation of an aircraft or motor vehicle;

(iv) to sign the checklist, stating: ''I certify that I discussed all items on this checklist with the individual during my examination, discussed any medications the individual is taking that could interfere with their ability to safely operate an aircraft or motor vehicle, and performed an examination that included all of the items on this checklist. I certify that I am not aware of any medical condition that, as presently treated, could interfere with the individual's ability to safely operate an aircraft.''; and

(v) to provide the date the comprehensive medical examination was completed, and the physician's full name, address, telephone number, and State medical license number.

(3) LOGBOOK.—The completed checklist shall be retained in the individual's logbook and made available on request.

(c) MEDICAL EDUCATION COURSE REQUIREMENTS.—The medical education course described in this subsection shall—

(1) be available on the Internet free of charge;

(2) be developed and periodically updated in coordination with representatives of relevant nonprofit and not-for-profit general aviation stakeholder groups;

(3) educate pilots on conducting medical self-assessments;

(4) advise pilots on identifying warning signs of potential serious medical conditions;

(5) identify risk mitigation strategies for medical conditions;

(6) increase awareness of the impacts of potentially impairing over-the-counter and prescription drug medications;

(7) encourage regular medical examinations and consultations with primary care physicians;

(8) inform pilots of the regulations pertaining to the prohibition on operations during medical deficiency and medically disqualifying conditions;

(9) provide the checklist developed by the Federal Aviation Administration in accordance with subsection (b); and

(10) upon successful completion of the course, electronically provide to the individual and transmit to the Federal Aviation Administration—

(A) a certification of completion of the medical education course, which shall be printed and retained in the individual's logbook and made available upon request, and shall contain the individual's name, address, and airman certificate number;

(B) subject to subsection (d), a release authorizing the National Driver Register through a designated State Department of Motor Vehicles to furnish to the Federal Aviation Administration information pertaining to the individual's driving record;

(C) a certification by the individual that the individual is under the care and treatment

of a physician if the individual has been diagnosed with any medical condition that may impact the ability of the individual to fly, as required under (a)(6);

(D) a form that includes—

(i) the name, address, telephone number, and airman certificate number of the individual;

(ii) the name, address, telephone number, and State medical license number of the physician performing the comprehensive medical examination required in subsection (a)(7);

(iii) the date of the comprehensive medical examination required in subsection (a)(7); and

(iv) a certification by the individual that the checklist described in subsection (b) was followed and signed by the physician in the comprehensive medical examination required in subsection (a)(7); and

(E) a statement, which shall be printed, and signed by the individual certifying that the individual understands the existing prohibition on operations during medical deficiency by stat-

ing: "I understand that I cannot act as pilot in command, or any other capacity as a required flight crew member, if I know or have reason to know of any medical condition that would make me unable to operate the aircraft in a safe manner.".

(d) NATIONAL DRIVER REGISTER.—The authorization under subsection (c)(10)(B) shall be an authorization for a single access to the information contained in the National Driver Register.

(e) SPECIAL ISSUANCE PROCESS.—

(1) IN GENERAL.—An individual who has qualified for the third-class medical certificate exemption under subsection (a) and is seeking to serve as a pilot in command of a covered aircraft shall be required to have completed the process for obtaining an Authorization for Special Issuance of a Medical Certificate for each of the following:

(A) A mental health disorder, limited to an established medical history or clinical diagnosis of—

(i) personality disorder that is severe enough to have repeatedly manifested itself by overt acts;

(ii) psychosis, defined as a case in which an individual—

(I) has manifested delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis; or

(II) may reasonably be expected to manifest delusions, hallucinations, grossly bizarre or disorganized behavior, or other commonly accepted symptoms of psychosis;

(iii) bipolar disorder; or

(iv) substance dependence within the previous 2 years, as defined in section 67.307(a)(4) of title 14, Code of Federal Regulations.

(B) A neurological disorder, limited to an established medical history or clinical diagnosis of any of the following:

(i) Epilepsy.

(ii) Disturbance of consciousness without satisfactory medical explanation of the cause.

(iii) A transient loss of control of nervous system functions without satisfactory medical explanation of the cause.

(C) A cardiovascular condition, limited to a one-time special issuance for each diagnosis of the following:

(i) Myocardial infraction.

(ii) Coronary heart disease that has required treatment.

(iii) Cardiac valve replacement.

(iv) Heart replacement.

(2) SPECIAL RULE FOR CARDIOVASCULAR CONDITIONS.—In the case of an individual with a cardiovascular condition, the process for obtaining an Authorization for Special Issuance of a Medical Certificate shall be satisfied with the successful completion of an appropriate clinical evaluation without a mandatory wait period.

(3) SPECIAL RULE FOR MENTAL HEALTH CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed mental health condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed mental health condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a mental health condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care of a State-licensed medical specialist for that mental health condition.

(4) SPECIAL RULE FOR NEUROLOGICAL CONDITIONS.—

(A) In the case of an individual with a clinically diagnosed neurological condition, the third-class medical certificate exemption under subsection (a) shall not apply if—

(i) in the judgment of the individual's State-licensed medical specialist, the condition—

(I) renders the individual unable to safely perform the duties or exercise the airman privileges described in subsection (a)(8); or

(II) may reasonably be expected to make the individual unable to perform the duties or exercise the privileges described in subsection (a)(8); or

(ii) the individual's driver's license is revoked by the issuing agency as a result of a clinically diagnosed neurological condition.

(B) Subject to subparagraph (A), an individual clinically diagnosed with a neurological condition shall certify every 2 years, in conjunction with the certification under subsection (c)(10)(C), that the individual is under the care

of a State-licensed medical specialist for that neurological condition.

(f) IDENTIFICATION OF ADDITIONAL MEDICAL CONDITIONS FOR THE CACI PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall review and identify additional medical conditions that could be added to the program known as the Conditions AMEs Can Issue (CACI) program.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing the medical conditions that have been added to the CACI program under paragraph (1).

(g) EXPEDITED AUTHORIZATION FOR SPECIAL ISSUANCE OF A MEDICAL CERTIFICATE.—

(1) IN GENERAL.—The Administrator shall implement procedures to expedite the process for ob-

taining an Authorization for Special Issuance of a Medical Certificate under section 67.401 of title 14, Code of Federal Regulations.

(2) CONSULTATIONS.—In carrying out paragraph (1), the Administrator shall consult with aviation, medical, and union stakeholders.

(3) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the procedures implemented under paragraph (1) will streamline the process for obtaining an Authorization for Special Issuance of a Medical Certificate and reduce the amount of time needed to review and decide special issuance cases.

(h) REPORT REQUIRED.—Not later than 5 years after the date of the enactment of this Act, the Administrator, in coordination with the National Transportation Safety Board, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the effect of the regulations issued or revised under subsection (a)

and includes statistics with respect to changes in small aircraft activity and safety incidents.

(i) PROHIBITION ON ENFORCEMENT ACTIONS.—Beginning on the date that is 1 year after the date of the enactment of this Act, the Administrator may not take an enforcement action for not holding a valid third-class medical certificate against a pilot of a covered aircraft for a flight, through a good faith effort, if the pilot and the flight meet the applicable requirements under subsection (a), except paragraph (5) of that subsection, unless the Administrator has published final regulations in the Federal Register under that subsection.

(j) COVERED AIRCRAFT DEFINED.—In this section, the term ''covered aircraft'' means an aircraft that—

(1) is authorized under Federal law to carry not more than 6 occupants; and

(2) has a maximum certificated takeoff weight of not more than 6,000 pounds.

(k) OPERATIONS COVERED.—The provisions and requirements covered in this section do not apply to pilots who elect to operate under the medical requirements under subsection (b) or subsection (c) of section 61.23 of title 14, Code of Federal Regulations.

(l) AUTHORITY TO REQUIRE ADDITIONAL INFORMATION.—

(1) IN GENERAL.—If the Administrator receives credible or urgent information, including from the National Driver Register or the Administrator's Safety Hotline, that reflects on an individual's ability to safely operate a covered aircraft under the third-class medical certificate exemption in subsection (a), the Administrator may require the individual to provide additional information or history so that the Administrator may determine whether the individual is safe to continue operating a covered aircraft.

(2) USE OF INFORMATION.—The Administrator may use credible or urgent information received under paragraph (1) to request an individual to provide additional information or to take actions under section 44709(b) of title 49, United States Code.

SEC. 3303. EXPANSION OF PILOT'S BILL OF RIGHTS.

(a) APPEALS OF SUSPENDED AND REVOKED AIRMAN CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended by striking ''or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title'' and inserting ''suspending or revoking an airman certificate under section 44709(d) of such title, or imposing an emergency order

of revocation under subsections (d) and (e) of section 44709 of such title''.

(b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN OF PROOF.—Section 2(e) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court with respect to a denial, suspension, or revocation of an airman certificate by the Administrator—

''(A) the district court shall review the denial, suspension, or revocation de novo, including by—

''(i) conducting a full independent review of the complete administrative record of the denial, suspension, or revocation;

''(ii) permitting additional discovery and the taking of additional evidence; and

''(iii) making the findings of fact and conclusions of law required by Rule 52 of the Federal Rules of Civil Procedure without being bound to any findings of fact of

the Administrator or the National Transportation Safety Board.''; (2) by redesignating paragraph (2) as paragraph (3); and (3) by inserting after paragraph (1) the following:

''(2) BURDEN OF PROOF.—In an appeal filed under subsection (d) in a United States district court after an exhaustion of administrative remedies, the burden of proof shall be as follows:

''(A) In an appeal of the denial of an application for the issuance or renewal of an airman certificate under section 44703 of title 49, United States Code, the burden of proof shall be upon the applicant denied an airman certificate by the Administrator.

''(B) In an appeal of an order issued by the Administrator under section 44709 of title 49, United States Code, the burden of proof shall be upon the Administrator.''; and

(4) by adding at the end the following:

''(4) APPLICABILITY OF ADMINISTRATIVE PROCEDURE ACT.—Notwithstanding paragraph (1)(A) of this subsection or subsection (a)(1) of section 554 of title 5, United States Code, section 554 of such title

shall apply to adjudications of the Administrator and the National Transportation Safety Board to the same extent as that section applied to such adjudications before the date of the enactment of the Pilot's Bill of Rights 2.''.

(c) NOTIFICATION OF INVESTIGATION.—Subsection (b) of section 2 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is amended—

(1) in paragraph (2)(A), by inserting ''and the specific activity on which the investigation is based'' after ''nature of the investigation'';

(2) in paragraph (3), by striking ''timely''; and

(3) in paragraph (5), by striking ''section 44709(c)(2)'' and inserting ''section 44709(e)(2)''.

(d) RELEASE OF INVESTIGATIVE REPORTS.—Section 2 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note) is further amended by inserting after subsection (e) the following:

''(f) RELEASE OF INVESTIGATIVE REPORTS.—

''(1) IN GENERAL.—

''(A) EMERGENCY ORDERS.—In any proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the

Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

''(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate holder and at any time after

that notification, provide to the covered certificate holder the releasable portion of the investigative report.

"(2) MOTION FOR DISMISSAL.—If the Administrator does not provide the releasable portions of the investigative report to the individual holding the airman certificate subject to the proceeding referred to in paragraph (1) by the time required by that paragraph, the individual may move to dismiss the complaint of the Administrator or for other relief and, unless the Administrator establishes good cause for the failure to provide the investigative report or for a lack of timeliness, the administrative law judge shall order such relief as the judge considers appropriate.

"(3) RELEASABLE PORTION OF INVESTIGATIVE REPORT.—For purposes of paragraph (1), the releasable portion of an investigative report is all information in the report, except for the following:

"(A) Information that is privileged.

"(B) Information that constitutes work product or reflects internal deliberative process.

"(C) Information that would disclose the identity of a confidential source.

"(D) Information the disclosure of which is prohibited by any other provision of law.

"(E) Information that is not relevant to the subject matter of the proceeding.

"(F) Information the Administrator can demonstrate is withheld for good cause.

"(G) Sensitive security information, as defined in section 15.5 of title 49, Code of Federal Regulations (or any corresponding similar ruling or regulation).

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent the Administrator from releasing to an individual subject to an investigation described in subsection (b)(1)—

"(A) information in addition to the information included in the releasable portion of the investigative report; or

"(B) a copy of the investigative report before the Administrator issues a complaint.".

SEC. 3304. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) of title 49, United States Code, is amended—

(1) by striking "The Administrator" and inserting the following:

"(1) IN GENERAL.—The Administrator";

(2) by striking "reexamine" and inserting ", except as provided in paragraph (2), reexamine"; and

(3) by adding at the end the following:

"(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

"(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

"(i) to establish that the airman may not be qualified to exercise the privileges of a particular certificate or rating, based upon an act or omission committed by the airman while exercising those privileges, after the certificate or rating was issued by the Federal Aviation Administration or its designee; or

"(ii) to demonstrate that the airman obtained the certificate or the rating through fraudulent means or through an

examination that was substantially and demonstrably inadequate to establish the airman's qualifications.

"(B) NOTIFICATION REQUIREMENTS.—Before taking any action to reexamine an airman under subparagraph (A), the Administrator shall provide to the airman—

"(i) a reasonable basis, described in detail, for requesting the reexamination; and

"(ii) any information gathered by the Federal Aviation Administration, that the Administrator determines is appropriate to provide, such as the scope and nature of the requested reexamination, that formed the basis for that justification.".

(b) AMENDMENT, MODIFICATION, SUSPENSION, OR REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—Section 44709(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) in the matter preceding subparagraph (A), as redesignated, by striking ''The Administrator'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator''; and

(4) by adding at the end the following:

''(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES AFTER REEXAMINATION.—

''(A) IN GENERAL.—The Administrator may not issue an order to amend, modify, suspend, or revoke an airman certificate held by a student, sport, recreational, or private pilot and issued under section 44703 of this title after a reexamination of the airman holding the certificate unless the Administrator determines that the airman—

''(i) lacks the technical skills and competency, or care, judgment, and responsibility, necessary to hold and safely exercise the privileges of the certificate; or

"(ii) materially contributed to the issuance of the certificate by fraudulent means.

"(B) STANDARD OF REVIEW.—Any order of the Administrator under this paragraph shall be subject to the standard of review provided for under section 2 of the Pilot's Bill of Rights (49 U.S.C. 44703 note).".

(c) CONFORMING AMENDMENTS.—Section 44709(d)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)"; and

(2) in subparagraph (B), by striking "subsection (b)(1)(B)" and inserting "subsection (b)(1)(A)(ii)".

SEC. 3305. EXPEDITING UPDATES TO NOTAM PROGRAM.

(a) IN GENERAL.—Beginning on the date that is 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration may not take any enforcement action against any individual for a violation of a NOTAM (as defined in section 3 of the Pilot's Bill of Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C. 44701 note)) until the Administrator submits a certification that the Administrator has com-

plied with the requirements of section 3 of the Pilot's Bill of Rights, as amended by this section, to—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

(b) AMENDMENTS.—Section 3 of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44701 note) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''this Act'' and inserting ''the Pilot's Bill of Rights 2''; and

(ii) by striking ''begin'' and inserting ''complete the implementation of'';

(B) by amending subparagraph (B) to read as follows:

''(B) to continue developing and modernizing the NOTAM repository, in a public central location, to maintain and archive all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment, in a manner that

is Internet-accessible, machine-readable, and searchable;'';

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) to specify the times during which temporary flight restrictions are in effect and the duration of a designation of special use airspace in a specific area.''; and

(2) by amending subsection (d) to read as follows:

''(d) DESIGNATION OF REPOSITORY AS SOLE SOURCE FOR NOTAMS.—

''(1) IN GENERAL.—The Administrator—

''(A) shall consider the repository for NOTAMs under subsection (a)(2)(B) to be the sole location for airmen to check for NOTAMs; and

''(B) may not consider a NOTAM to be announced or published until the NOTAM is included in the repository for NOTAMs under subsection (a)(2)(B).

''(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

"(i) that NOTAM is not available through the repository before the commencement of the flight; and

"(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

"(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.".

SEC. 3306. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

"§ 47124a. Accessibility of certain flight data

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATION.—The term 'Administration' means the Federal Aviation Administration.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Aviation Administration.

"(3) APPLICABLE INDIVIDUAL.—The term 'applicable individual' means an individual who is the subject of an investigation initiated by the Administrator related to a covered flight record.

"(4) CONTRACT TOWER.—The term 'contract tower' means an air traffic control tower providing air traffic control services pursuant to a contract with the Administration under the contract air traffic control tower program under section 47124(b)(3).

"(5) COVERED FLIGHT RECORD.—The term 'covered flight record' means any air traffic data (as defined in section 2(b)(4)(B) of the Pilot's Bill of Rights (Public Law 112–153; 49 U.S.C. 44703 note)), created, maintained, or controlled by any program of the Administration, including any program of the Administration carried out by employees or contractors of the Administration, such as contract towers, flight service stations, and controller training programs.

"(b) PROVISION OF COVERED FLIGHT RECORD TO ADMINISTRATION.—

"(1) REQUESTS.—Whenever the Administration receives a written request for a covered flight record from an applicable individual and the covered flight record is not in the possession of the Administration, the Administrator shall request the covered flight record from the contract tower or other contractor of the Administration in possession of the covered flight record.

"(2) PROVISION OF RECORDS.—Any covered flight record created, maintained, or controlled by a contract tower or another contractor of the Administration that maintains covered flight records shall be provided to the Administration if the Administration requests the record pursuant to paragraph (1).

"(3) NOTICE OF PROPOSED CERTIFICATE ACTION.—If the Administrator has issued, or subsequently issues, a Notice of Proposed Certificate Action relying on evidence contained in the covered flight record and the individual who is the subject of an investigation has requested the record, the Administrator shall promptly produce the record and extend the time the individual has to respond to the Notice of Proposed Certificate Action until the covered flight record is provided.

"(c) IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Pilot's Bill of Rights 2, the Administrator shall promulgate regulations or guidance to ensure compliance with this section.

"(2) COMPLIANCE BY CONTRACTORS.—

"(A) Compliance with this section by a contract tower or other contractor of the Administration that maintains covered flight records shall be included as a material term in any contract between the Administration and the contract tower or contractor entered into or renewed on or after the date of the enactment of the Pilot's Bill of Rights 2.

"(B) Subparagraph (A) shall not apply to any contract or agreement in effect on the date of the enactment of the Pilot's Bill of Rights 2 unless the contract or agreement is renegotiated, renewed, or modified after that date.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47124 the following:

"47124a. Accessibility of certain flight data.".

SEC. 3307. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CERTAIN NOTICES.

Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall revise section 13.11 of title 14, Code of Federal Regulations, to authorize legal counsel of the Federal Aviation Administration to close enforcement actions covered by that section with a warning notice, letter of correction, or other administrative action.

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. MARITIME ADMINISTRATION.

Section 109 of title 49, United States Code, is amended to read as follows:

"§ 109. Maritime Administration

''(a) ORGANIZATION AND MISSION.—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

''(b) MARITIME ADMINISTRATOR.—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

"(c) DEPUTY MARITIME ADMINISTRATOR.—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, unless the Secretary designates another individual, during a vacancy in the office of Administrator.

"(d) DUTIES AND POWERS VESTED IN SECRETARY.—All duties and powers of the Maritime Administration are vested in the Secretary.

"(e) REGIONAL OFFICES.—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

"(f) INTERAGENCY AND INDUSTRY RELATIONS.—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the

transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

"(g) DETAILING OFFICERS FROM ARMED FORCES.—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the armed forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer's pay and allowances as an officer in the armed forces, makes the officer's total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

"(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—

"(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

"(A) carry out the Secretary's duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

"(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

"(2) AUDITS.—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

"(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

"(j) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to

carry out the duties and powers of the Secretary relating to the Maritime Administration.

"(2) LIMITATIONS.—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

"(A) acquisition, construction, or reconstruction of vessels;

"(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

"(C) costs of national defense features;

"(D) payments of obligations incurred for operating-differential subsidies;

"(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

"(F) the Vessel Operations Revolving Fund;

"(G) National Defense Reserve Fleet expenses;

"(H) expenses necessary to carry out part B of subtitle V of title 46; and

"(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.

"(3) TRAINING VESSELS.—Amounts may not be appropriated for the purchase or construction of training vessels for State maritime academies unless the Secretary has approved a plan for sharing training vessels between State maritime academies.".

SEC. 3502. NATIONAL SECURITY FLOATING DRY DOCKS.

Section 55122(a)(1)(C) of title 46, United States Code, is amended by striking "the date of the enactment of the Carl Levin and Howard P. 'Buck' McKeon National Defense Authorization Act for Fiscal Year 2015" and inserting "December 19, 2017".

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

(a) PROCUREMENT.—

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
1	UTILITY F/W AIRCRAFT	57,529	57,529
3	MQ–1 UAV	55,388	55,388
	ROTARY		
6	AH–64 APACHE BLOCK IIIA REMAN	803,084	803,084
7	AH–64 APACHE BLOCK IIIA REMAN (AP)	185,160	185,160
8	UH–60 BLACKHAWK M MODEL (MYP)	755,146	755,146
9	UH–60 BLACKHAWK M MODEL (MYP) (AP)	174,107	174,107
10	UH–60 BLACK HAWK A AND L MODELS	46,173	46,173
11	CH–47 HELICOPTER	556,257	556,257
12	CH–47 HELICOPTER (AP)	8,707	8,707
	MODIFICATION OF AIRCRAFT		
13	MQ–1 PAYLOAD (MIP)	43,735	43,735
15	MULTI SENSOR ABN RECON (MIP)	94,527	94,527
16	AH–64 MODS	137,883	137,883
17	CH–47 CARGO HELICOPTER MODS (MYP)	102,943	102,943
18	GRCS SEMA MODS (MIP)	4,055	4,055
19	ARL SEMA MODS (MIP)	6,793	6,793
20	EMARSS SEMA MODS (MIP)	13,197	13,197
21	UTILITY/CARGO AIRPLANE MODS	17,526	17,526
22	UTILITY HELICOPTER MODS	10,807	10,807
23	NETWORK AND MISSION PLAN	74,752	74,752
24	COMMS, NAV SURVEILLANCE	69,960	69,960
25	GATM ROLLUP	45,302	45,302
26	RQ–7 UAV MODS	71,169	71,169
27	UAS MODS	21,804	21,804
	GROUND SUPPORT AVIONICS		
28	AIRCRAFT SURVIVABILITY EQUIPMENT	67,377	67,377
29	SURVIVABILITY CM	9,565	35,565
	ASE PNT unfunded requirement		[26,000]
30	CMWS	41,626	41,626
	OTHER SUPPORT		
32	AVIONICS SUPPORT EQUIPMENT	7,007	7,007
33	COMMON GROUND EQUIPMENT	48,234	48,234
34	AIRCREW INTEGRATED SYSTEMS	30,297	30,297
35	AIR TRAFFIC CONTROL	50,405	50,405
36	INDUSTRIAL FACILITIES	1,217	1,217
37	LAUNCHER, 2.75 ROCKET	3,055	3,055
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**3,614,787**	**3,640,787**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
1	LOWER TIER AIR AND MISSILE DEFENSE (AMD)	126,470	126,470
2	MSE MISSILE	423,201	423,201
3	INDIRECT FIRE PROTECTION CAPABILITY INC 2–I (AP)	19,319	19,319
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	42,013	42,013
5	JOINT AIR-TO-GROUND MSLS (JAGM)	64,751	64,751
6	JOINT AIR-TO-GROUND MSLS (JAGM) (AP)	37,100	37,100
	ANTI-TANK/ASSAULT MISSILE SYS		
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	73,508	73,508
8	TOW 2 SYSTEM SUMMARY	64,922	64,922
9	TOW 2 SYSTEM SUMMARY (AP)	19,949	19,949
10	GUIDED MLRS ROCKET (GMLRS)	172,088	172,088
11	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,004	18,004
	MODIFICATIONS		
13	PATRIOT MODS	197,107	197,107
14	ATACMS MODS	150,043	150,043
15	GMLRS MOD	395	395
17	AVENGER MODS	33,606	33,606
18	ITAS/TOW MODS	383	383
19	MLRS MODS	34,704	34,704
20	HIMARS MODIFICATIONS	1,847	1,847
	SPARES AND REPAIR PARTS		
21	SPARES AND REPAIR PARTS	34,487	34,487
	SUPPORT EQUIPMENT & FACILITIES		
22	AIR DEFENSE TARGETS	4,915	4,915
24	PRODUCTION BASE SUPPORT	1,154	1,154

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	TOTAL MISSILE PROCUREMENT, ARMY	**1,519,966**	**1,519,966**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
1	STRYKER VEHICLE	71,680	71,680
	MODIFICATION OF TRACKED COMBAT VEHICLES		
2	STRYKER (MOD)	74,348	74,348
3	STRYKER UPGRADE	444,561	433,561
	Early to need		[–11,000]
5	BRADLEY PROGRAM (MOD)	276,433	276,433
6	HOWITZER, MED SP FT 155MM M109A6 (MOD)	63,138	63,138
7	PALADIN INTEGRATED MANAGEMENT (PIM)	469,305	469,305
8	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	91,963	91,963
9	ASSAULT BRIDGE (MOD)	3,465	3,465
10	ASSAULT BREACHER VEHICLE	2,928	2,928
11	M88 FOV MODS	8,685	8,685
12	JOINT ASSAULT BRIDGE	64,752	64,752
13	M1 ABRAMS TANK (MOD)	480,166	620,166
	APS Unfunded requirement		[82,000]
	M1 industrial base Unfunded requirement		[58,000]
	WEAPONS & OTHER COMBAT VEHICLES		
16	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	9,764	9,764
17	MORTAR SYSTEMS	8,332	8,332
18	XM320 GRENADE LAUNCHER MODULE (GLM)	3,062	3,062
19	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM	992	992
20	CARBINE	40,493	40,493
21	COMMON REMOTELY OPERATED WEAPONS STATION	25,164	25,164
36	HANDGUN	0	1,000
	Program increase for Modular Handgun System		[1,000]
	MOD OF WEAPONS AND OTHER COMBAT VEH		
22	MK–19 GRENADE MACHINE GUN MODS	4,959	4,959
23	M777 MODS	11,913	11,913
24	M4 CARBINE MODS	29,752	28,752
	Program decrease		[–1,000]
25	M2 50 CAL MACHINE GUN MODS	48,582	48,582
26	M249 SAW MACHINE GUN MODS	1,179	1,179
27	M240 MEDIUM MACHINE GUN MODS	1,784	1,784
28	SNIPER RIFLES MODIFICATIONS	971	971
29	M119 MODIFICATIONS	6,045	6,045
30	MORTAR MODIFICATION	12,118	12,118
31	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	3,157	3,157
	SUPPORT EQUIPMENT & FACILITIES		
32	ITEMS LESS THAN $5.0M (WOCV-WTCV)	2,331	2,331
35	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	3,155	3,155
	TOTAL PROCUREMENT OF W&TCV, ARMY	**2,265,177**	**2,394,177**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
1	CTG, 5.56MM, ALL TYPES	40,296	37,696
	Early to need		[–2,600]
2	CTG, 7.62MM, ALL TYPES	39,237	38,937
	Early to need		[–300]
3	CTG, HANDGUN, ALL TYPES	5,193	3,893
	Early to need		[–1,300]
4	CTG, .50 CAL, ALL TYPES	46,693	41,993
	Early to need		[–4,700]
5	CTG, 20MM, ALL TYPES	7,000	7,000
6	CTG, 25MM, ALL TYPES	7,753	6,453
	Early to need		[–1,300]
7	CTG, 30MM, ALL TYPES	47,000	47,000
8	CTG, 40MM, ALL TYPES	118,178	111,878
	Early to need		[–6,300]
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	69,784	69,784
10	81MM MORTAR, ALL TYPES	36,125	36,125
11	120MM MORTAR, ALL TYPES	69,133	69,133
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	120,668	117,868
	Early to need		[–2,800]
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	64,800	60,800
	75mm blanks early to need		[–4,000]
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	109,515	109,515
15	PROJ 155MM EXTENDED RANGE M982	39,200	39,200
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	70,881	70,881
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	38,000	38,000
20	ROCKET, HYDRA 70, ALL TYPES	87,213	87,213

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OTHER AMMUNITION		
21	CAD/PAD, ALL TYPES	4,914	4,914
22	DEMOLITION MUNITIONS, ALL TYPES	6,380	6,380
23	GRENADES, ALL TYPES	22,760	22,760
24	SIGNALS, ALL TYPES	10,666	10,666
25	SIMULATORS, ALL TYPES	7,412	7,412
	MISCELLANEOUS		
26	AMMO COMPONENTS, ALL TYPES	12,726	12,726
27	NON-LETHAL AMMUNITION, ALL TYPES	6,100	5,900
	Early to need		[–200]
28	ITEMS LESS THAN $5 MILLION (AMMO)	10,006	9,506
	Early to need		[–500]
29	AMMUNITION PECULIAR EQUIPMENT	17,275	13,575
	Early to need		[–3,700]
30	FIRST DESTINATION TRANSPORTATION (AMMO)	14,951	14,951
	PRODUCTION BASE SUPPORT		
32	INDUSTRIAL FACILITIES	222,269	222,269
33	CONVENTIONAL MUNITIONS DEMILITARIZATION	157,383	157,383
34	ARMS INITIATIVE	3,646	3,646
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,513,157**	**1,485,457**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
1	TACTICAL TRAILERS/DOLLY SETS	3,733	3,733
2	SEMITRAILERS, FLATBED:	3,716	3,716
3	HI MOB MULTI-PURP WHLD VEH (HMMWV)	0	21,000
	Ambulance recapitalization		[21,000]
4	GROUND MOBILITY VEHICLES (GMV)	4,907	4,907
6	JOINT LIGHT TACTICAL VEHICLE	587,514	587,514
7	TRUCK, DUMP, 20T (CCE)	3,927	3,927
8	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	53,293	53,293
9	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	7,460	7,460
10	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	39,564	39,564
11	PLS ESP	11,856	11,856
13	TACTICAL WHEELED VEHICLE PROTECTION KITS	49,751	49,751
14	MODIFICATION OF IN SVC EQUIP	64,000	52,000
	Higher priorities		[–12,000]
15	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	10,611	10,611
	NON-TACTICAL VEHICLES		
16	HEAVY ARMORED SEDAN	394	394
18	NONTACTICAL VEHICLES, OTHER	1,755	1,755
	COMM—JOINT COMMUNICATIONS		
19	WIN-T—GROUND FORCES TACTICAL NETWORK	427,598	327,598
	Ahead of need		[–100,000]
20	SIGNAL MODERNIZATION PROGRAM	58,250	58,250
21	JOINT INCIDENT SITE COMMUNICATIONS CAPABILITY	5,749	5,749
22	JCSE EQUIPMENT (USREDCOM)	5,068	5,068
	COMM—SATELLITE COMMUNICATIONS		
23	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	143,805	143,805
24	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	36,580	36,580
25	SHF TERM	1,985	1,985
27	SMART-T (SPACE)	9,165	9,165
	COMM—C3 SYSTEM		
31	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	2,530	2,530
	COMM—COMBAT COMMUNICATIONS		
33	HANDHELD MANPACK SMALL FORM FIT (HMS)	273,645	273,645
34	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	25,017	25,017
35	RADIO TERMINAL SET, MIDS LVT(2)	12,326	12,326
37	TRACTOR DESK	2,034	2,034
38	TRACTOR RIDE	2,334	2,334
39	SPIDER APLA REMOTE CONTROL UNIT	1,985	1,985
40	SPIDER FAMILY OF NETWORKED MUNITIONS INCR	10,796	10,796
42	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	3,607	3,607
43	UNIFIED COMMAND SUITE	14,295	14,295
45	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	19,893	19,893
	COMM—INTELLIGENCE COMM		
47	CI AUTOMATION ARCHITECTURE	1,388	1,388
48	ARMY CA/MISO GPF EQUIPMENT	5,494	5,494
	INFORMATION SECURITY		
49	FAMILY OF BIOMETRICS	2,978	2,978
51	COMMUNICATIONS SECURITY (COMSEC)	131,356	131,356
52	DEFENSIVE CYBER OPERATIONS	15,132	15,132
	COMM—LONG HAUL COMMUNICATIONS		
53	BASE SUPPORT COMMUNICATIONS	27,452	27,452
	COMM—BASE COMMUNICATIONS		
54	INFORMATION SYSTEMS	122,055	122,055
55	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	4,286	4,286
56	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	131,794	131,794

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
59	JTT/CIBS-M	5,337	5,337
62	DCGS-A (MIP)	242,514	149,514
	Changing requirement, tactical		[–93,000]
63	JOINT TACTICAL GROUND STATION (JTAGS)	4,417	4,417
64	TROJAN (MIP)	17,455	17,455
65	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	44,965	44,965
66	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,658	7,658
67	CLOSE ACCESS TARGET RECONNAISSANCE (CATR)	7,970	7,970
68	MACHINE FOREIGN LANGUAGE TRANSLATION SYSTEM-M	545	545
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
70	LIGHTWEIGHT COUNTER MORTAR RADAR	74,038	61,538
	Reduce to FY16 level		[–12,500]
71	EW PLANNING & MANAGEMENT TOOLS (EWPMT)	3,235	3,235
72	AIR VIGILANCE (AV)	733	733
74	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	1,740	1,740
75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	455	455
76	CI MODERNIZATION	176	176
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
77	SENTINEL MODS	40,171	40,171
78	NIGHT VISION DEVICES	163,029	163,029
79	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,885	15,885
80	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	48,427	48,427
81	FAMILY OF WEAPON SIGHTS (FWS)	55,536	55,536
82	ARTILLERY ACCURACY EQUIP	4,187	4,187
85	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	137,501	137,501
86	JOINT EFFECTS TARGETING SYSTEM (JETS)	50,726	50,726
87	MOD OF IN-SVC EQUIP (LLDR)	28,058	21,558
	Reduce to FY16 levels		[–6,500]
88	COMPUTER BALLISTICS: LHMBC XM32	5,924	5,924
89	MORTAR FIRE CONTROL SYSTEM	22,331	22,331
90	COUNTERFIRE RADARS	314,509	278,509
	Smooth production profile		[–36,000]
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
91	FIRE SUPPORT C2 FAMILY	8,660	8,660
92	AIR & MSL DEFENSE PLANNING & CONTROL SYS	54,376	54,376
93	IAMD BATTLE COMMAND SYSTEM	204,969	204,969
94	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,718	4,718
95	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	11,063	11,063
96	MANEUVER CONTROL SYSTEM (MCS)	151,318	124,318
	Reduce to FY16 level		[–27,000]
97	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	155,660	155,660
98	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP	4,214	4,214
99	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	16,185	16,185
100	MOD OF IN-SVC EQUIPMENT (ENFIRE)	1,565	1,565
	ELECT EQUIP—AUTOMATION		
101	ARMY TRAINING MODERNIZATION	17,693	17,693
102	AUTOMATED DATA PROCESSING EQUIP	107,960	98,560
	Program reduction		[–9,400]
103	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	6,416	6,416
104	HIGH PERF COMPUTING MOD PGM (HPCMP)	58,614	58,614
105	CONTRACT WRITING SYSTEM	986	0
	Contract writing unjustified requirement		[–986]
106	RESERVE COMPONENT AUTOMATION SYS (RCAS)	23,828	23,828
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
107	TACTICAL DIGITAL MEDIA	1,191	1,191
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	1,995	1,995
	ELECT EQUIP—SUPPORT		
109	PRODUCTION BASE SUPPORT (C-E)	403	403
	CLASSIFIED PROGRAMS		
110	CLASSIFIED PROGRAMS	4,436	4,436
	CHEMICAL DEFENSIVE EQUIPMENT		
111	PROTECTIVE SYSTEMS	2,966	2,966
112	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	9,795	9,795
114	CBRN DEFENSE	17,922	17,922
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	13,553	13,553
116	TACTICAL BRIDGE, FLOAT-RIBBON	25,244	25,244
117	BRIDGE SUPPLEMENTAL SET	983	983
118	COMMON BRIDGE TRANSPORTER (CBT) RECAP	25,176	25,176
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS)	39,350	39,350
120	AREA MINE DETECTION SYSTEM (AMDS)	10,500	10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS)	274	274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	2,951	2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION	1,949	1,949
124	ROBOTICS AND APPLIQUE SYSTEMS	5,203	5,203
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	5,570	5,570

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
126	REMOTE DEMOLITION SYSTEMS	6,238	6,238
127	< $5M, COUNTERMINE EQUIPMENT	836	836
128	FAMILY OF BOATS AND MOTORS	3,171	3,171
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	18,707	18,707
130	SOLDIER ENHANCEMENT	2,112	2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	10,856	10,856
132	GROUND SOLDIER SYSTEM	32,419	32,419
133	MOBILE SOLDIER POWER	30,014	30,014
135	FIELD FEEDING EQUIPMENT	12,544	12,544
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	29,384	29,384
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,487	4,487
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	42,656	32,656
	Program decrease		[–10,000]
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	59,761	59,761
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	35,694	30,694
	Reduce to FY16 level		[–5,000]
143	ITEMS LESS THAN $5.0M (MAINT EQ)	2,716	2,716
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	1,742	1,742
145	SCRAPERS, EARTHMOVING	26,233	26,233
147	HYDRAULIC EXCAVATOR	1,123	1,123
149	ALL TERRAIN CRANES	65,285	65,285
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	1,743	1,743
152	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPAP	2,779	2,779
154	CONST EQUIP ESP	26,712	22,212
	Reduce to FY16 level		[–4,500]
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	6,649	6,649
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
156	ARMY WATERCRAFT ESP	21,860	10,860
	Program decrease		[–11,000]
157	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	1,967	1,967
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	113,266	113,266
159	TACTICAL ELECTRIC POWER RECAPITALIZATION	7,867	7,867
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	2,307	2,307
	TRAINING EQUIPMENT		
161	COMBAT TRAINING CENTERS SUPPORT	75,359	75,359
162	TRAINING DEVICES, NONSYSTEM	253,050	253,050
163	CLOSE COMBAT TACTICAL TRAINER	48,271	48,271
164	AVIATION COMBINED ARMS TACTICAL TRAINER	40,000	40,000
165	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	11,543	11,543
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
166	CALIBRATION SETS EQUIPMENT	4,963	4,963
167	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	29,781	29,781
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	6,342	6,342
	OTHER SUPPORT EQUIPMENT		
169	M25 STABILIZED BINOCULAR	3,149	3,149
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	18,003	18,003
171	PHYSICAL SECURITY SYSTEMS (OPA3)	44,082	44,082
172	BASE LEVEL COMMON EQUIPMENT	2,168	2,168
173	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	67,367	62,367
	Reduce to FY16 level		[–5,000]
174	PRODUCTION BASE SUPPORT (OTH)	1,528	1,528
175	SPECIAL EQUIPMENT FOR USER TESTING	8,289	8,289
177	TRACTOR YARD	6,888	6,888
	OPA2		
179	INITIAL SPARES—C&E	27,243	27,243
	TOTAL OTHER PROCUREMENT, ARMY	**5,873,949**	**5,562,063**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
3	JOINT STRIKE FIGHTER CV	890,650	890,650
4	JOINT STRIKE FIGHTER CV (AP)	80,908	80,908
5	JSF STOVL	2,037,768	2,037,768
6	JSF STOVL (AP)	233,648	233,648
7	CH–53K (HEAVY LIFT)	348,615	348,615
8	CH–53K (HEAVY LIFT) (AP)	88,365	88,365
9	V–22 (MEDIUM LIFT)	1,264,134	1,264,134
10	V–22 (MEDIUM LIFT) (AP)	19,674	19,674
11	H–1 UPGRADES (UH–1Y/AH–1Z)	759,778	759,778
12	H–1 UPGRADES (UH–1Y/AH–1Z) (AP)	57,232	57,232
14	MH–60R (MYP)	61,177	61,177

SEC. 4101. PROCUREMENT
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Line	Item	FY 2017 Request	Senate Authorized
16	P–8A POSEIDON	1,940,238	1,940,238
17	P–8A POSEIDON (AP)	123,140	123,140
18	E–2D ADV HAWKEYE	916,483	916,483
19	E–2D ADV HAWKEYE (AP)	125,042	125,042
	TRAINER AIRCRAFT		
20	JPATS	5,849	5,849
	OTHER AIRCRAFT		
21	KC–130J	128,870	128,870
22	KC–130J (AP)	24,848	24,848
23	MQ–4 TRITON	409,005	409,005
24	MQ–4 TRITON (AP)	55,652	55,652
25	MQ–8 UAV	72,435	72,435
	MODIFICATION OF AIRCRAFT		
29	AEA SYSTEMS	51,900	51,900
30	AV–8 SERIES	60,818	60,818
31	ADVERSARY	5,191	5,191
32	F–18 SERIES	1,023,492	1,023,492
34	H–53 SERIES	46,095	46,095
35	SH–60 SERIES	108,328	108,328
36	H–1 SERIES	46,333	46,333
37	EP–3 SERIES	14,681	14,681
38	P–3 SERIES	2,781	2,781
39	E–2 SERIES	32,949	32,949
40	TRAINER A/C SERIES	13,199	13,199
41	C–2A	19,066	19,066
42	C–130 SERIES	61,788	61,788
43	FEWSG	618	618
44	CARGO/TRANSPORT A/C SERIES	9,822	9,822
45	E–6 SERIES	222,077	222,077
46	EXECUTIVE HELICOPTERS SERIES	66,835	66,835
47	SPECIAL PROJECT AIRCRAFT	16,497	16,497
48	T–45 SERIES	114,887	114,887
49	POWER PLANT CHANGES	16,893	16,893
50	JPATS SERIES	17,401	17,401
51	COMMON ECM EQUIPMENT	143,773	143,773
52	COMMON AVIONICS CHANGES	164,839	164,839
53	COMMON DEFENSIVE WEAPON SYSTEM	4,403	4,403
54	ID SYSTEMS	45,768	45,768
55	P–8 SERIES	18,836	18,836
56	MAGTF EW FOR AVIATION	5,676	5,676
57	MQ–8 SERIES	19,003	19,003
58	RQ–7 SERIES	3,534	3,534
59	V–22 (TILT/ROTOR ACFT) OSPREY	141,545	141,545
60	F–35 STOVL SERIES	34,928	34,928
61	F–35 CV SERIES	26,004	26,004
62	QRC	5,476	5,476
	AIRCRAFT SPARES AND REPAIR PARTS		
63	SPARES AND REPAIR PARTS	1,407,626	1,458,426
	F–35B spares unfunded requirement		[50,800]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
64	COMMON GROUND EQUIPMENT	390,103	390,103
65	AIRCRAFT INDUSTRIAL FACILITIES	23,194	23,194
66	WAR CONSUMABLES	40,613	40,613
67	OTHER PRODUCTION CHARGES	860	860
68	SPECIAL SUPPORT EQUIPMENT	36,282	36,282
69	FIRST DESTINATION TRANSPORTATION	1,523	1,523
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**14,109,148**	**14,159,948**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
1	TRIDENT II MODS	1,103,086	1,103,086
	SUPPORT EQUIPMENT & FACILITIES		
2	MISSILE INDUSTRIAL FACILITIES	6,776	6,776
	STRATEGIC MISSILES		
3	TOMAHAWK	186,905	271,105
	Program increase		[84,200]
	TACTICAL MISSILES		
4	AMRAAM	204,697	204,697
5	SIDEWINDER	70,912	70,912
6	JSOW	2,232	2,232
7	STANDARD MISSILE	501,212	501,212
8	RAM	71,557	71,557
9	JOINT AIR GROUND MISSILE (JAGM)	26,200	26,200
12	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	3,316	3,316
13	AERIAL TARGETS	137,484	137,484
14	OTHER MISSILE SUPPORT	3,248	3,248
15	LRASM	29,643	29,643
	MODIFICATION OF MISSILES		

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Line	Item	FY 2017 Request	Senate Authorized
16	ESSM	52,935	52,935
18	HARM MODS	178,213	148,213
	Advanced Anti-Radiation Guided Missile production issues		[–30,000]
19	STANDARD MISSILES MODS	8,164	8,164
	SUPPORT EQUIPMENT & FACILITIES		
20	WEAPONS INDUSTRIAL FACILITIES	1,964	1,964
21	FLEET SATELLITE COMM FOLLOW-ON	36,723	36,723
	ORDNANCE SUPPORT EQUIPMENT		
22	ORDNANCE SUPPORT EQUIPMENT	59,096	66,066
	Program increase		[6,970]
	TORPEDOES AND RELATED EQUIP		
23	SSTD	5,910	5,910
24	MK–48 TORPEDO	44,537	44,537
25	ASW TARGETS	9,302	9,302
	MOD OF TORPEDOES AND RELATED EQUIP		
26	MK–54 TORPEDO MODS	98,092	98,092
27	MK–48 TORPEDO ADCAP MODS	46,139	46,139
28	QUICKSTRIKE MINE	1,236	1,236
	SUPPORT EQUIPMENT		
29	TORPEDO SUPPORT EQUIPMENT	60,061	60,061
30	ASW RANGE SUPPORT	3,706	3,706
	DESTINATION TRANSPORTATION		
31	FIRST DESTINATION TRANSPORTATION	3,804	3,804
	GUNS AND GUN MOUNTS		
32	SMALL ARMS AND WEAPONS	18,002	18,002
	MODIFICATION OF GUNS AND GUN MOUNTS		
33	CIWS MODS	50,900	50,900
34	COAST GUARD WEAPONS	25,295	25,295
35	GUN MOUNT MODS	77,003	77,003
36	LCS MODULE WEAPONS	2,776	2,776
38	AIRBORNE MINE NEUTRALIZATION SYSTEMS	15,753	15,753
	SPARES AND REPAIR PARTS		
40	SPARES AND REPAIR PARTS	62,383	62,383
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,209,262**	**3,270,432**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	91,659	91,659
2	AIRBORNE ROCKETS, ALL TYPES	65,759	65,759
3	MACHINE GUN AMMUNITION	8,152	8,152
4	PRACTICE BOMBS	41,873	41,873
5	CARTRIDGES & CART ACTUATED DEVICES	54,002	54,002
6	AIR EXPENDABLE COUNTERMEASURES	57,034	57,034
7	JATOS	2,735	2,735
9	5 INCH/54 GUN AMMUNITION	19,220	19,220
10	INTERMEDIATE CALIBER GUN AMMUNITION	30,196	30,196
11	OTHER SHIP GUN AMMUNITION	39,009	39,009
12	SMALL ARMS & LANDING PARTY AMMO	46,727	46,727
13	PYROTECHNIC AND DEMOLITION	9,806	9,806
14	AMMUNITION LESS THAN $5 MILLION	2,900	2,900
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	27,958	27,958
17	40 MM, ALL TYPES	14,758	14,758
18	60MM, ALL TYPES	992	992
20	120MM, ALL TYPES	16,757	12,757
	120mm early to need		[–4,000]
21	GRENADES, ALL TYPES	972	972
22	ROCKETS, ALL TYPES	14,186	14,186
23	ARTILLERY, ALL TYPES	68,656	68,656
24	DEMOLITION MUNITIONS, ALL TYPES	1,700	1,700
25	FUZE, ALL TYPES	26,088	26,088
27	AMMO MODERNIZATION	14,660	14,660
28	ITEMS LESS THAN $5 MILLION	8,569	6,069
	early to need		[–2,500]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**664,368**	**657,868**
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
1	OHIO REPLACEMENT SUBMARINE (AP)	773,138	773,138
	OTHER WARSHIPS		
2	CARRIER REPLACEMENT PROGRAM	1,291,783	1,291,783
3	CARRIER REPLACEMENT PROGRAM (AP)	1,370,784	1,370,784
4	VIRGINIA CLASS SUBMARINE	3,187,985	3,187,985
5	VIRGINIA CLASS SUBMARINE (AP)	1,767,234	1,767,234
6	CVN REFUELING OVERHAULS	1,743,220	1,743,220
7	CVN REFUELING OVERHAULS (AP)	248,599	248,599
8	DDG 1000	271,756	271,756
9	DDG–51	3,211,292	3,261,092

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Line	Item	FY 2017 Request	Senate Authorized
	Fund additional FY16 destroyer		[49,800]
11	LITTORAL COMBAT SHIP	1,125,625	1,097,625
	Unjustified growth		[–28,000]
	AMPHIBIOUS SHIPS		
13	AMPHIBIOUS SHIP REPLACEMENT LX(R) (AP)	0	50,000
	Advanced procurement for LX (R)		[50,000]
16	LHA REPLACEMENT	1,623,024	1,623,024
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
20	TAO FLEET OILER (AP)	73,079	73,079
22	MOORED TRAINING SHIP	624,527	624,527
25	OUTFITTING	666,158	666,158
26	SHIP TO SHORE CONNECTOR	128,067	128,067
27	SERVICE CRAFT	65,192	65,192
28	LCAC SLEP	1,774	1,774
29	YP CRAFT MAINTENANCE/ROH/SLEP	21,363	21,363
30	COMPLETION OF PY SHIPBUILDING PROGRAMS	160,274	160,274
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	**18,354,874**	**18,426,674**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
3	SURFACE POWER EQUIPMENT	15,514	15,514
4	HYBRID ELECTRIC DRIVE (HED)	40,132	40,132
	GENERATORS		
5	SURFACE COMBATANT HM&E	29,974	29,974
	NAVIGATION EQUIPMENT		
6	OTHER NAVIGATION EQUIPMENT	63,942	63,942
	OTHER SHIPBOARD EQUIPMENT		
8	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	136,421	136,421
9	DDG MOD	367,766	432,766
	BMD upgrade unfunded requirement		[65,000]
10	FIREFIGHTING EQUIPMENT	14,743	14,743
11	COMMAND AND CONTROL SWITCHBOARD	2,140	2,140
12	LHA/LHD MIDLIFE	24,939	24,939
14	POLLUTION CONTROL EQUIPMENT	20,191	20,191
15	SUBMARINE SUPPORT EQUIPMENT	8,995	8,995
16	VIRGINIA CLASS SUPPORT EQUIPMENT	66,838	66,838
17	LCS CLASS SUPPORT EQUIPMENT	54,823	54,823
18	SUBMARINE BATTERIES	23,359	23,359
19	LPD CLASS SUPPORT EQUIPMENT	40,321	40,321
20	DDG 1000 CLASS SUPPORT EQUIPMENT	33,404	33,404
21	STRATEGIC PLATFORM SUPPORT EQUIP	15,836	15,836
22	DSSP EQUIPMENT	806	806
24	LCAC	3,090	3,090
25	UNDERWATER EOD PROGRAMS	24,350	24,350
26	ITEMS LESS THAN $5 MILLION	88,719	88,719
27	CHEMICAL WARFARE DETECTORS	2,873	2,873
28	SUBMARINE LIFE SUPPORT SYSTEM	6,043	6,043
	REACTOR PLANT EQUIPMENT		
30	REACTOR COMPONENTS	342,158	342,158
	OCEAN ENGINEERING		
31	DIVING AND SALVAGE EQUIPMENT	8,973	8,973
	SMALL BOATS		
32	STANDARD BOATS	43,684	43,684
	PRODUCTION FACILITIES EQUIPMENT		
34	OPERATING FORCES IPE	75,421	75,421
	OTHER SHIP SUPPORT		
35	NUCLEAR ALTERATIONS	172,718	172,718
36	LCS COMMON MISSION MODULES EQUIPMENT	27,840	24,140
	Cancelled program (RMS)		[–3,700]
37	LCS MCM MISSION MODULES	57,146	57,146
38	LCS ASW MISSION MODULES	31,952	31,952
39	LCS SUW MISSION MODULES	22,466	22,466
	LOGISTIC SUPPORT		
41	LSD MIDLIFE	10,813	10,813
	SHIP SONARS		
42	SPQ–9B RADAR	14,363	14,363
43	AN/SQQ–89 SURF ASW COMBAT SYSTEM	90,029	90,029
45	SSN ACOUSTIC EQUIPMENT	248,765	248,765
46	UNDERSEA WARFARE SUPPORT EQUIPMENT	7,163	7,163
	ASW ELECTRONIC EQUIPMENT		
48	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,291	21,291
49	SSTD	6,893	6,893
50	FIXED SURVEILLANCE SYSTEM	145,701	145,701
51	SURTASS	36,136	46,136
	Additional SURTASS array unfunded requirement		[10,000]
	ELECTRONIC WARFARE EQUIPMENT		
53	AN/SLQ–32	274,892	297,892
	Additional SEWIP Blk 3 unfunded requirement		[23,000]

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Line	Item	FY 2017 Request	Senate Authorized
	RECONNAISSANCE EQUIPMENT		
54	SHIPBOARD IW EXPLOIT	170,733	170,733
55	AUTOMATED IDENTIFICATION SYSTEM (AIS)	958	958
	OTHER SHIP ELECTRONIC EQUIPMENT		
57	COOPERATIVE ENGAGEMENT CAPABILITY	22,034	22,034
59	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	12,336	12,336
60	ATDLS	30,105	30,105
61	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	4,556	4,556
62	MINESWEEPING SYSTEM REPLACEMENT	56,675	32,175
	Ahead of need		[–24,500]
63	SHALLOW WATER MCM	8,875	8,875
64	NAVSTAR GPS RECEIVERS (SPACE)	12,752	12,752
65	AMERICAN FORCES RADIO AND TV SERVICE	4,577	4,577
66	STRATEGIC PLATFORM SUPPORT EQUIP	8,972	8,972
	AVIATION ELECTRONIC EQUIPMENT		
69	ASHORE ATC EQUIPMENT	75,068	75,068
70	AFLOAT ATC EQUIPMENT	33,484	33,484
76	ID SYSTEMS	22,177	22,177
77	NAVAL MISSION PLANNING SYSTEMS	14,273	14,273
	OTHER SHORE ELECTRONIC EQUIPMENT		
80	TACTICAL/MOBILE C4I SYSTEMS	27,927	27,927
81	DCGS-N	12,676	12,676
82	CANES	212,030	212,030
83	RADIAC	8,092	8,092
84	CANES-INTELL	36,013	36,013
85	GPETE	6,428	6,428
87	INTEG COMBAT SYSTEM TEST FACILITY	8,376	8,376
88	EMI CONTROL INSTRUMENTATION	3,971	3,971
89	ITEMS LESS THAN $5 MILLION	58,721	58,721
	SHIPBOARD COMMUNICATIONS		
90	SHIPBOARD TACTICAL COMMUNICATIONS	17,366	17,366
91	SHIP COMMUNICATIONS AUTOMATION	102,479	102,479
92	COMMUNICATIONS ITEMS UNDER $5M	10,403	10,403
	SUBMARINE COMMUNICATIONS		
93	SUBMARINE BROADCAST SUPPORT	34,151	34,151
94	SUBMARINE COMMUNICATION EQUIPMENT	64,529	64,529
	SATELLITE COMMUNICATIONS		
95	SATELLITE COMMUNICATIONS SYSTEMS	14,414	14,414
96	NAVY MULTIBAND TERMINAL (NMT)	38,365	38,365
	SHORE COMMUNICATIONS		
97	JCS COMMUNICATIONS EQUIPMENT	4,156	4,156
	CRYPTOGRAPHIC EQUIPMENT		
99	INFO SYSTEMS SECURITY PROGRAM (ISSP)	85,694	85,694
100	MIO INTEL EXPLOITATION TEAM	920	920
	CRYPTOLOGIC EQUIPMENT		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP	21,098	21,098
	OTHER ELECTRONIC SUPPORT		
102	COAST GUARD EQUIPMENT	32,291	32,291
	SONOBUOYS		
103	SONOBUOYS—ALL TYPES	162,588	162,588
	AIRCRAFT SUPPORT EQUIPMENT		
104	WEAPONS RANGE SUPPORT EQUIPMENT	58,116	58,116
105	AIRCRAFT SUPPORT EQUIPMENT	120,324	120,324
106	METEOROLOGICAL EQUIPMENT	29,253	29,253
107	DCRS/DPL	632	632
108	AIRBORNE MINE COUNTERMEASURES	29,097	29,097
109	AVIATION SUPPORT EQUIPMENT	39,099	39,099
	SHIP GUN SYSTEM EQUIPMENT		
110	SHIP GUN SYSTEMS EQUIPMENT	6,191	6,191
	SHIP MISSILE SYSTEMS EQUIPMENT		
111	SHIP MISSILE SUPPORT EQUIPMENT	320,446	320,446
112	TOMAHAWK SUPPORT EQUIPMENT	71,046	71,046
	FBM SUPPORT EQUIPMENT		
113	STRATEGIC MISSILE SYSTEMS EQUIP	215,138	215,138
	ASW SUPPORT EQUIPMENT		
114	SSN COMBAT CONTROL SYSTEMS	130,715	130,715
115	ASW SUPPORT EQUIPMENT	26,431	26,431
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	11,821	11,821
117	ITEMS LESS THAN $5 MILLION	6,243	6,243
	OTHER EXPENDABLE ORDNANCE		
118	SUBMARINE TRAINING DEVICE MODS	48,020	48,020
120	SURFACE TRAINING EQUIPMENT	97,514	97,514
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
121	PASSENGER CARRYING VEHICLES	8,853	8,853
122	GENERAL PURPOSE TRUCKS	4,928	4,928
123	CONSTRUCTION & MAINTENANCE EQUIP	18,527	18,527
124	FIRE FIGHTING EQUIPMENT	13,569	13,569

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Line	Item	FY 2017 Request	Senate Authorized
125	TACTICAL VEHICLES	14,917	14,917
126	AMPHIBIOUS EQUIPMENT	7,676	7,676
127	POLLUTION CONTROL EQUIPMENT	2,321	2,321
128	ITEMS UNDER $5 MILLION	12,459	12,459
129	PHYSICAL SECURITY VEHICLES	1,095	1,095
	SUPPLY SUPPORT EQUIPMENT		
131	SUPPLY EQUIPMENT	16,023	16,023
133	FIRST DESTINATION TRANSPORTATION	5,115	5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS	295,471	295,471
	TRAINING DEVICES		
136	TRAINING AND EDUCATION EQUIPMENT	9,504	9,504
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	37,180	37,180
139	MEDICAL SUPPORT EQUIPMENT	4,128	4,128
141	NAVAL MIP SUPPORT EQUIPMENT	1,925	1,925
142	OPERATING FORCES SUPPORT EQUIPMENT	4,777	4,777
143	C4ISR EQUIPMENT	9,073	9,073
144	ENVIRONMENTAL SUPPORT EQUIPMENT	21,107	21,107
145	PHYSICAL SECURITY EQUIPMENT	100,906	100,906
146	ENTERPRISE INFORMATION TECHNOLOGY	67,544	67,544
	OTHER		
150	NEXT GENERATION ENTERPRISE SERVICE	98,216	98,216
	CLASSIFIED PROGRAMS		
160	CLASSIFIED PROGRAMS	9,915	9,915
	SPARES AND REPAIR PARTS		
151	SPARES AND REPAIR PARTS	199,660	199,660
	TOTAL OTHER PROCUREMENT, NAVY	**6,338,861**	**6,408,661**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
1	AAV7A1 PIP	73,785	73,785
2	LAV PIP	53,423	53,423
	ARTILLERY AND OTHER WEAPONS		
3	EXPEDITIONARY FIRE SUPPORT SYSTEM	3,360	3,360
4	155MM LIGHTWEIGHT TOWED HOWITZER	3,318	3,318
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	33,725	33,725
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	8,181	8,181
	OTHER SUPPORT		
7	MODIFICATION KITS	15,250	15,250
	GUIDED MISSILES		
9	GROUND BASED AIR DEFENSE	9,170	9,170
10	JAVELIN	1,009	1,009
11	FOLLOW ON TO SMAW	24,666	24,666
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	17,080	17,080
	COMMAND AND CONTROL SYSTEMS		
15	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	47,312	47,312
	REPAIR AND TEST EQUIPMENT		
16	REPAIR AND TEST EQUIPMENT	16,469	16,469
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	ITEMS UNDER $5 MILLION (COMM & ELEC)	7,433	7,433
20	AIR OPERATIONS C2 SYSTEMS	15,917	15,917
	RADAR + EQUIPMENT (NON-TEL)		
21	RADAR SYSTEMS	17,772	17,772
22	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	123,758	123,758
23	RQ–21 UAS	80,217	80,217
	INTELL/COMM EQUIPMENT (NON-TEL)		
24	GCSS-MC	1,089	1,089
25	FIRE SUPPORT SYSTEM	13,258	13,258
26	INTELLIGENCE SUPPORT EQUIPMENT	56,379	56,379
29	RQ–11 UAV	1,976	1,976
31	DCGS-MC	1,149	1,149
32	UAS PAYLOADS	2,971	2,971
	OTHER SUPPORT (NON-TEL)		
34	NEXT GENERATION ENTERPRISE NETWORK (NGEN)	76,302	76,302
35	COMMON COMPUTER RESOURCES	41,802	41,802
36	COMMAND POST SYSTEMS	90,924	90,924
37	RADIO SYSTEMS	43,714	43,714
38	COMM SWITCHING & CONTROL SYSTEMS	66,383	66,383
39	COMM & ELEC INFRASTRUCTURE SUPPORT	30,229	30,229
	CLASSIFIED PROGRAMS		
40	CLASSIFIED PROGRAMS	2,738	2,738
	ADMINISTRATIVE VEHICLES		
41	COMMERCIAL CARGO VEHICLES	88,312	88,312
	TACTICAL VEHICLES		
43	MOTOR TRANSPORT MODIFICATIONS	13,292	13,292
45	JOINT LIGHT TACTICAL VEHICLE	113,230	113,230
46	FAMILY OF TACTICAL TRAILERS	2,691	2,691
	ENGINEER AND OTHER EQUIPMENT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
48	ENVIRONMENTAL CONTROL EQUIP ASSORT	18	18
50	TACTICAL FUEL SYSTEMS	78	78
51	POWER EQUIPMENT ASSORTED	17,973	17,973
52	AMPHIBIOUS SUPPORT EQUIPMENT	7,371	7,371
53	EOD SYSTEMS	14,021	14,021
	MATERIALS HANDLING EQUIPMENT		
54	PHYSICAL SECURITY EQUIPMENT	31,523	31,523
	GENERAL PROPERTY		
58	TRAINING DEVICES	33,658	33,658
60	FAMILY OF CONSTRUCTION EQUIPMENT	21,315	21,315
61	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	9,654	9,654
	OTHER SUPPORT		
62	ITEMS LESS THAN $5 MILLION	6,026	6,026
	SPARES AND REPAIR PARTS		
64	SPARES AND REPAIR PARTS	22,848	22,848
	TOTAL PROCUREMENT, MARINE CORPS	**1,362,769**	**1,362,769**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
1	F–35	4,401,894	4,401,894
2	F–35 (AP)	404,500	404,500
	TACTICAL AIRLIFT		
3	KC–46A TANKER	2,884,591	2,884,591
	OTHER AIRLIFT		
4	C–130J	145,655	145,655
6	HC–130J	317,576	317,576
7	HC–130J (AP)	20,000	20,000
8	MC–130J	548,358	548,358
9	MC–130J (AP)	50,000	50,000
	HELICOPTERS		
10	UUH–1N REPLACEMENT	18,337	320,637
	HH–60 Blackhawks, initial spares, and support equipment		[302,300]
	MISSION SUPPORT AIRCRAFT		
12	CIVIL AIR PATROL A/C	2,637	2,637
	OTHER AIRCRAFT		
13	TARGET DRONES	114,656	114,656
14	RQ–4	12,966	12,966
15	MQ–9	122,522	35,522
	Air Force requested realignment		[–87,000]
	STRATEGIC AIRCRAFT		
16	B–2A	46,729	46,729
17	B–1B	116,319	116,319
18	B–52	109,020	109,020
	TACTICAL AIRCRAFT		
20	A–10	1,289	1,289
21	F–15	105,685	105,685
22	F–16	97,331	185,631
	Active missile warning system		[12,000]
	Anti-jam global positioning system (GPS) upgrade		[5,000]
	Digital radar warning system		[23,000]
	Multi-mission computer and MIDS-JTRS		[48,300]
23	F–22A	163,008	163,008
24	F–35 MODIFICATIONS	175,811	175,811
25	INCREMENT 3.2B	76,410	76,410
26	INCREMENT 3.2B (AP)	2,000	2,000
	AIRLIFT AIRCRAFT		
27	C–5	24,192	24,192
29	C–17A	21,555	21,555
30	C–21	5,439	5,439
31	C–32A	35,235	35,235
32	C–37A	5,004	5,004
	TRAINER AIRCRAFT		
33	GLIDER MODS	394	394
34	T–6	12,765	12,765
35	T–1	25,073	25,073
36	T–38	45,090	45,090
	OTHER AIRCRAFT		
37	U–2 MODS	36,074	36,074
38	KC–10A (ATCA)	4,570	4,570
39	C–12	1,995	1,995
40	VC–25A MOD	102,670	102,670
41	C–40	13,984	13,984
42	C–130	9,168	9,168
43	C–130J MODS	89,424	89,424
44	C–135	64,161	64,161
45	COMPASS CALL MODS	130,257	155,857
	Air Force requested realignment from Initial Spares		[25,600]
46	RC–135	211,438	211,438

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
47	E–3	82,786	82,786
48	E–4	53,348	53,348
49	E–8	6,244	6,244
50	AIRBORNE WARNING AND CONTROL SYSTEM	223,427	223,427
51	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	4,673	4,673
52	H–1	9,007	9,007
54	H–60	91,357	91,357
55	RQ–4 MODS	32,045	32,045
56	HC/MC–130 MODIFICATIONS	30,767	30,767
57	OTHER AIRCRAFT	33,886	33,886
59	MQ–9 MODS	141,929	141,929
60	CV–22 MODS	63,395	63,395
	AIRCRAFT SPARES AND REPAIR PARTS		
61	INITIAL SPARES/REPAIR PARTS	686,491	747,891
	Air Force requested realignment		[–25,600]
	Air Force requested realignment from MQ–9		[87,000]
	COMMON SUPPORT EQUIPMENT		
62	AIRCRAFT REPLACEMENT SUPPORT EQUIP	121,935	121,935
	POST PRODUCTION SUPPORT		
63	B–2A	154	154
64	B–2A	43,330	43,330
65	B–52	28,125	28,125
66	C–17A	23,559	23,559
69	F–15	2,980	2,980
70	F–16	15,155	15,155
71	F–22A	48,505	48,505
74	RQ–4 POST PRODUCTION CHARGES	99	99
	INDUSTRIAL PREPAREDNESS		
75	INDUSTRIAL RESPONSIVENESS	14,126	14,126
	WAR CONSUMABLES		
76	WAR CONSUMABLES	120,036	120,036
	OTHER PRODUCTION CHARGES		
77	OTHER PRODUCTION CHARGES	1,252,824	1,252,824
	CLASSIFIED PROGRAMS		
78	CLASSIFIED PROGRAMS	16,952	16,952
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**13,922,917**	**14,313,517**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
1	MISSILE REPLACEMENT EQ-BALLISTIC	70,247	70,247
	TACTICAL		
2	JOINT AIR-SURFACE STANDOFF MISSILE	431,645	431,645
3	LRASM0	59,511	59,511
4	SIDEWINDER (AIM–9X)	127,438	127,438
5	AMRAAM	350,144	350,144
6	PREDATOR HELLFIRE MISSILE	33,955	33,955
7	SMALL DIAMETER BOMB	92,361	92,361
	INDUSTRIAL FACILITIES		
8	INDUSTR'L PREPAREDNS/POL PREVENTION	977	977
	CLASS IV		
9	ICBM FUZE MOD	17,095	17,095
10	MM III MODIFICATIONS	68,692	68,692
11	AGM–65D MAVERICK	282	282
13	AIR LAUNCH CRUISE MISSILE (ALCM)	21,762	21,762
14	SMALL DIAMETER BOMB	15,349	15,349
	MISSILE SPARES AND REPAIR PARTS		
15	INITIAL SPARES/REPAIR PARTS	81,607	81,607
	SPECIAL PROGRAMS		
30	SPECIAL UPDATE PROGRAMS	46,125	46,125
	CLASSIFIED PROGRAMS		
31	CLASSIFIED PROGRAMS	1,009,431	1,009,431
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**2,426,621**	**2,426,621**
	SPACE PROCUREMENT, AIR FORCE		
	SPACE PROGRAMS		
1	ADVANCED EHF	645,569	645,569
2	AF SATELLITE COMM SYSTEM	42,375	42,375
3	COUNTERSPACE SYSTEMS	26,984	26,984
4	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	88,963	88,963
5	WIDEBAND GAPFILLER SATELLITES(SPACE)	86,272	86,272
6	GPS III SPACE SEGMENT	34,059	34,059
7	GLOBAL POSTIONING (SPACE)	2,169	2,169
8	SPACEBORNE EQUIP (COMSEC)	46,708	46,708
9	GLOBAL POSITIONING (SPACE)	13,171	13,171
10	MILSATCOM	41,799	41,799
11	EVOLVED EXPENDABLE LAUNCH CAPABILITY	768,586	768,586
12	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	737,853	737,853
13	SBIR HIGH (SPACE)	362,504	362,504

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(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
14	NUDET DETECTION SYSTEM	4,395	4,395
15	SPACE MODS	8,642	8,642
16	SPACELIFT RANGE SYSTEM SPACE	123,088	123,088
	SPARES		
17	INITIAL SPARES/REPAIR PARTS	22,606	22,606
	TOTAL SPACE PROCUREMENT, AIR FORCE	**3,055,743**	**3,055,743**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	18,734	18,734
	CARTRIDGES		
2	CARTRIDGES	220,237	220,237
	BOMBS		
3	PRACTICE BOMBS	97,106	97,106
4	GENERAL PURPOSE BOMBS	581,561	581,561
5	MASSIVE ORDNANCE PENETRATOR (MOP)	3,600	3,600
6	JOINT DIRECT ATTACK MUNITION	303,988	303,988
	OTHER ITEMS		
7	CAD/PAD	38,890	38,890
8	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	5,714	5,714
9	SPARES AND REPAIR PARTS	740	740
10	MODIFICATIONS	573	573
11	ITEMS LESS THAN $5 MILLION	5,156	5,156
	FLARES		
12	FLARES	134,709	134,709
	FUZES		
13	FUZES	229,252	229,252
	SMALL ARMS		
14	SMALL ARMS	37,459	37,459
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**1,677,719**	**1,677,719**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	14,437	14,437
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	24,812	24,812
3	CAP VEHICLES	984	984
4	ITEMS LESS THAN $5 MILLION	11,191	11,191
	SPECIAL PURPOSE VEHICLES		
5	SECURITY AND TACTICAL VEHICLES	5,361	5,361
6	ITEMS LESS THAN $5 MILLION	4,623	4,623
	FIRE FIGHTING EQUIPMENT		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	12,451	12,451
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION	18,114	18,114
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV & CLEANING EQUIP	2,310	2,310
10	ITEMS LESS THAN $5 MILLION	46,868	46,868
	COMM SECURITY EQUIPMENT(COMSEC)		
12	COMSEC EQUIPMENT	72,359	72,359
	INTELLIGENCE PROGRAMS		
14	INTELLIGENCE TRAINING EQUIPMENT	6,982	6,982
15	INTELLIGENCE COMM EQUIPMENT	30,504	35,604
	Air Force requested realignment from AFNET		[5,100]
	ELECTRONICS PROGRAMS		
16	AIR TRAFFIC CONTROL & LANDING SYS	55,803	55,803
17	NATIONAL AIRSPACE SYSTEM	2,673	2,673
18	BATTLE CONTROL SYSTEM—FIXED	5,677	5,677
19	THEATER AIR CONTROL SYS IMPROVEMENTS	1,163	1,163
20	WEATHER OBSERVATION FORECAST	21,667	21,667
21	STRATEGIC COMMAND AND CONTROL	39,803	39,803
22	CHEYENNE MOUNTAIN COMPLEX	24,618	24,618
23	MISSION PLANNING SYSTEMS	15,868	15,868
25	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN)	9,331	9,331
	SPCL COMM-ELECTRONICS PROJECTS		
26	GENERAL INFORMATION TECHNOLOGY	41,779	41,779
27	AF GLOBAL COMMAND & CONTROL SYS	15,729	15,729
28	MOBILITY COMMAND AND CONTROL	9,814	9,814
29	AIR FORCE PHYSICAL SECURITY SYSTEM	99,460	99,460
30	COMBAT TRAINING RANGES	34,850	34,850
31	MINIMUM ESSENTIAL EMERGENCY COMM N	198,925	198,925
32	WIDE AREA SURVEILLANCE (WAS)	6,943	6,943
33	C3 COUNTERMEASURES	19,580	19,580
34	GCSS-AF FOS	1,743	1,743
36	THEATER BATTLE MGT C2 SYSTEM	9,659	9,659
37	AIR & SPACE OPERATIONS CTR-WPN SYS	15,474	15,474
38	AIR OPERATIONS CENTER (AOC) 10.2	30,623	30,623
	AIR FORCE COMMUNICATIONS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
39	INFORMATION TRANSPORT SYSTEMS	40,043	40,043
40	AFNET	146,897	141,797
	Air Force requested realignment		[–5,100]
41	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,182	5,182
42	USCENTCOM	13,418	13,418
	ORGANIZATION AND BASE		
52	TACTICAL C-E EQUIPMENT	109,836	109,836
53	RADIO EQUIPMENT	16,266	16,266
54	CCTV/AUDIOVISUAL EQUIPMENT	7,449	7,449
55	BASE COMM INFRASTRUCTURE	109,215	109,215
	MODIFICATIONS		
56	COMM ELECT MODS	65,700	65,700
	PERSONAL SAFETY & RESCUE EQUIP		
58	ITEMS LESS THAN $5 MILLION	54,416	54,416
	DEPOT PLANT+MTRLS HANDLING EQ		
59	MECHANIZED MATERIAL HANDLING EQUIP	7,344	7,344
	BASE SUPPORT EQUIPMENT		
60	BASE PROCURED EQUIPMENT	6,852	6,852
63	MOBILITY EQUIPMENT	8,146	8,146
64	ITEMS LESS THAN $5 MILLION	28,427	28,427
	SPECIAL SUPPORT PROJECTS		
66	DARP RC135	25,287	25,287
67	DCGS-AF	169,201	169,201
69	SPECIAL UPDATE PROGRAM	576,710	576,710
	CLASSIFIED PROGRAMS		
70	CLASSIFIED PROGRAMS	15,119,705	15,119,705
	SPARES AND REPAIR PARTS		
72	SPARES AND REPAIR PARTS	15,784	15,784
	TOTAL OTHER PROCUREMENT, AIR FORCE	**17,438,056**	**17,438,056**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
37	MAJOR EQUIPMENT, OSD	29,211	6,111
	Mentor Protégé		[–23,100]
	MAJOR EQUIPMENT, NSA		
36	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	4,399	4,399
	MAJOR EQUIPMENT, WHS		
40	MAJOR EQUIPMENT, WHS	24,979	24,979
	MAJOR EQUIPMENT, DISA		
6	INFORMATION SYSTEMS SECURITY	21,347	21,347
7	TELEPORT PROGRAM	50,597	50,597
8	ITEMS LESS THAN $5 MILLION	10,420	10,420
9	NET CENTRIC ENTERPRISE SERVICES (NCES)	1,634	1,634
10	DEFENSE INFORMATION SYSTEM NETWORK	87,235	87,235
11	CYBER SECURITY INITIATIVE	4,528	4,528
12	WHITE HOUSE COMMUNICATION AGENCY	36,846	36,846
13	SENIOR LEADERSHIP ENTERPRISE	599,391	599,391
15	JOINT REGIONAL SECURITY STACKS (JRSS)	150,221	150,221
	MAJOR EQUIPMENT, DLA		
17	MAJOR EQUIPMENT	2,055	2,055
	MAJOR EQUIPMENT, DSS		
20	MAJOR EQUIPMENT	1,057	1,057
	MAJOR EQUIPMENT, DCAA		
1	ITEMS LESS THAN $5 MILLION	2,964	2,964
	MAJOR EQUIPMENT, TJS		
38	MAJOR EQUIPMENT, TJS	7,988	7,988
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
23	THAAD	369,608	369,608
24	AEGIS BMD	463,801	463,801
25	BMDS AN/TPY–2 RADARS	5,503	5,503
28	AEGIS ASHORE PHASE III	57,493	57,493
29	IRON DOME	42,000	42,000
30	AEGIS BMD HARDWARE AND SOFTWARE	50,098	50,098
	MAJOR EQUIPMENT, DHRA		
3	PERSONNEL ADMINISTRATION	14,232	14,232
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
21	VEHICLES	200	200
22	OTHER MAJOR EQUIPMENT	6,437	6,437
	MAJOR EQUIPMENT, DODEA		
19	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	288	288
	MAJOR EQUIPMENT, DCMA		
2	MAJOR EQUIPMENT	92	92
	MAJOR EQUIPMENT, DMACT		
18	MAJOR EQUIPMENT	8,060	8,060
	CLASSIFIED PROGRAMS		
41	CLASSIFIED PROGRAMS	568,864	568,864
	AVIATION PROGRAMS		
42	ROTARY WING UPGRADES AND SUSTAINMENT	150,396	168,996

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OCONUS training loss replacement		[18,600]
43	UNMANNED ISR	21,190	21,190
45	NON-STANDARD AVIATION	4,905	4,905
46	U–28	3,970	3,970
47	MH–47 CHINOOK	25,022	25,022
49	CV–22 MODIFICATION	19,008	19,008
51	MQ–9 UNMANNED AERIAL VEHICLE	10,598	25,398
	MQ–9 capability enhancements		[14,800]
53	PRECISION STRIKE PACKAGE	213,122	200,022
	SOCOM requested transfer		[–13,100]
54	AC/MC–130J	73,548	86,648
	SOCOM requested transfer		[13,100]
55	C–130 MODIFICATIONS	32,970	32,970
	SHIPBUILDING		
56	UNDERWATER SYSTEMS	37,098	37,098
	AMMUNITION PROGRAMS		
57	ORDNANCE ITEMS <$5M	105,267	105,267
	OTHER PROCUREMENT PROGRAMS		
58	INTELLIGENCE SYSTEMS	79,963	79,963
59	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	13,432	13,432
60	OTHER ITEMS <$5M	66,436	66,436
61	COMBATANT CRAFT SYSTEMS	55,820	55,820
62	SPECIAL PROGRAMS	107,432	107,432
63	TACTICAL VEHICLES	67,849	67,849
64	WARRIOR SYSTEMS <$5M	245,781	245,781
65	COMBAT MISSION REQUIREMENTS	19,566	19,566
66	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,437	3,437
67	OPERATIONAL ENHANCEMENTS INTELLIGENCE	17,299	17,299
69	OPERATIONAL ENHANCEMENTS	219,945	219,945
	CBDP		
70	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	148,203	148,203
71	CB PROTECTION & HAZARD MITIGATION	161,113	161,113
	TOTAL PROCUREMENT, DEFENSE-WIDE	**4,524,918**	**4,535,218**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	99,300	99,300
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	**99,300**	**99,300**
	TOTAL PROCUREMENT	**101,971,592**	**102,434,976**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) PROCUREMENT.—

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
6	AH–64 APACHE BLOCK IIIA REMAN	78,040	78,040
	MODIFICATION OF AIRCRAFT		
15	MULTI SENSOR ABN RECON (MIP)	21,400	21,400
20	EMARSS SEMA MODS (MIP)	42,700	42,700
26	RQ–7 UAV MODS	1,775	1,775
27	UAS MODS	4,420	4,420
	GROUND SUPPORT AVIONICS		
30	CMWS	56,115	56,115
31	CIRCM	108,721	108,721
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**313,171**	**313,171**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	455,830	455,830
	ANTI-TANK/ASSAULT MISSILE SYS		
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	15,567	15,567
8	TOW 2 SYSTEM SUMMARY	80,652	80,652
10	GUIDED MLRS ROCKET (GMLRS)	75,991	75,991
12	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS	4,777	4,777
	TOTAL MISSILE PROCUREMENT, ARMY	**632,817**	**632,817**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	PROCUREMENT OF W&TCV, ARMY		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
7	PALADIN INTEGRATED MANAGEMENT (PIM)	125,184	125,184
9	ASSAULT BRIDGE (MOD)	5,950	5,950
	WEAPONS & OTHER COMBAT VEHICLES		
17	MORTAR SYSTEMS	22,410	22,410
	TOTAL PROCUREMENT OF W&TCV, ARMY	**153,544**	**153,544**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
2	CTG, 7.62MM, ALL TYPES	9,642	9,642
4	CTG, .50 CAL, ALL TYPES	6,607	6,607
5	CTG, 20MM, ALL TYPES	1,077	1,077
6	CTG, 25MM, ALL TYPES	28,534	28,534
7	CTG, 30MM, ALL TYPES	20,000	20,000
8	CTG, 40MM, ALL TYPES	7,423	7,423
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	10,000	10,000
10	81MM MORTAR, ALL TYPES	2,677	2,677
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	8,999	8,999
	ARTILLERY AMMUNITION		
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	30,348	30,348
15	PROJ 155MM EXTENDED RANGE M982	140	140
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	29,655	29,655
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	16,866	16,866
	NETWORKED MUNITIONS		
18	SPIDER NETWORK MUNITIONS, ALL TYPES	10,353	0
	Early to need		[–10,353]
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	63,210	63,210
20	ROCKET, HYDRA 70, ALL TYPES	42,851	42,851
	OTHER AMMUNITION		
22	DEMOLITION MUNITIONS, ALL TYPES	6,373	6,373
23	GRENADES, ALL TYPES	4,143	4,143
24	SIGNALS, ALL TYPES	1,852	1,852
	MISCELLANEOUS		
27	NON-LETHAL AMMUNITION, ALL TYPES	773	773
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**301,523**	**291,170**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
2	SEMITRAILERS, FLATBED:	4,180	4,180
8	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	299,476	299,476
10	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	6,122	6,122
11	PLS ESP	106,358	106,358
12	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	203,766	203,766
13	TACTICAL WHEELED VEHICLE PROTECTION KITS	101,154	101,154
14	MODIFICATION OF IN SVC EQUIP	155,456	155,456
	COMM—JOINT COMMUNICATIONS		
19	WIN-T—GROUND FORCES TACTICAL NETWORK	9,572	9,572
	COMM—SATELLITE COMMUNICATIONS		
25	SHF TERM	24,000	24,000
	COMM—INTELLIGENCE COMM		
47	CI AUTOMATION ARCHITECTURE	1,550	1,550
	INFORMATION SECURITY		
51	COMMUNICATIONS SECURITY (COMSEC)	1,928	1,928
	COMM—BASE COMMUNICATIONS		
56	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	20,510	20,510
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
62	DCGS-A (MIP)	33,032	33,032
64	TROJAN (MIP)	3,305	3,305
66	CI HUMINT AUTO REPRTING AND COLL(CHARCS)	7,233	7,233
69	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP)	5,670	5,670
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
70	LIGHTWEIGHT COUNTER MORTAR RADAR	25,892	25,892
74	FAMILY OF PERSISTENT SURVEILLANCE CAPABILITIE	11,610	11,610
75	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	23,890	23,890
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
80	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	4,270	4,270
89	MORTAR FIRE CONTROL SYSTEM	2,572	2,572
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
92	AIR & MSL DEFENSE PLANNING & CONTROL SYS	69,958	69,958
	ELECT EQUIP—AUTOMATION		
102	AUTOMATED DATA PROCESSING EQUIP	9,900	9,900
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
108	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	96	96
	CHEMICAL DEFENSIVE EQUIPMENT		
114	CBRN DEFENSE	1,841	1,841
	BRIDGING EQUIPMENT		
115	TACTICAL BRIDGING	26,000	26,000
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
124	ROBOTICS AND APPLIQUE SYSTEMS	268	268
128	FAMILY OF BOATS AND MOTORS	280	280
	COMBAT SERVICE SUPPORT EQUIPMENT		
129	HEATERS AND ECU'S	894	894
134	FORCE PROVIDER	53,800	53,800
135	FIELD FEEDING EQUIPMENT	2,665	2,665
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	2,400	2,400
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	9,789	9,789
138	ITEMS LESS THAN $5M (ENG SPT)	300	300
	PETROLEUM EQUIPMENT		
139	QUALITY SURVEILLANCE EQUIPMENT	4,800	4,800
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	78,240	78,240
	MEDICAL EQUIPMENT		
141	COMBAT SUPPORT MEDICAL	5,763	5,763
	MAINTENANCE EQUIPMENT		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	1,609	1,609
143	ITEMS LESS THAN $5.0M (MAINT EQ)	145	145
	CONSTRUCTION EQUIPMENT		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	3,047	3,047
148	TRACTOR, FULL TRACKED	4,426	4,426
151	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	2,900	2,900
155	ITEMS LESS THAN $5.0M (CONST EQUIP)	96	96
	GENERATORS		
158	GENERATORS AND ASSOCIATED EQUIP	31,761	31,761
	MATERIAL HANDLING EQUIPMENT		
160	FAMILY OF FORKLIFTS	846	846
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
168	TEST EQUIPMENT MODERNIZATION (TEMOD)	1,140	1,140
	OTHER SUPPORT EQUIPMENT		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	8,500	8,500
	TOTAL OTHER PROCUREMENT, ARMY	**1,373,010**	**1,373,010**
	JOINT IMPROVISED-THREAT DEFEAT FUND		
	NETWORK ATTACK		
1	RAPID ACQUISITION AND THREAT RESPONSE	345,472	345,472
	STAFF AND INFRASTRUCTURE		
2	MISSION ENABLERS	62,800	62,800
	TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND	**408,272**	**408,272**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
2	F/A–18E/F (FIGHTER) HORNET	184,912	184,912
	OTHER AIRCRAFT		
26	STUASL0 UAV	70,000	70,000
	MODIFICATION OF AIRCRAFT		
35	SH–60 SERIES	3,000	3,000
36	H–1 SERIES	3,740	3,740
37	EP–3 SERIES	7,505	7,505
47	SPECIAL PROJECT AIRCRAFT	14,869	14,869
51	COMMON ECM EQUIPMENT	98,240	98,240
59	V–22 (TILT/ROTOR ACFT) OSPREY	8,740	8,740
	AIRCRAFT SPARES AND REPAIR PARTS		
63	SPARES AND REPAIR PARTS	1,500	1,500
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
65	AIRCRAFT INDUSTRIAL FACILITIES	524	524
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**393,030**	**393,030**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
10	HELLFIRE	8,600	8,600
	TOTAL WEAPONS PROCUREMENT, NAVY	**8,600**	**8,600**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
1	GENERAL PURPOSE BOMBS	40,366	40,366
2	AIRBORNE ROCKETS, ALL TYPES	8,860	8,860
6	AIR EXPENDABLE COUNTERMEASURES	7,060	7,060
13	PYROTECHNIC AND DEMOLITION	1,122	1,122
14	AMMUNITION LESS THAN $5 MILLION	3,495	3,495
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	1,205	1,205
17	40 MM, ALL TYPES	539	539

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
18	60MM, ALL TYPES	909	909
20	120MM, ALL TYPES	530	530
22	ROCKETS, ALL TYPES	469	469
23	ARTILLERY, ALL TYPES	1,196	1,196
24	DEMOLITION MUNITIONS, ALL TYPES	261	261
25	FUZE, ALL TYPES	217	217
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**66,229**	**66,229**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
81	DCGS-N	12,000	12,000
	OTHER ORDNANCE SUPPORT EQUIPMENT		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	99,329	99,329
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
124	FIRE FIGHTING EQUIPMENT	630	630
	SUPPLY SUPPORT EQUIPMENT		
133	FIRST DESTINATION TRANSPORTATION	25	25
	COMMAND SUPPORT EQUIPMENT		
137	COMMAND SUPPORT EQUIPMENT	10,562	10,562
	CLASSIFIED PROGRAMS		
138	CLASSIFIED PROGRAMS	1,660	1,660
	TOTAL OTHER PROCUREMENT, NAVY	**124,206**	**124,206**
	PROCUREMENT, MARINE CORPS		
	ARTILLERY AND OTHER WEAPONS		
6	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	572	572
	GUIDED MISSILES		
10	JAVELIN	1,606	1,606
	OTHER SUPPORT (TEL)		
18	MODIFICATION KITS	2,600	2,600
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	ITEMS UNDER $5 MILLION (COMM & ELEC)	2,200	2,200
	INTELL/COMM EQUIPMENT (NON-TEL)		
26	INTELLIGENCE SUPPORT EQUIPMENT	20,981	20,981
29	RQ–11 UAV	3,817	3,817
	OTHER SUPPORT (NON-TEL)		
35	COMMON COMPUTER RESOURCES	2,600	2,600
37	RADIO SYSTEMS	9,563	9,563
	ENGINEER AND OTHER EQUIPMENT		
53	EOD SYSTEMS	75,000	75,000
	TOTAL PROCUREMENT, MARINE CORPS	**118,939**	**118,939**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
4	C–130J	73,000	73,000
	OTHER AIRCRAFT		
15	MQ–9	453,030	453,030
	STRATEGIC AIRCRAFT		
19	LARGE AIRCRAFT INFRARED COUNTERMEASURES	135,801	135,801
	TACTICAL AIRCRAFT		
20	A–10	23,850	23,850
	OTHER AIRCRAFT		
47	E–3	6,600	6,600
56	HC/MC–130 MODIFICATIONS	13,550	13,550
57	OTHER AIRCRAFT	7,500	7,500
59	MQ–9 MODS	112,068	112,068
	AIRCRAFT SPARES AND REPAIR PARTS		
61	INITIAL SPARES/REPAIR PARTS	25,600	25,600
	OTHER PRODUCTION CHARGES		
77	OTHER PRODUCTION CHARGES	8,400	8,400
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**859,399**	**859,399**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
6	PREDATOR HELLFIRE MISSILE	145,125	145,125
7	SMALL DIAMETER BOMB	167,800	167,800
	CLASS IV		
11	AGM–65D MAVERICK	26,620	26,620
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**339,545**	**339,545**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
1	ROCKETS	60,000	60,000
	CARTRIDGES		
2	CARTRIDGES	9,830	9,830
	BOMBS		
4	GENERAL PURPOSE BOMBS	7,921	7,921
6	JOINT DIRECT ATTACK MUNITION	403,126	403,126

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	FLARES		
12	FLARES	6,531	6,531
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**487,408**	**487,408**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
1	PASSENGER CARRYING VEHICLES	2,003	2,003
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	9,066	9,066
4	ITEMS LESS THAN $5 MILLION	12,264	12,264
	SPECIAL PURPOSE VEHICLES		
6	ITEMS LESS THAN $5 MILLION	16,789	16,789
	FIRE FIGHTING EQUIPMENT		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES	48,590	48,590
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION	2,366	2,366
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV & CLEANING EQUIP	6,468	6,468
10	ITEMS LESS THAN $5 MILLION	9,271	9,271
	ELECTRONICS PROGRAMS		
16	AIR TRAFFIC CONTROL & LANDING SYS	42,650	42,650
	SPCL COMM-ELECTRONICS PROJECTS		
29	AIR FORCE PHYSICAL SECURITY SYSTEM	7,500	7,500
33	C3 COUNTERMEASURES	620	620
	ORGANIZATION AND BASE		
52	TACTICAL C-E EQUIPMENT	8,100	8,100
	MODIFICATIONS		
56	COMM ELECT MODS	3,800	3,800
	BASE SUPPORT EQUIPMENT		
61	ENGINEERING AND EOD EQUIPMENT	53,900	53,900
	SPECIAL SUPPORT PROJECTS		
67	DCGS-AF	800	800
	CLASSIFIED PROGRAMS		
68	CLASSIFIED PROGRAMS	3,472,094	3,472,094
	TOTAL OTHER PROCUREMENT, AIR FORCE	**3,696,281**	**3,696,281**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
7	TELEPORT PROGRAM	3,900	3,900
16	DEFENSE INFORMATION SYSTEMS NETWORK	2,000	2,000
	CLASSIFIED PROGRAMS		
17	CLASSIFIED PROGRAMS	32,482	32,482
	AVIATION PROGRAMS		
41	MC–12	5,000	5,000
43	UNMANNED ISR	11,880	11,880
46	U–28	38,283	38,283
	AMMUNITION PROGRAMS		
57	ORDNANCE ITEMS <$5M	52,504	52,504
	OTHER PROCUREMENT PROGRAMS		
58	INTELLIGENCE SYSTEMS	22,000	22,000
60	OTHER ITEMS <$5M	11,580	11,580
62	SPECIAL PROGRAMS	13,549	13,549
63	TACTICAL VEHICLES	3,200	3,200
69	OPERATIONAL ENHANCEMENTS	42,056	42,056
	TOTAL PROCUREMENT, DEFENSE-WIDE	**238,434**	**238,434**
	TOTAL PROCUREMENT	**9,514,408**	**9,504,055**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	12,381	12,381
2	0601102A	DEFENSE RESEARCH SCIENCES	253,116	253,116
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	69,166	69,166
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	94,280	94,280
		SUBTOTAL BASIC RESEARCH	**428,943**	**428,943**
		APPLIED RESEARCH		
5	0602105A	MATERIALS TECHNOLOGY	31,533	37,033
		Ground vehicle coating system		[5,500]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	36,109	38,109
		Program increase		[2,000]
7	0602122A	TRACTOR HIP	6,995	6,995
8	0602211A	AVIATION TECHNOLOGY	65,914	65,914
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	25,466	25,466
10	0602303A	MISSILE TECHNOLOGY	44,313	44,313
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	28,803	28,803
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	27,688	27,688
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	67,959	67,959
14	0602618A	BALLISTICS TECHNOLOGY	85,436	85,436
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	3,923	3,923
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	5,545	5,545
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	53,581	53,581
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	56,322	56,322
19	0602709A	NIGHT VISION TECHNOLOGY	36,079	36,079
20	0602712A	COUNTERMINE SYSTEMS	26,497	26,497
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	23,671	23,671
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	22,151	22,151
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	37,803	37,803
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	13,811	13,811
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	67,416	67,416
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	26,045	21,045
		Decrease for social science research		[–5,000]
27	0602786A	WARFIGHTER TECHNOLOGY	37,403	37,403
28	0602787A	MEDICAL TECHNOLOGY	77,111	77,111
		SUBTOTAL APPLIED RESEARCH	**907,574**	**910,074**
		ADVANCED TECHNOLOGY DEVELOPMENT		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	38,831	38,831
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	68,365	68,365
31	0603003A	AVIATION ADVANCED TECHNOLOGY	94,280	94,280
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	68,714	68,714
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	122,132	172,132
		Emerging requirement		[50,000]
34	0603006A	SPACE APPLICATION ADVANCED TECHNOLOGY	3,904	3,904
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	14,417	14,417
37	0603009A	TRACTOR HIKE	8,074	8,074
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,969	18,969
39	0603020A	TRACTOR ROSE	11,910	11,910
40	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	27,686	27,686
41	0603130A	TRACTOR NAIL	2,340	2,340
42	0603131A	TRACTOR EGGS	2,470	2,470

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
43	0603270A	ELECTRONIC WARFARE TECHNOLOGY	27,893	22,893
		General decrease		[–5,000]
44	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	52,190	52,190
45	0603322A	TRACTOR CAGE	11,107	11,107
46	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	177,190	177,190
47	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	17,451	17,451
48	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	5,839	5,839
49	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	44,468	44,468
50	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	11,137	11,137
51	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	20,684	20,684
52	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	44,239	39,239
		General program decrease		[–5,000]
53	0603794A	C3 ADVANCED TECHNOLOGY	35,775	35,775
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**930,065**	**970,065**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
54	0603305A	ARMY MISSLE DEFENSE SYSTEMS INTEGRATION	9,433	9,433
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	23,056	23,056
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	72,117	72,117
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	28,244	28,244
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	40,096	40,096
59	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,506	10,506
60	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	15,730	15,730
61	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,321	10,321
62	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	7,785	7,785
63	0603790A	NATO RESEARCH AND DEVELOPMENT	2,300	2,300
64	0603801A	AVIATION—ADV DEV	10,014	10,014
65	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	20,834	20,834
66	0603807A	MEDICAL SYSTEMS—ADV DEV	33,503	33,503
67	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	31,120	40,520
		Accelerate small arms improvement		[9,400]
68	0604100A	ANALYSIS OF ALTERNATIVES	6,608	6,608
69	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	35,132	35,132
70	0604115A	TECHNOLOGY MATURATION INITIATIVES	70,047	70,047
71	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	83,279	83,279
73	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	40,510	40,510
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**550,635**	**560,035**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
74	0604201A	AIRCRAFT AVIONICS	83,248	83,248
75	0604270A	ELECTRONIC WARFARE DEVELOPMENT	34,642	34,642
77	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,172	12,172
78	0604321A	ALL SOURCE ANALYSIS SYSTEM	3,958	3,958
79	0604328A	TRACTOR CAGE	12,525	12,525
80	0604601A	INFANTRY SUPPORT WEAPONS	66,943	66,943
82	0604611A	JAVELIN	20,011	20,011
83	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	11,429	11,429
84	0604633A	AIR TRAFFIC CONTROL	3,421	3,421
85	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	39,282	39,282
86	0604642A	LIGHT TACTICAL WHEELED VEHICLES	494	494
87	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	9,678	9,678
88	0604710A	NIGHT VISION SYSTEMS—ENG DEV	84,519	84,519
89	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,054	2,054
90	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	30,774	30,774
91	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	53,332	53,332
92	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	17,887	17,887
93	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	8,813	8,813
94	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	10,487	10,487
95	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	15,068	15,068
96	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	89,716	89,716
97	0604802A	WEAPONS AND MUNITIONS—ENG DEV	80,365	80,365
98	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	75,098	75,098
99	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	4,245	4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	41,124	41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	39,630	39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	205,590	205,590

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
103	0604820A	RADAR DEVELOPMENT	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	6,805	6,805
105	0604823A	FIREFINDER	9,235	9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	74,236	74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	155,584	135,584
		Unjustified growth		[–20,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C).	4,980	4,980
112	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	15,041	15,041
113	0605031A	JOINT TACTICAL NETWORK (JTN)	16,014	16,014
114	0605032A	TRACTOR TIRE	27,254	27,254
115	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E).	5,032	5,032
116	0605034A	TACTICAL SECURITY SYSTEM (TSS)	2,904	2,904
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	96,977	96,977
118	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD)	2,089	2,089
119	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,836	33,836
120	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	18,824	18,824
121	0605047A	CONTRACT WRITING SYSTEM	20,663	0
		Unjustified request		[–20,663]
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	41,133	54,133
		ASE unfunded requirement		[13,000]
123	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1	83,995	83,995
125	0605380A	AMF JOINT TACTICAL RADIO SYSTEM (JTRS)	5,028	5,028
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	42,972	42,972
128	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	252,811	252,811
131	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	11,530	11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM)	41,498	41,498
135	0303032A	TROJAN—RH12	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT	14,425	14,425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**2,265,094**	**2,237,431**
		RDT&E MANAGEMENT SUPPORT		
137	0604256A	THREAT SIMULATOR DEVELOPMENT	25,675	25,675
138	0604258A	TARGET SYSTEMS DEVELOPMENT	19,122	19,122
139	0604759A	MAJOR T&E INVESTMENT	84,777	84,777
140	0605103A	RAND ARROYO CENTER	20,658	20,658
141	0605301A	ARMY KWAJALEIN ATOLL	236,648	236,648
142	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	25,596	25,596
144	0605601A	ARMY TEST RANGES AND FACILITIES	293,748	293,748
145	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	52,404	52,404
146	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	38,571	38,571
147	0605606A	AIRCRAFT CERTIFICATION	4,665	4,665
148	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,925	6,925
149	0605706A	MATERIEL SYSTEMS ANALYSIS	21,677	21,677
150	0605709A	EXPLOITATION OF FOREIGN ITEMS	12,415	12,415
151	0605712A	SUPPORT OF OPERATIONAL TESTING	49,684	49,684
152	0605716A	ARMY EVALUATION CENTER	55,905	55,905
153	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	7,959	7,959
154	0605801A	PROGRAMWIDE ACTIVITIES	51,822	51,822
155	0605803A	TECHNICAL INFORMATION ACTIVITIES	33,323	35,823
		Program increase Geospatial		[2,500]
156	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	40,545	40,545
157	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	2,130	2,130
158	0605898A	MANAGEMENT HQ—R&D	49,885	49,885
159	0303260A	DEFENSE MILITARY DECEPTION INITIATIVE	2,000	2,000
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,136,134**	**1,138,634**
		OPERATIONAL SYSTEMS DEVELOPMENT		
161	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	9,663	9,663
162	0603813A	TRACTOR PULL	3,960	3,960
163	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	3,638	3,638
164	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	14,517	14,517
165	0607133A	TRACTOR SMOKE	4,479	4,479
166	0607134A	LONG RANGE PRECISION FIRES (LRPF)	39,275	39,275
167	0607135A	APACHE PRODUCT IMPROVEMENT PROGRAM	66,441	66,441
168	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM	46,765	46,765
169	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	91,848	91,848
170	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM	796	796

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171	0607139A	IMPROVED TURBINE ENGINE PROGRAM	126,105	126,105
172	0607140A	EMERGING TECHNOLOGIES FROM NIE	2,369	2,369
173	0607141A	LOGISTICS AUTOMATION	4,563	4,563
174	0607665A	FAMILY OF BIOMETRICS	12,098	12,098
175	0607865A	PATRIOT PRODUCT IMPROVEMENT	49,482	49,482
176	0202429A	AEROSTAT JOINT PROJECT—COCOM EXERCISE	45,482	4,482
		Change in program requirement		[–41,000]
178	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCS).	30,455	30,455
179	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	316,857	328,857
		APS unfunded requirement		[12,000]
180	0203740A	MANEUVER CONTROL SYSTEM	4,031	4,031
181	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	35,793	35,793
182	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	259	259
183	0203758A	DIGITIZATION	6,483	6,483
184	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	5,122	5,122
185	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	7,491	7,491
186	0203808A	TRACTOR CARD	20,333	20,333
188	0205410A	MATERIALS HANDLING EQUIPMENT	124	124
190	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM	69,417	69,417
191	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	22,044	22,044
192	0208053A	JOINT TACTICAL GROUND SYSTEM	12,649	12,649
194	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	11,619	11,619
195	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	38,280	38,280
196	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,223	2,023
		GCSS unjustified request		[–25,200]
197	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,815	18,815
198	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	4,718	4,718
202	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	8,218	8,218
203	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	11,799	11,799
204	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	32,284	284
		Change in tactical requirements		[–32,000]
205	0305219A	MQ–1C GRAY EAGLE UAS	13,470	13,470
206	0305232A	RQ–11 UAV	1,613	1,613
207	0305233A	RQ–7 UAV	4,597	4,597
209	0310349A	WIN-T INCREMENT 2—INITIAL NETWORKING	4,867	4,867
210	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	62,287	62,287
220	9999999999	CLASSIFIED PROGRAMS	4,625	4,625
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,296,954**	**1,210,754**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**7,515,399**	**7,455,936**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	101,714	101,714
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,508	18,508
3	0601153N	DEFENSE RESEARCH SCIENCES	422,748	422,748
		SUBTOTAL BASIC RESEARCH	**542,970**	**542,970**
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	41,371	41,371
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	158,745	158,745
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	51,590	51,590
7	0602235N	COMMON PICTURE APPLIED RESEARCH	41,185	41,185
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	45,467	45,467
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	118,941	118,941
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	42,618	42,618
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,327	6,327
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	126,313	136,313
		Program increase		[10,000]
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	165,103	165,103
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	33,916	33,916
15	0602898N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR HEADQUARTERS.	29,575	29,575
		SUBTOTAL APPLIED RESEARCH	**861,151**	**871,151**
		ADVANCED TECHNOLOGY DEVELOPMENT		
16	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	96,406	81,406
		General decrease		[–15,000]
17	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	48,438	48,438
18	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	26,421	26,421
19	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	140,416	140,416
20	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	13,117	13,117
21	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	249,092	239,092

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		Capable manpower, and power and energy		[–10,000]
22	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	56,712	56,712
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,789	4,789
24	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	25,880	25,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	60,550	60,550
26	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	15,167	15,167
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**736,988**	**711,988**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	48,536	48,536
28	0603216N	AVIATION SURVIVABILITY	5,239	5,239
30	0603251N	AIRCRAFT SYSTEMS	1,519	1,519
31	0603254N	ASW SYSTEMS DEVELOPMENT	7,041	7,041
32	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,274	3,274
33	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	57,034	57,034
34	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	165,775	164,275
		Excess prior year funds		[–1,500]
35	0603506N	SURFACE SHIP TORPEDO DEFENSE	87,066	87,066
36	0603512N	CARRIER SYSTEMS DEVELOPMENT	7,605	7,605
37	0603525N	PILOT FISH	132,068	132,068
38	0603527N	RETRACT LARCH	14,546	14,546
39	0603536N	RETRACT JUNIPER	115,435	115,435
40	0603542N	RADIOLOGICAL CONTROL	702	702
41	0603553N	SURFACE ASW	1,081	1,081
42	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	100,565	100,565
43	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	8,782	8,782
44	0603563N	SHIP CONCEPT ADVANCED DESIGN	14,590	14,590
45	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	15,805	15,805
46	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	453,313	453,313
47	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	36,655	36,655
48	0603576N	CHALK EAGLE	367,016	367,016
49	0603581N	LITTORAL COMBAT SHIP (LCS)	51,630	51,630
50	0603582N	COMBAT SYSTEM INTEGRATION	23,530	23,530
51	0603595N	OHIO REPLACEMENT	700,811	700,811
52	0603596N	LCS MISSION MODULES	160,058	129,158
		Available prior year funding		[–30,900]
54	0603599N	FRIGATE DEVELOPMENT	84,900	84,900
55	0603609N	CONVENTIONAL MUNITIONS	8,342	8,342
56	0603611M	MARINE CORPS ASSAULT VEHICLES	158,682	158,682
57	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	1,303	1,303
58	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	46,911	46,911
60	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	4,556	4,556
61	0603721N	ENVIRONMENTAL PROTECTION	20,343	20,343
62	0603724N	NAVY ENERGY PROGRAM	52,479	52,479
63	0603725N	FACILITIES IMPROVEMENT	5,458	5,458
64	0603734N	CHALK CORAL	245,860	245,860
65	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,089	3,089
66	0603746N	RETRACT MAPLE	323,526	323,526
67	0603748N	LINK PLUMERIA	318,497	318,497
68	0603751N	RETRACT ELM	52,834	52,834
69	0603764N	LINK EVERGREEN	48,116	48,116
70	0603787N	SPECIAL PROCESSES	13,619	13,619
71	0603790N	NATO RESEARCH AND DEVELOPMENT	9,867	9,867
72	0603795N	LAND ATTACK TECHNOLOGY	6,015	6,015
73	0603851M	JOINT NON-LETHAL WEAPONS TESTING	27,904	27,904
74	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	104,144	104,144
75	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	32,700	32,700
76	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	70,528	70,528
77	0604122N	REMOTE MINEHUNTING SYSTEM (RMS)	3,001	3,001
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	34,920	34,920
80	0604292N	MH-XX	1,620	1,620
81	0604454N	LX (R)	6,354	25,354
		Needed to maintain schedule		[19,000]
82	0604536N	ADVANCED UNDERSEA PROTOTYPING	78,589	44,189
		Ahead of need		[–34,400]
84	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	9,910	9,910
85	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	23,971	23,971
86	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	252,409	252,409

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87	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	23,197	23,197
88	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,110	9,110
89	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	437	437
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,662,867**	**4,615,067**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
90	0603208N	TRAINING SYSTEM AIRCRAFT	19,938	19,938
91	0604212N	OTHER HELO DEVELOPMENT	6,268	6,268
92	0604214N	AV–8B AIRCRAFT—ENG DEV	33,664	33,664
93	0604215N	STANDARDS DEVELOPMENT	1,300	1,300
94	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	5,275	5,275
95	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	3,875	3,875
96	0604221N	P–3 MODERNIZATION PROGRAM	1,909	1,909
97	0604230N	WARFARE SUPPORT SYSTEM	13,237	13,237
98	0604231N	TACTICAL COMMAND SYSTEM	36,323	36,323
99	0604234N	ADVANCED HAWKEYE	363,792	363,792
100	0604245N	H–1 UPGRADES	27,441	27,441
101	0604261N	ACOUSTIC SEARCH SENSORS	34,525	34,525
102	0604262N	V–22A	174,423	174,423
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT	13,577	13,577
104	0604269N	EA–18	116,761	116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT	48,766	48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT	338,357	338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ)	577,822	577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	2,365	2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	52,065	52,065
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	282,764	282,764
111	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	580	580
112	0604329N	SMALL DIAMETER BOMB (SDB)	97,622	97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS	120,561	120,561
114	0604373N	AIRBORNE MCM	45,622	45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	25,750	25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS	85,868	85,868
119	0604503N	SSN–688 AND TRIDENT MODERNIZATION	117,476	117,476
120	0604504N	AIR CONTROL	47,404	47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS	112,158	112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION	6,283	6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	144,395	144,395
124	0604558N	NEW DESIGN SSN	113,013	113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	43,160	43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	65,002	65,002
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,098	3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM)	97,920	97,920
129	0604601N	MINE DEVELOPMENT	10,490	10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	20,178	20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	7,369	7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	4,995	4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS	412	412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	134,619	134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	114,475	114,475
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	114,211	114,211
137	0604761N	INTELLIGENCE ENGINEERING	11,029	11,029
138	0604771N	MEDICAL DEVELOPMENT	9,220	9,220
139	0604777N	NAVIGATION/ID SYSTEM	42,723	42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	531,426	531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	528,716	528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS.	74,227	74,227
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY.	63,387	63,387
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	4,856	4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	97,066	97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	2,500	2,500
147	0605212N	CH–53K RDTE	404,810	404,810
148	0605215N	MISSION PLANNING	33,570	33,570
149	0605217N	COMMON AVIONICS	51,599	51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC)	11,088	11,088
151	0605327N	T-AO (X)	1,095	1,095
152	0605414N	CARRIER BASED AERIAL REFUELING SYSTEM (CBARS)	89,000	89,000
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	17,880	17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	59,126	59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	182,220	182,220
156	0204202N	DDG–1000	45,642	45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP	676	676

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160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	36,747	36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM	35,002	35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	4,942	6,726
		Full spectrum cyber operations unfunded requirement		[1,784]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**6,025,655**	**6,027,439**
		MANAGEMENT SUPPORT		
163	0604256N	THREAT SIMULATOR DEVELOPMENT	16,633	16,633
164	0604258N	TARGET SYSTEMS DEVELOPMENT	36,662	36,662
165	0604759N	MAJOR T&E INVESTMENT	42,109	42,109
166	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION.	2,998	2,998
167	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,931	3,931
168	0605154N	CENTER FOR NAVAL ANALYSES	46,634	46,634
169	0605285N	NEXT GENERATION FIGHTER	1,200	1,200
171	0605804N	TECHNICAL INFORMATION SERVICES	903	903
172	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	87,077	76,277
		Unjustified growth		[–10,800]
173	0605856N	STRATEGIC TECHNICAL SUPPORT	3,597	3,597
174	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	62,811	62,811
175	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	106,093	106,093
176	0605864N	TEST AND EVALUATION SUPPORT	349,146	349,146
177	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	18,160	18,160
178	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	9,658	9,658
179	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	6,500	6,500
180	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	22,247	22,247
181	0605898N	MANAGEMENT HQ—R&D	16,254	16,254
182	0606355N	WARFARE INNOVATION MANAGEMENT	21,123	21,123
		SUBTOTAL MANAGEMENT SUPPORT	**853,736**	**842,936**
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	84,501	84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL	2,970	2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	136,556	136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	33,845	33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	9,329	9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS	17,218	17,218
195	0204136N	F/A–18 SQUADRONS	189,125	189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	48,225	48,225
197	0204228N	SURFACE SUPPORT	21,156	21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	71,355	71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM	58,542	58,542
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	99,998	99,998
205	0205601N	HARM IMPROVEMENT	48,635	48,635
206	0205604N	TACTICAL DATA LINKS	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	24,583	24,583
208	0205632N	MK–48 ADCAP	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC).	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE)	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY	36,509	36,509
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	44,571	44,571

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
233	0305220N	MQ–4C TRITON	111,729	111,729
234	0305231N	MQ–8 UAV	26,518	26,518
235	0305232M	RQ–11 UAV	418	418
236	0305233N	RQ–7 UAV	716	716
237	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	5,071	5,071
238	0305239M	RQ–21A	9,497	9,497
239	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	77,965	77,965
240	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	11,181	11,181
241	0305421N	RQ–4 MODERNIZATION	181,266	181,266
242	0308601N	MODELING AND SIMULATION SUPPORT	4,709	4,709
243	0702207N	DEPOT MAINTENANCE (NON-IF)	49,322	49,322
245	0708730N	MARITIME TECHNOLOGY (MARITECH)	3,204	3,204
250	9999999999	CLASSIFIED PROGRAMS	1,228,460	1,228,460
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**3,592,934**	**3,592,934**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**17,276,301**	**17,204,485**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	340,812	340,812
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	145,044	145,044
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	14,168	14,168
		SUBTOTAL BASIC RESEARCH	**500,024**	**500,024**
		APPLIED RESEARCH		
4	0602102F	MATERIALS	126,152	126,152
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	122,831	122,831
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	111,647	111,647
7	0602203F	AEROSPACE PROPULSION	185,671	190,671
		Program increase		[5,000]
8	0602204F	AEROSPACE SENSORS	155,174	155,174
9	0602601F	SPACE TECHNOLOGY	117,915	117,915
10	0602602F	CONVENTIONAL MUNITIONS	109,649	109,649
11	0602605F	DIRECTED ENERGY TECHNOLOGY	127,163	127,163
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	161,650	161,650
13	0602890F	HIGH ENERGY LASER RESEARCH	42,300	47,300
		Joint technology office		[5,000]
		SUBTOTAL APPLIED RESEARCH	**1,260,152**	**1,270,152**
		ADVANCED TECHNOLOGY DEVELOPMENT		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	35,137	35,137
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	20,636	20,636
16	0603203F	ADVANCED AEROSPACE SENSORS	40,945	40,945
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	130,950	130,950
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	94,594	99,594
		Development of application-specific power circuit		[5,000]
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	58,250	53,250
		General decrease		[–5,000]
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	61,593	61,593
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	11,681	11,681
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	26,492	26,492
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	102,009	102,009
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	39,064	39,064
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	46,344	46,344
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	58,110	48,110
		Unjustified increase		[–10,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**725,805**	**715,805**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
27	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,598	5,598
28	0603438F	SPACE CONTROL TECHNOLOGY	7,534	7,534
29	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	24,418	24,418
30	0603790F	NATO RESEARCH AND DEVELOPMENT	4,333	4,333
32	0603830F	SPACE SECURITY AND DEFENSE PROGRAM	32,399	32,399
33	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	108,663	108,663
35	0604015F	LONG RANGE STRIKE—BOMBER	1,358,309	1,056,009
		Excess to contract award		[–302,300]
36	0604257F	ADVANCED TECHNOLOGY AND SENSORS	34,818	34,818
37	0604317F	TECHNOLOGY TRANSFER	3,368	3,368
38	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	74,308	74,308
39	0604422F	WEATHER SYSTEM FOLLOW-ON	118,953	118,953
40	0604425F	SPACE SITUATION AWARENESS SYSTEMS	9,901	9,901

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
41	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	25,890	25,890
42	0604857F	OPERATIONALLY RESPONSIVE SPACE	7,921	17,921
		Program increase		[10,000]
43	0604858F	TECH TRANSITION PROGRAM	347,304	347,304
44	0605230F	GROUND BASED STRATEGIC DETERRENT	113,919	113,919
46	0207110F	NEXT GENERATION AIR DOMINANCE	20,595	20,595
47	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	49,491	49,491
48	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	278,147	278,147
49	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	42,338	42,338
50	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	158,002	158,002
51	0306415F	ENABLED CYBER ACTIVITIES	15,842	15,842
52	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	5,782	5,782
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**2,847,833**	**2,555,533**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
54	0604270F	ELECTRONIC WARFARE DEVELOPMENT	12,476	12,476
55	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	82,380	82,380
56	0604287F	PHYSICAL SECURITY EQUIPMENT	8,458	8,458
57	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	54,838	54,838
58	0604421F	COUNTERSPACE SYSTEMS	34,394	34,394
59	0604425F	SPACE SITUATION AWARENESS SYSTEMS	23,945	23,945
60	0604426F	SPACE FENCE	168,364	168,364
61	0604429F	AIRBORNE ELECTRONIC ATTACK	9,187	9,187
62	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	181,966	181,966
63	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	20,312	20,312
64	0604604F	SUBMUNITIONS	2,503	2,503
65	0604617F	AGILE COMBAT SUPPORT	53,680	53,680
66	0604618F	JOINT DIRECT ATTACK MUNITION	9,901	9,901
67	0604706F	LIFE SUPPORT SYSTEMS	7,520	7,520
68	0604735F	COMBAT TRAINING RANGES	77,409	77,409
69	0604800F	F–35—EMD	450,467	450,467
70	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	296,572	296,572
71	0604932F	LONG RANGE STANDOFF WEAPON	95,604	95,604
72	0604933F	ICBM FUZE MODERNIZATION	189,751	189,751
73	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	1,131	1,131
74	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	70,290	70,290
75	0605214F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	937	937
76	0605221F	KC–46	261,724	121,724
		Ahead of need		[–140,000]
77	0605223F	ADVANCED PILOT TRAINING	12,377	4,477
		Early to need		[–7,900]
78	0605229F	CSAR HH–60 RECAPITALIZATION	319,331	319,331
80	0605431F	ADVANCED EHF MILSATCOM (SPACE)	259,131	229,131
		Delayed analysis of alternatives		[–30,000]
81	0605432F	POLAR MILSATCOM (SPACE)	50,815	50,815
82	0605433F	WIDEBAND GLOBAL SATCOM (SPACE)	41,632	41,632
83	0605458F	AIR & SPACE OPS CENTER 10.2 RDT&E	28,911	28,911
84	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	315,615	288,915
		Unobligated prior year funds		[–26,700]
85	0101125F	NUCLEAR WEAPONS MODERNIZATION	137,909	137,909
86	0207171F	F–15 EPAWSS	256,669	256,669
87	0207701F	FULL COMBAT MISSION TRAINING	12,051	12,051
88	0305176F	COMBAT SURVIVOR EVADER LOCATOR	29,253	29,253
89	0307581F	JSTARS RECAP	128,019	128,019
90	0401319F	PRESIDENTIAL AIRCRAFT REPLACEMENT (PAR)	351,220	351,220
91	0701212F	AUTOMATED TEST SYSTEMS	19,062	19,062
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**4,075,804**	**3,871,204**
		MANAGEMENT SUPPORT		
92	0604256F	THREAT SIMULATOR DEVELOPMENT	21,630	21,630
93	0604759F	MAJOR T&E INVESTMENT	66,385	66,385
94	0605101F	RAND PROJECT AIR FORCE	34,641	34,641
96	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	11,529	11,529
97	0605807F	TEST AND EVALUATION SUPPORT	661,417	661,417
98	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	11,198	11,198
99	0605864F	SPACE TEST PROGRAM (STP)	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	176,666	176,666
105	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	4,410	4,410

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106	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	14,613	14,613
107	0804731F	GENERAL SKILL TRAINING	1,404	1,404
109	1001004F	INTERNATIONAL ACTIVITIES	4,784	4,784
		SUBTOTAL MANAGEMENT SUPPORT	**1,245,577**	**1,245,577**
		OPERATIONAL SYSTEMS DEVELOPMENT		
110	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	393,268	393,268
111	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	15,427	15,427
112	0604445F	WIDE AREA SURVEILLANCE	46,695	46,695
115	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	10,368	10,368
116	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	31,952	31,952
117	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	42,960	42,960
118	0605278F	HC/MC–130 RECAP RDT&E	13,987	13,987
119	0101113F	B–52 SQUADRONS	78,267	78,267
120	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	453	453
121	0101126F	B–1B SQUADRONS	5,830	5,830
122	0101127F	B–2 SQUADRONS	152,458	152,458
123	0101213F	MINUTEMAN SQUADRONS	182,958	182,958
124	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	39,148	39,148
126	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	6,042	6,042
128	0102110F	UH–1N REPLACEMENT PROGRAM	14,116	14,116
129	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	10,868	10,868
130	0105921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES	8,674	8,674
131	0205219F	MQ–9 UAV	151,373	186,473
		Automatic Takeoff and Landing Control System		[35,100]
133	0207131F	A–10 SQUADRONS	14,853	14,853
134	0207133F	F–16 SQUADRONS	132,795	132,795
135	0207134F	F–15E SQUADRONS	356,717	356,717
136	0207136F	MANNED DESTRUCTIVE SUPPRESSION	14,773	14,773
137	0207138F	F–22A SQUADRONS	387,564	387,564
138	0207142F	F–35 SQUADRONS	153,045	153,045
139	0207161F	TACTICAL AIM MISSILES	52,898	52,898
140	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	62,470	62,470
143	0207227F	COMBAT RESCUE—PARARESCUE	362	362
144	0207247F	AF TENCAP	28,413	28,413
145	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	649	649
146	0207253F	COMPASS CALL	13,723	13,723
147	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	109,859	109,859
148	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	30,002	30,002
149	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	37,621	37,621
150	0207412F	CONTROL AND REPORTING CENTER (CRC)	13,292	13,292
151	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	86,644	86,644
152	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	2,442	2,442
154	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	10,911	10,911
155	0207444F	TACTICAL AIR CONTROL PARTY-MOD	11,843	11,843
156	0207448F	C2ISR TACTICAL DATA LINK	1,515	1,515
157	0207452F	DCAPES	14,979	14,979
158	0207590F	SEEK EAGLE	25,308	25,308
159	0207601F	USAF MODELING AND SIMULATION	16,666	16,666
160	0207605F	WARGAMING AND SIMULATION CENTERS	4,245	4,245
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	3,886	3,886
162	0208006F	MISSION PLANNING SYSTEMS	71,785	71,785
164	0208087F	AF OFFENSIVE CYBERSPACE OPERATIONS	25,025	25,025
165	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	29,439	29,439
168	0301017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	3,470	3,470
169	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES)	4,060	4,060
175	0301400F	SPACE SUPERIORITY INTELLIGENCE	13,880	13,880
176	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	30,948	30,948
177	0303001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	42,378	42,378
178	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	47,471	47,471
179	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	46,388	46,388
180	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	52	52
181	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE	2,099	2,099
184	0304260F	AIRBORNE SIGINT ENTERPRISE	90,762	90,762
187	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,354	4,354
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	15,624	15,624
189	0305111F	WEATHER SERVICE	19,974	19,974
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	9,770	9,770
191	0305116F	AERIAL TARGETS	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	3,070	3,070

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201	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	8,833	8,833
202	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	11,867	11,867
203	0305202F	DRAGON U–2	37,217	37,217
205	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	3,841	3,841
206	0305207F	MANNED RECONNAISSANCE SYSTEMS	20,975	20,975
207	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,902	18,902
208	0305220F	RQ–4 UAV	256,307	256,307
209	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	22,610	22,610
211	0305238F	NATO AGS	38,904	38,904
212	0305240F	SUPPORT TO DCGS ENTERPRISE	23,084	23,084
213	0305258F	ADVANCED EVALUATION PROGRAM	116,143	116,143
214	0305265F	GPS III SPACE SEGMENT	141,888	141,888
215	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	2,360	2,360
216	0305614F	JSPOC MISSION SYSTEM	72,889	72,889
217	0305881F	RAPID CYBER ACQUISITION	4,280	4,280
218	0305906F	NCMC—TW/AA SYSTEM	4,951	4,951
219	0305913F	NUDET DETECTION SYSTEM (SPACE)	21,093	21,093
220	0305940F	SPACE SITUATION AWARENESS OPERATIONS	35,002	35,002
222	0308699F	SHARED EARLY WARNING (SEW)	6,366	6,366
223	0401115F	C–130 AIRLIFT SQUADRON	15,599	15,599
224	0401119F	C–5 AIRLIFT SQUADRONS (IF)	66,146	66,146
225	0401130F	C–17 AIRCRAFT (IF)	12,430	12,430
226	0401132F	C–130J PROGRAM	16,776	16,776
227	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	5,166	5,166
229	0401314F	OPERATIONAL SUPPORT AIRLIFT	13,817	13,817
230	0401318F	CV–22	16,702	16,702
231	0408011F	SPECIAL TACTICS / COMBAT CONTROL	7,164	7,164
232	0702207F	DEPOT MAINTENANCE (NON-IF)	1,518	1,518
233	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	61,676	61,676
234	0708611F	SUPPORT SYSTEMS DEVELOPMENT	9,128	9,128
235	0804743F	OTHER FLIGHT TRAINING	1,653	1,653
236	0808716F	OTHER PERSONNEL ACTIVITIES	57	57
237	0901202F	JOINT PERSONNEL RECOVERY AGENCY	3,663	3,663
238	0901218F	CIVILIAN COMPENSATION PROGRAM	3,735	3,735
239	0901220F	PERSONNEL ADMINISTRATION	5,157	5,157
240	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,523	1,523
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	10,581	3,781
		Cost estimating unjustified requset		[–4,900]
		PBES unjustified request		[–1,900]
250	9999999999	CLASSIFIED PROGRAMS	13,091,557	13,091,557
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**17,457,056**	**17,485,356**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**28,112,251**	**27,643,651**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	35,436	35,436
2	0601101E	DEFENSE RESEARCH SCIENCES	362,297	362,297
3	0601110D8Z	BASIC RESEARCH INITIATIVES	36,654	36,654
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	57,791	57,791
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	69,345
6	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	23,572	23,572
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	44,800	44,800
		SUBTOTAL BASIC RESEARCH	**629,895**	**629,895**
		APPLIED RESEARCH		
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	17,745	17,745
9	0602115E	BIOMEDICAL TECHNOLOGY	115,213	115,213
10	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	30,000	30,000
11	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269
12	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES.	42,206	42,206
13	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	353,635	353,635
14	0602383E	BIOLOGICAL WARFARE DEFENSE	21,250	21,250
15	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	188,715	188,715
16	0602668D8Z	CYBER SECURITY RESEARCH	12,183	12,183
17	0602702E	TACTICAL TECHNOLOGY	313,843	313,843
18	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	220,456	220,456
19	0602716E	ELECTRONICS TECHNOLOGY	221,911	221,911
20	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	154,857	154,857
21	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	8,420	8,420
22	1160401BB	SOF TECHNOLOGY DEVELOPMENT	37,820	37,820
		SUBTOTAL APPLIED RESEARCH	**1,786,523**	**1,786,523**

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
		ADVANCED TECHNOLOGY DEVELOPMENT		
23	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,902	23,902
25	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	73,002	73,002
26	0603133D8Z	FOREIGN COMPARATIVE TESTING	19,343	19,343
27	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	266,444	266,444
28	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	17,880	17,880
30	0603178C	WEAPONS TECHNOLOGY	71,843	71,843
31	0603179C	ADVANCED C4ISR	3,626	3,626
32	0603180C	ADVANCED RESEARCH	23,433	23,433
33	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	17,256	17,256
35	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	83,745	83,745
36	0603286E	ADVANCED AEROSPACE SYSTEMS	182,327	182,327
37	0603287E	SPACE PROGRAMS AND TECHNOLOGY	175,240	175,240
38	0603288D8Z	ANALYTIC ASSESSMENTS	12,048	12,048
39	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	57,020	57,020
41	0603375D8Z	TECHNOLOGY INNOVATION	39,923	39,923
42	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	127,941	127,941
43	0603527D8Z	RETRACT LARCH	181,977	181,977
44	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	22,030	22,030
45	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	148,184	148,184
46	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	9,331	9,331
47	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	158,398	158,398
48	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	31,259	31,259
49	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	49,895	49,895
50	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	11,011	11,011
52	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,078	65,078
53	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	97,826	97,826
54	0603727D8Z	JOINT WARFIGHTING PROGRAM	7,848	7,848
55	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	49,807	49,807
56	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	155,081	155,081
57	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	428,894	428,894
58	0603767E	SENSOR TECHNOLOGY	241,288	241,288
60	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	14,264	14,264
61	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	74,943	74,943
63	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	17,659	17,659
64	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	87,135	87,135
65	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	37,329	41,329
		Competitive technology investment		[4,000]
66	0303310D8Z	CWMD SYSTEMS	44,836	44,836
67	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	61,620	61,620
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**3,190,666**	**3,194,666**
		ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES		
68	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498
69	0603600D8Z	WALKOFF	89,643	89,643
71	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES.	2,136	2,136
72	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,491	52,491
73	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	206,834	206,834
74	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	862,080	862,080
75	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	138,187	138,187
76	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	230,077	230,077
77	0603890C	BMD ENABLING PROGRAMS	401,594	401,594
78	0603891C	SPECIAL PROGRAMS—MDA	321,607	321,607
79	0603892C	AEGIS BMD	959,066	959,066
80	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	32,129	32,129
81	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	20,690	20,690
82	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	439,617	449,617
		Post Intercept Assessment Acceleration		[10,000]
83	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	47,776	47,776
84	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	54,750	54,750
85	0603906C	REGARDING TRENCH	8,785	8,785
86	0603907C	SEA BASED X-BAND RADAR (SBX)	68,787	68,787

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
87	0603913C	ISRAELI COOPERATIVE PROGRAMS	103,835	238,835
		Arrow (base program)		[50,000]
		Arrow–3		[25,000]
		David's Sling		[60,000]
88	0603914C	BALLISTIC MISSILE DEFENSE TEST	293,441	293,441
89	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	563,576	563,576
90	0603920D8Z	HUMANITARIAN DEMINING	10,007	10,007
91	0603923D8Z	COALITION WARFARE	10,126	11,126
		Long Endurance UAS		[1,000]
92	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,893	8,893
		Corrosion prevention		[5,000]
93	0604115C	TECHNOLOGY MATURATION INITIATIVES	90,266	90,266
94	0604132D8Z	MISSILE DEFEAT PROJECT	45,000	45,000
95	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	844,870	844,870
96	0604342D8Z	DEFENSE TECHNOLOGY OFFSET	0	25,000
		Directed energy systems prototyping		[25,000]
97	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	3,320	3,320
99	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	4,000	4,000
102	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	23,642	23,642
104	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	162,012	162,012
105	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	274,148	329,148
		GBI Booster Acceleration		[30,000]
		RKV Risk Reduction		[25,000]
106	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	63,444	63,444
107	0604878C	AEGIS BMD TEST	95,012	95,012
108	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	83,250	83,250
109	0604880C	LAND-BASED SM–3 (LBSM3)	43,293	43,293
110	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	106,038	106,038
111	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST	56,481	56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE	71,513	121,513
		Technology maturation		[50,000]
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	2,636	2,636
115	0305103C	CYBER SECURITY INITIATIVE	969	969
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.	**6,919,519**	**7,200,519**
		SYSTEM DEVELOPMENT AND DEMONSTRATION		
116	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	10,324	10,324
117	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	181,303	181,303
118	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	266,231	266,231
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	16,288	16,288
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	4,568	4,568
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,505	11,505
123	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	1,658	1,658
124	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	2,920	2,920
126	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	12,631	12,631
128	0605080S	DEFENSE AGENCY INTIATIVES (DAI)—FINANCIAL SYSTEM	26,657	26,657
129	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS)	4,949	4,949
130	0605140D8Z	TRUSTED FOUNDRY	69,000	69,000
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	9,881	9,881
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	7,600	7,600
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	2,703	2,703
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION.	**628,218**	**628,218**
		MANAGEMENT SUPPORT		
134	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	4,678	4,678
135	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,499	4,499
136	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	219,199	219,199
137	0604942D8Z	ASSESSMENTS AND EVALUATIONS	28,706	128,706
		Classified assessment		[100,000]
138	0605001E	MISSION SUPPORT	69,244	69,244
139	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	87,080	87,080
140	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	23,069	23,069
142	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	32,759	32,759
144	0605142D8Z	SYSTEMS ENGINEERING	32,429	32,429
145	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	3,797	3,797

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
146	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	5,302	5,302
147	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	7,246	7,246
148	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	1,874	1,874
149	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	85,754	85,754
158	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	2,187	2,187
159	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	22,650	22,650
160	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	43,834	43,834
161	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	22,240	22,240
162	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	19,541	24,541
		Program increase		[5,000]
163	0605898E	MANAGEMENT HQ—R&D	4,759	4,759
164	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	4,400	4,400
165	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,014	4,014
166	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,072	2,072
167	0204571J	JOINT STAFF ANALYTICAL SUPPORT	7,464	7,464
170	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	857	857
171	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	916	916
172	0305172K	COMBINED ADVANCED APPLICATIONS	15,336	15,336
173	0305193D8Z	CYBER INTELLIGENCE	18,523	18,523
175	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—MHA.	34,384	34,384
176	0901598C	MANAGEMENT HQ—MDA	31,160	31,160
179	0903235D8W	JOINT SERVICE PROVIDER (JSP)	827	827
180	9999999999	CLASSIFIED PROGRAMS	56,799	56,799
		SUBTOTAL MANAGEMENT SUPPORT	**897,599**	**1,002,599**
		OPERATIONAL SYSTEM DEVELOPMENT		
181	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	4,241	4,241
182	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	1,424	1,424
183	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	287	287
184	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT	16,195	16,195
185	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	4,194	4,194
186	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	7,861	7,861
187	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	33,361	33,361
189	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,038	3,038
190	0208045K	C4I INTEROPERABILITY	57,501	57,501
192	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	5,935	5,935
196	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	575	575
197	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	18,041	18,041
198	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,994	13,994
199	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,206	12,206
200	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	34,314	34,314
201	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	36,602	36,602
202	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	8,876	8,876
203	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	159,068	172,068
		Cross Domain Solutions		[5,000]
		Reduction to NSA Information Systems and Security Programs		[–8,000]
		Sharkseer		[16,000]
204	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	24,438	24,438
205	0303153K	DEFENSE SPECTRUM ORGANIZATION	13,197	13,197
207	0303228K	JOINT INFORMATION ENVIRONMENT (JIE)	2,789	2,789
209	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	75,000	75,000
210	0303610K	TELEPORT PROGRAM	657	657
215	0305103K	CYBER SECURITY INITIATIVE	1,553	1,553
220	0305186D8Z	POLICY R&D PROGRAMS	6,204	6,204
221	0305199D8Z	NET CENTRICITY	17,971	17,971
223	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	5,415	5,415
226	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,030	3,030
229	0305327V	INSIDER THREAT	5,034	5,034
230	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,037	2,037
236	0307577D8Z	INTELLIGENCE MISSION DATA (IMD)	13,800	13,800
238	0708012S	PACIFIC DISASTER CENTERS	1,754	1,754
239	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	2,154	2,154
240	0902298J	MANAGEMENT HQ—OJCS	826	826
241	1105219BB	MQ–9 UAV	17,804	29,804
		MQ–9 capability enhancements		[12,000]

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
244	1160403BB	AVIATION SYSTEMS	159,143	159,143
245	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	7,958	7,958
246	1160408BB	OPERATIONAL ENHANCEMENTS	64,895	64,895
247	1160431BB	WARRIOR SYSTEMS	44,885	44,885
248	1160432BB	SPECIAL PROGRAMS	1,949	1,949
249	1160434BB	UNMANNED ISR	22,117	22,117
250	1160480BB	SOF TACTICAL VEHICLES	3,316	3,316
251	1160483BB	MARITIME SYSTEMS	54,577	54,577
252	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	3,841	3,841
253	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,834	11,834
254	9999999999	CLASSIFIED PROGRAMS	3,270,515	3,270,515
255	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	0	16,300
		Sharkseer email protection		[16,300]
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**4,256,406**	**4,297,706**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**18,308,826**	**18,740,126**
		OPERATIONAL TEST & EVAL, DEFENSE		
		MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	78,047	78,047
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	48,316	48,316
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	52,631	52,631
		SUBTOTAL MANAGEMENT SUPPORT	**178,994**	**178,994**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**178,994**	**178,994**
		UNDISTRIBUTED		
		UNDISTRIBUTED		
99	999999	UNDISTRIBUTED	0	4,000
		Cyber pilot program for installations		[4,000]
		SUBTOTAL UNDISTRIBUTED	**0**	**4,000**
		TOTAL UNDISTRIBUTED	**0**	**4,000**
		TOTAL RDT&E	**71,391,771**	**71,227,192**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,375	9,375
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**9,375**	**9,375**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
90	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	33	33
117	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	10,900	10,900
122	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	73,110	73,110
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**84,043**	**84,043**
		OPERATIONAL SYSTEMS DEVELOPMENT		
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE	7,104	7,104
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**7,104**	**7,104**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**100,522**	**100,522**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
38	0603527N	RETRACT LARCH	3,907	3,907
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	37,990	37,990
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**41,897**	**41,897**
		OPERATIONAL SYSTEMS DEVELOPMENT		
80	9999999999	CLASSIFIED PROGRAMS	36,426	36,426
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**36,426**	**36,426**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**78,323**	**78,323**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		SYSTEM DEVELOPMENT & DEMONSTRATION		
58	0604421F	COUNTERSPACE SYSTEMS	425	425
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**425**	**425**
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	4,715	4,715
220	9999999999	CLASSIFIED PROGRAMS	27,765	27,765
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**32,480**	**32,480**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**32,905**	**32,905**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		OPERATIONAL SYSTEM DEVELOPMENT		
250	9999999999	CLASSIFIED PROGRAMS	162,419	162,419
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	**162,419**	**162,419**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**162,419**	**162,419**
		TOTAL RDT&E	**374,169**	**374,169**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

(a) OPERATION AND MAINTENANCE.—

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	791,450	841,450
	Home station training unfunded requirement		[50,000]
020	MODULAR SUPPORT BRIGADES	68,373	68,373
030	ECHELONS ABOVE BRIGADE	438,823	438,823
040	THEATER LEVEL ASSETS	660,258	660,258
050	LAND FORCES OPERATIONS SUPPORT	863,928	863,928
060	AVIATION ASSETS	1,360,597	1,428,597
	Flying hour program unfunded requirement		[68,000]
070	FORCE READINESS OPERATIONS SUPPORT	3,086,443	3,086,443

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
080	LAND FORCES SYSTEMS READINESS	439,488	439,488
090	LAND FORCES DEPOT MAINTENANCE	1,013,452	1,032,852
	Depot maintenance unfunded requirement		[19,400]
100	BASE OPERATIONS SUPPORT	7,816,343	7,816,343
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	2,234,546	2,588,946
	FSRM unfunded requirement		[354,400]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	452,105	452,105
130	COMBATANT COMMANDERS CORE OPERATIONS	155,658	155,658
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	441,143	447,843
	SOUTHCOM LIDAR unfunded requirement		[6,700]
	SUBTOTAL OPERATING FORCES	**19,822,607**	**20,321,107**
	MOBILIZATION		
180	STRATEGIC MOBILITY	336,329	361,329
	Army prepositioned stock unfunded requirement		[25,000]
190	ARMY PREPOSITIONED STOCKS	390,848	390,848
200	INDUSTRIAL PREPAREDNESS	7,401	7,401
	SUBTOTAL MOBILIZATION	**734,578**	**759,578**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	131,942	131,942
220	RECRUIT TRAINING	47,846	47,846
230	ONE STATION UNIT TRAINING	45,419	45,419
240	SENIOR RESERVE OFFICERS TRAINING CORPS	482,747	482,747
250	SPECIALIZED SKILL TRAINING	921,025	921,025
260	FLIGHT TRAINING	902,845	939,445
	Graduate pilot training unfunded requirement		[5,400]
	School Air OPTEMPO unfunded requirement		[31,200]
270	PROFESSIONAL DEVELOPMENT EDUCATION	216,583	216,583
280	TRAINING SUPPORT	607,534	607,534
290	RECRUITING AND ADVERTISING	550,599	515,599
	Advertising reduction		[–35,000]
300	EXAMINING	187,263	187,263
310	OFF-DUTY AND VOLUNTARY EDUCATION	189,556	189,556
320	CIVILIAN EDUCATION AND TRAINING	182,835	182,835
330	JUNIOR RESERVE OFFICER TRAINING CORPS	171,167	171,167
	SUBTOTAL TRAINING AND RECRUITING	**4,637,361**	**4,638,961**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	230,739	230,739
360	CENTRAL SUPPLY ACTIVITIES	850,060	850,060
370	LOGISTIC SUPPORT ACTIVITIES	778,757	782,757
	Corrosion oil assistance unfunded requirement		[4,000]
380	AMMUNITION MANAGEMENT	370,010	370,010
390	ADMINISTRATION	451,556	451,556
400	SERVICEWIDE COMMUNICATIONS	1,888,123	1,888,123
410	MANPOWER MANAGEMENT	276,403	276,403
420	OTHER PERSONNEL SUPPORT	369,443	369,443
430	OTHER SERVICE SUPPORT	1,096,074	1,066,574
	Army museum early to need		[–29,500]
440	ARMY CLAIMS ACTIVITIES	207,800	207,800
450	REAL ESTATE MANAGEMENT	240,641	240,641
460	FINANCIAL MANAGEMENT AND AUDIT READINESS	250,612	250,612
470	INTERNATIONAL MILITARY HEADQUARTERS	416,587	416,587
480	MISC. SUPPORT OF OTHER NATIONS	36,666	36,666
500	CLASSIFIED PROGRAMS	1,151,023	1,157,023
	SOUTHCOM unfunded requirement		[6,000]
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**8,614,494**	**8,594,994**
	UNDISTRIBUTED		
901	UNDISTRIBUTED ARMY PRINTING	0	–34,300
	15% printing reduction		[–34,300]
906	UNDISTRIBUTED DCGS-A	0	–63,000
	DCGS-A undistributed reduction		[–63,000]
907	UNDISTRIBUTED FOREIGN CURRENCY	0	–59,180
	Foreign currency gains		[–59,180]
912	UNDISTRIBUTED FUEL	0	–123,300
	Fuel cost savings		[–123,300]
	SUBTOTAL UNDISTRIBUTED	**0**	**–279,780**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	TOTAL OPERATION & MAINTENANCE, ARMY	**33,809,040**	**34,034,860**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	11,435	11,435
020	ECHELONS ABOVE BRIGADE	491,772	537,772
	Home station training unfunded requirement		[20,000]
	Lodging in kind unfunded requirement		[26,000]
030	THEATER LEVEL ASSETS	116,163	116,163
040	LAND FORCES OPERATIONS SUPPORT	563,524	563,524
050	AVIATION ASSETS	91,162	91,162
060	FORCE READINESS OPERATIONS SUPPORT	347,459	347,759
	Range increase unfunded requirement		[300]
070	LAND FORCES SYSTEMS READINESS	101,926	101,926
080	LAND FORCES DEPOT MAINTENANCE	56,219	56,219
090	BASE OPERATIONS SUPPORT	573,843	573,843
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	214,955	236,455
	FSRM unfunded requirement		[21,500]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	37,620	37,620
	SUBTOTAL OPERATING FORCES	**2,606,078**	**2,673,878**
	ADMIN & SRVWD ACTIVITIES		
120	SERVICEWIDE TRANSPORTATION	11,027	11,027
130	ADMINISTRATION	16,749	16,749
140	SERVICEWIDE COMMUNICATIONS	17,825	17,825
150	MANPOWER MANAGEMENT	6,177	6,177
160	RECRUITING AND ADVERTISING	54,475	54,475
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**106,253**	**106,253**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**2,712,331**	**2,780,131**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	708,251	778,251
	Home station training unfunded requirement		[70,000]
020	MODULAR SUPPORT BRIGADES	197,251	197,251
030	ECHELONS ABOVE BRIGADE	792,271	792,271
040	THEATER LEVEL ASSETS	80,341	80,341
050	LAND FORCES OPERATIONS SUPPORT	37,138	39,538
	Range increase unfunded requirement		[2,400]
060	AVIATION ASSETS	887,625	887,625
070	FORCE READINESS OPERATIONS SUPPORT	696,267	696,267
080	LAND FORCES SYSTEMS READINESS	61,240	61,240
090	LAND FORCES DEPOT MAINTENANCE	219,948	274,548
	Depot maintenance unfunded requirement		[42,300]
	TWV depot maintenance unfunded requirement		[12,300]
100	BASE OPERATIONS SUPPORT	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	676,715	708,815
	FSRM unfunded requirement		[32,100]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,021,144	1,021,144
	SUBTOTAL OPERATING FORCES	**6,418,203**	**6,577,303**
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	6,396	6,396
140	ADMINISTRATION	68,528	68,528
150	SERVICEWIDE COMMUNICATIONS	76,524	76,524
160	MANPOWER MANAGEMENT	7,712	7,712
170	OTHER PERSONNEL SUPPORT	245,046	249,546
	Director of Psychological Health (DPH) Positions		[9,500]
	Program decrease		[–5,000]
180	REAL ESTATE MANAGEMENT	2,961	2,961
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**407,167**	**411,667**
	TOTAL OPERATION & MAINTENANCE, ARNG	**6,825,370**	**6,988,970**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
010	MISSION AND OTHER FLIGHT OPERATIONS	4,094,765	4,094,765
020	FLEET AIR TRAINING	1,722,473	1,722,473
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,670	52,670
040	AIR OPERATIONS AND SAFETY SUPPORT	97,584	97,584
050	AIR SYSTEMS SUPPORT	446,733	446,733
060	AIRCRAFT DEPOT MAINTENANCE	1,007,681	1,041,681
	AC Depot maintenance unfunded requirement		[34,000]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	38,248	38,248
080	AVIATION LOGISTICS	564,720	586,120
	E–6B and F–35 sustainment unfunded requirement		[16,000]
	MV–22 JPBL unfunded requirement		[5,400]
090	MISSION AND OTHER SHIP OPERATIONS	3,513,083	3,513,083
100	SHIP OPERATIONS SUPPORT & TRAINING	743,765	743,765
110	SHIP DEPOT MAINTENANCE	5,168,273	5,168,273
120	SHIP DEPOT OPERATIONS SUPPORT	1,575,578	1,575,578
130	COMBAT COMMUNICATIONS	558,727	558,727
140	ELECTRONIC WARFARE	105,680	105,680
150	SPACE SYSTEMS AND SURVEILLANCE	180,406	180,406
160	WARFARE TACTICS	470,032	470,032
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	346,703	346,703
180	COMBAT SUPPORT FORCES	1,158,688	1,158,688
190	EQUIPMENT MAINTENANCE	113,692	113,692
200	DEPOT OPERATIONS SUPPORT	2,509	2,509
210	COMBATANT COMMANDERS CORE OPERATIONS	91,019	91,019
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	74,780	74,780
230	CRUISE MISSILE	106,030	106,030
240	FLEET BALLISTIC MISSILE	1,233,805	1,233,805
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	163,025	163,025
260	WEAPONS MAINTENANCE	553,269	553,269
270	OTHER WEAPON SYSTEMS SUPPORT	350,010	350,010
280	ENTERPRISE INFORMATION	790,685	736,385
	Underexecution		[–54,300]
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,642,742	1,803,642
	FSRM unfunded requirement		[160,900]
300	BASE OPERATING SUPPORT	4,206,136	4,206,136
	SUBTOTAL OPERATING FORCES	**31,173,511**	**31,335,511**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	893,517	893,517
320	READY RESERVE FORCE	274,524	274,524
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,727	6,727
340	SHIP ACTIVATIONS/INACTIVATIONS	288,154	288,154
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	95,720	95,720
360	INDUSTRIAL READINESS	2,109	2,109
370	COAST GUARD SUPPORT	21,114	21,114
	SUBTOTAL MOBILIZATION	**1,581,865**	**1,581,865**
	TRAINING AND RECRUITING		
380	OFFICER ACQUISITION	143,815	143,815
390	RECRUIT TRAINING	8,519	8,519
400	RESERVE OFFICERS TRAINING CORPS	143,445	143,445
410	SPECIALIZED SKILL TRAINING	699,214	699,214
420	FLIGHT TRAINING	5,310	5,310
430	PROFESSIONAL DEVELOPMENT EDUCATION	172,852	172,852
440	TRAINING SUPPORT	222,728	222,728
450	RECRUITING AND ADVERTISING	225,647	225,647
460	OFF-DUTY AND VOLUNTARY EDUCATION	130,569	130,569
470	CIVILIAN EDUCATION AND TRAINING	73,730	73,730
480	JUNIOR ROTC	50,400	50,400
	SUBTOTAL TRAINING AND RECRUITING	**1,876,229**	**1,876,229**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	917,453	917,453
500	EXTERNAL RELATIONS	14,570	14,570
510	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	124,070	124,070
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	369,767	369,767
530	OTHER PERSONNEL SUPPORT	285,927	281,927
	NHHC unjustified growth		[–4,000]
540	SERVICEWIDE COMMUNICATIONS	319,908	319,908
570	SERVICEWIDE TRANSPORTATION	171,659	171,659

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
580	ENVIRONMENTAL PROGRAMS	0	18,000
	Environmental program shortfall unfunded requirement		[18,000]
590	PLANNING, ENGINEERING AND DESIGN	270,863	270,863
600	ACQUISITION AND PROGRAM MANAGEMENT	1,112,766	1,112,766
610	HULL, MECHANICAL AND ELECTRICAL SUPPORT	49,078	49,078
620	COMBAT/WEAPONS SYSTEMS	24,989	24,989
630	SPACE AND ELECTRONIC WARFARE SYSTEMS	72,966	72,966
640	NAVAL INVESTIGATIVE SERVICE	595,711	595,711
700	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,809	4,809
800	CLASSIFIED PROGRAMS	517,440	517,440
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,851,976**	**4,865,976**
	UNDISTRIBUTED		
902	UNDISTRIBUTED NAVY PRINTING	0	–7,300
	15% printing reduction		[–7,300]
908	UNDISTRIBUTED FOREIGN CURRENCY	0	–14,610
	Foreign currency gains		[–14,610]
913	UNDISTRIBUTED FUEL	0	–238,380
	Fuel cost savings		[–238,380]
	SUBTOTAL UNDISTRIBUTED	**0**	**–260,290**
	TOTAL OPERATION & MAINTENANCE, NAVY	**39,483,581**	**39,399,291**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	674,613	738,313
	Enterprise network defense unfunded requirement		[5,700]
	Exercise program unfunded requirement		[58,000]
020	FIELD LOGISTICS	947,424	975,524
	Combat optics mods unfunded requirement		[13,300]
	Critical/ no fail EOD unfunded requirement		[600]
	Nano/VTOL unfunded requirement		[14,200]
030	DEPOT MAINTENANCE	206,783	214,583
	Depot maintenance unfunded requirement		[7,800]
040	MARITIME PREPOSITIONING	85,276	85,276
050	SUSTAINMENT, RESTORATION & MODERNIZATION	632,673	711,173
	Facility demolition unfunded requirement		[39,200]
	FSRM unfunded requirement		[39,300]
060	BASE OPERATING SUPPORT	2,136,626	2,136,626
	SUBTOTAL OPERATING FORCES	**4,683,395**	**4,861,495**
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	15,946	15,946
080	OFFICER ACQUISITION	935	935
090	SPECIALIZED SKILL TRAINING	99,305	99,305
100	PROFESSIONAL DEVELOPMENT EDUCATION	45,495	45,495
110	TRAINING SUPPORT	369,979	369,979
120	RECRUITING AND ADVERTISING	165,566	165,566
130	OFF-DUTY AND VOLUNTARY EDUCATION	35,133	35,133
140	JUNIOR ROTC	23,622	23,622
	SUBTOTAL TRAINING AND RECRUITING	**755,981**	**755,981**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	34,534	34,534
160	ADMINISTRATION	355,932	355,932
180	ACQUISITION AND PROGRAM MANAGEMENT	76,896	76,896
200	CLASSIFIED PROGRAMS	47,520	47,520
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**514,882**	**514,882**
	UNDISTRIBUTED		
903	UNDISTRIBUTED MARINE CORPS PRINTING	0	–14,300
	15% printing reduction		[–14,300]
909	UNDISTRIBUTED FOREIGN CURRENCY	0	–2,870
	Foreign currency gains		[–2,870]
914	UNDISTRIBUTED FUEL	0	–24,660
	Fuel cost savings		[–24,660]
	SUBTOTAL UNDISTRIBUTED	**0**	**–41,830**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,954,258**	**6,090,528**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	526,190	526,190
020	INTERMEDIATE MAINTENANCE	6,714	6,714
030	AIRCRAFT DEPOT MAINTENANCE	86,209	86,209
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	389	389
050	AVIATION LOGISTICS	10,189	10,189
070	SHIP OPERATIONS SUPPORT & TRAINING	560	560
090	COMBAT COMMUNICATIONS	13,173	13,173
100	COMBAT SUPPORT FORCES	109,053	109,053
120	ENTERPRISE INFORMATION	27,226	27,226
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,571	33,371
	FSRM unfunded requirement		[5,800]
140	BASE OPERATING SUPPORT	99,166	99,166
	SUBTOTAL OPERATING FORCES	**906,440**	**912,240**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	1,351	1,351
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,251	13,251
170	SERVICEWIDE COMMUNICATIONS	3,445	3,445
180	ACQUISITION AND PROGRAM MANAGEMENT	3,169	3,169
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**21,216**	**21,216**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**927,656**	**933,456**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	94,154	94,154
020	DEPOT MAINTENANCE	18,594	18,594
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,470	30,970
	FSRM unfunded requirement		[5,500]
040	BASE OPERATING SUPPORT	111,550	111,550
	SUBTOTAL OPERATING FORCES	**249,768**	**255,268**
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	902	902
060	ADMINISTRATION	11,130	11,130
070	RECRUITING AND ADVERTISING	8,833	8,833
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**20,865**	**20,865**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**270,633**	**276,133**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	3,294,124	3,294,124
020	COMBAT ENHANCEMENT FORCES	1,682,045	1,684,845
	HH–60 unfunded requirement		[2,800]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,730,757	1,730,757
040	DEPOT MAINTENANCE	7,042,988	7,193,388
	Weapon system sustainment unfunded requirement		[150,400]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,657,019	1,657,019
060	BASE SUPPORT	2,787,216	2,787,216
070	GLOBAL C3I AND EARLY WARNING	887,831	887,831
080	OTHER COMBAT OPS SPT PROGRAMS	1,070,178	1,070,178
100	LAUNCH FACILITIES	208,582	208,582
110	SPACE CONTROL SYSTEMS	362,250	362,250
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	907,245	907,245
130	COMBATANT COMMANDERS CORE OPERATIONS	199,171	199,171
131	CLASSIFIED PROGRAMS	930,757	930,757
	SUBTOTAL OPERATING FORCES	**22,760,163**	**22,913,363**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	1,703,059	1,703,059
150	MOBILIZATION PREPAREDNESS	138,899	138,899
160	DEPOT MAINTENANCE	1,553,439	1,619,839
	Weapon system sustainment unfunded requirement		[66,400]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
170	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	258,328	258,328
180	BASE SUPPORT	722,756	722,756
	SUBTOTAL MOBILIZATION	**4,376,481**	**4,442,881**
	TRAINING AND RECRUITING		
190	OFFICER ACQUISITION	120,886	120,886
200	RECRUIT TRAINING	23,782	23,782
210	RESERVE OFFICERS TRAINING CORPS (ROTC)	77,692	77,692
220	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	236,254	393,954
	FSRM unfunded requirement		[157,700]
230	BASE SUPPORT	819,915	819,915
240	SPECIALIZED SKILL TRAINING	387,446	387,446
250	FLIGHT TRAINING	725,134	725,134
260	PROFESSIONAL DEVELOPMENT EDUCATION	264,213	264,213
270	TRAINING SUPPORT	86,681	86,681
280	DEPOT MAINTENANCE	305,004	305,004
290	RECRUITING AND ADVERTISING	104,754	77,754
	Advertising unjustified growth		[–27,000]
300	EXAMINING	3,944	3,944
310	OFF-DUTY AND VOLUNTARY EDUCATION	184,841	184,841
320	CIVILIAN EDUCATION AND TRAINING	173,583	173,583
330	JUNIOR ROTC	58,877	58,877
	SUBTOTAL TRAINING AND RECRUITING	**3,573,006**	**3,703,706**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	1,107,846	1,107,846
350	TECHNICAL SUPPORT ACTIVITIES	924,185	924,185
360	DEPOT MAINTENANCE	48,778	48,778
370	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	321,013	321,013
380	BASE SUPPORT	1,115,910	1,115,910
390	ADMINISTRATION	811,650	811,650
400	SERVICEWIDE COMMUNICATIONS	269,809	269,809
410	OTHER SERVICEWIDE ACTIVITIES	961,304	961,304
420	CIVIL AIR PATROL	25,735	25,735
450	INTERNATIONAL SUPPORT	90,573	90,573
460	CLASSIFIED PROGRAMS	1,131,603	1,131,603
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**6,808,406**	**6,808,406**
	UNDISTRIBUTED		
904	UNDISTRIBUTED AIR FORCE PRINTING	0	–8,900
	15% printing reduction		[–8,900]
910	UNDISTRIBUTED FOREIGN CURRENCY	0	–33,450
	Foreign currency gains		[–33,450]
915	UNDISTRIBUTED FUEL	0	–394,560
	Fuel cost savings		[–394,560]
	SUBTOTAL UNDISTRIBUTED	**0**	**–436,910**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**37,518,056**	**37,431,446**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,707,882	1,707,882
020	MISSION SUPPORT OPERATIONS	230,016	259,016
	Lodging in kind unfunded requirement		[29,000]
030	DEPOT MAINTENANCE	541,743	541,743
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	113,470	125,170
	FSRM unfunded requirement		[11,700]
050	BASE SUPPORT	384,832	384,832
	SUBTOTAL OPERATING FORCES	**2,977,943**	**3,018,643**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	54,939	54,939
070	RECRUITING AND ADVERTISING	14,754	14,754
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	12,707	12,707
090	OTHER PERS SUPPORT (DISABILITY COMP)	7,210	7,210

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
100	AUDIOVISUAL	376	376
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**89,986**	**89,986**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,067,929**	**3,108,629**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,282,238	3,282,238
020	MISSION SUPPORT OPERATIONS	723,062	723,062
030	DEPOT MAINTENANCE	1,824,329	1,867,529
	Weapon system sustainment engines unfunded requirement		[3,200]
	Weapon system sustainment unfunded requirement		[40,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	245,840	259,840
	FSRM unfunded requirement		[14,000]
050	BASE SUPPORT	575,548	575,548
	SUBTOTAL OPERATING FORCES	**6,651,017**	**6,708,217**
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
060	ADMINISTRATION	23,715	23,715
070	RECRUITING AND ADVERTISING	28,846	28,846
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	**52,561**	**52,561**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,703,578**	**6,760,778**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	506,113	506,113
020	OFFICE OF THE SECRETARY OF DEFENSE	524,439	524,439
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	4,898,159	4,852,859
	Unjustified growth in total civilian compensation		[–45,300]
	SUBTOTAL OPERATING FORCES	**5,928,711**	**5,883,411**
	TRAINING AND RECRUITING		
040	DEFENSE ACQUISITION UNIVERSITY	138,658	138,658
050	JOINT CHIEFS OF STAFF	85,701	95,701
	Model alternative design of reconnaissance strike group		[10,000]
070	SPECIAL OPERATIONS COMMAND/TRAINING AND RECRUITING	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	**589,708**	**599,708**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
080	CIVIL MILITARY PROGRAMS	160,480	185,480
	Starbase		[25,000]
100	DEFENSE CONTRACT AUDIT AGENCY	630,925	630,925
110	DEFENSE CONTRACT MANAGEMENT AGENCY	1,356,380	1,356,380
120	DEFENSE HUMAN RESOURCES ACTIVITY	683,620	683,620
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,439,891	1,439,891
150	DEFENSE LEGAL SERVICES AGENCY	24,984	24,984
160	DEFENSE LOGISTICS AGENCY	357,964	352,164
	Price Comparability Office unjustified growth		[–5,800]
170	DEFENSE MEDIA ACTIVITY	223,422	223,422
180	DEFENSE PERSONNEL ACCOUNTING AGENCY	112,681	112,681
190	DEFENSE SECURITY COOPERATION AGENCY	496,754	81,954
	Transfer Combatting Terrorism Fellowship to to Security Cooperation Enhancement Fund		[–26,800]
	Transfer Defense Institute of International Legal Studies to Security Cooperation Enhancement Fund		[–2,600]
	Transfer Defense Institution Reform Initiative to to Security Cooperation Enhancement Fund		[–25,600]
	Transfer Global Train and Equip to Security Cooperation Enhancement Fund		[–270,200]
	Transfer Ministry of Defense Advisors to to Security Cooperation Enhancement Fund		[–9,200]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	Transfer Regional Centers to Security Cooperation Enhancement Fund		[–58,600]
	Transfer Wales initaitive Fund/Partnership for Peace to Security Cooperation Enhancement Fund		[–21,800]
200	DEFENSE SECURITY SERVICE	538,711	538,711
230	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,417	35,417
240	DEFENSE THREAT REDUCTION AGENCY	448,146	448,146
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,671,143	2,701,143
	Impact Aid		[25,000]
	Impact Aid severe disabilities		[5,000]
270	MISSILE DEFENSE AGENCY	446,975	446,975
290	OFFICE OF ECONOMIC ADJUSTMENT	155,399	123,199
	Guam public health lab		[–32,200]
300	OFFICE OF THE SECRETARY OF DEFENSE	1,481,643	1,502,643
	Cuts for BRAC planning		[–4,000]
	DOD rewards early to need		[–5,000]
	Secretary of Defense Delivery Unit		[30,000]
310	SPECIAL OPERATIONS COMMAND/ADMIN & SVC-WIDE ACTIVITIES	89,429	89,429
320	WASHINGTON HEADQUARTERS SERVICES	629,874	629,874
330	CLASSIFIED PROGRAMS	14,069,333	14,054,033
	Reduction to NSA Information Systems and Security Program (4GT4)		[–27,000]
	Sharkseer email protection		[11,700]
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**26,053,171**	**25,661,071**
	UNDISTRIBUTED		
905	UNDISTRIBUTED TO DEFENSE-WIDE	0	–1,400
	15% printing reduction		[–1,400]
911	UNDISTRIBUTED FOREIGN CURRENCY	0	–10,580
	Foreign currency gains		[–10,580]
916	UNDISTRIBUTED FUEL	0	–41,100
	Fuel cost savings		[–41,100]
	SUBTOTAL UNDISTRIBUTED	**0**	**–53,080**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**32,571,590**	**32,091,110**
	MISCELLANEOUS APPROPRIATIONS		
	US COURT OF APPEALS FOR ARMED FORCES, DEF		
4GTT	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	14,194	14,194
	SUBTOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	**14,194**	**14,194**
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
4GTD	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	105,125	105,125
	SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	**105,125**	**105,125**
	COOPERATIVE THREAT REDUCTION ACCOUNT		
1PL3	FORMER SOVIET UNION (FSU) THREAT REDUCTION	325,604	325,604
	SUBTOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	**325,604**	**325,604**
	ENVIRONMENTAL RESTORATION, ARMY		
493	ENVIRONMENTAL RESTORATION, ARMY	170,167	170,167
	SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY	**170,167**	**170,167**
	ENVIRONMENTAL RESTORATION, NAVY		
044G	ENVIRONMENTAL RESTORATION, NAVY	281,762	281,762
	SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY	**281,762**	**281,762**
	ENVIRONMENTAL RESTORATION, AIR FORCE		
042G	ENVIRONMENTAL RESTORATION, AIR FORCE	371,521	371,521

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
	SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	**371,521**	**371,521**
	ENVIRONMENTAL RESTORATION, DEFENSE		
045G	ENVIRONMENTAL RESTORATION, DEFENSE	9,009	9,009
	SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE	**9,009**	**9,009**
	ENVIRONMENTAL RESTORATION FORMERLY USED SITES		
047G	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	197,084	197,084
	SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES	**197,084**	**197,084**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**1,474,466**	**1,474,466**
	UNDISTRIBUTED		
	UNDISTRIBUTED		
999	UNDISTRIBUTED	0	20,000
	Commission on Military, National, and Public Service		[15,000]
	Temporary Duty Assignment Per Diem Rate Waiver		[5,000]
	SUBTOTAL UNDISTRIBUTED	**0**	**20,000**
	TOTAL UNDISTRIBUTED	**0**	**20,000**
	TOTAL OPERATION & MAINTENANCE	**171,318,488**	**171,389,798**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) OPERATION AND MAINTENANCE.—

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	723,945	723,945
020	MODULAR SUPPORT BRIGADES	5,904	5,904
030	ECHELONS ABOVE BRIGADE	38,614	38,614
040	THEATER LEVEL ASSETS	1,651,817	1,651,817
050	LAND FORCES OPERATIONS SUPPORT	835,138	835,138
060	AVIATION ASSETS	165,044	165,044
070	FORCE READINESS OPERATIONS SUPPORT	1,756,378	1,756,378
080	LAND FORCES SYSTEMS READINESS	348,174	348,174
090	LAND FORCES DEPOT MAINTENANCE	350,000	350,000
100	BASE OPERATIONS SUPPORT	40,000	40,000
140	ADDITIONAL ACTIVITIES	5,990,878	5,990,878
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	5,000	5,000
160	RESET	1,092,542	1,092,542
170	COMBATANT COMMANDS DIRECT MISSION SUPPORT	79,568	79,568
	SUBTOTAL OPERATING FORCES	**13,083,002**	**13,083,002**
	MOBILIZATION		
190	ARMY PREPOSITIONED STOCKS	350,200	350,200
	SUBTOTAL MOBILIZATION	**350,200**	**350,200**
	TRAINING AND RECRUITING		
250	SPECIALIZED SKILL TRAINING	3,565	3,565
270	PROFESSIONAL DEVELOPMENT EDUCATION	9,021	9,021
280	TRAINING SUPPORT	2,434	2,434
320	CIVILIAN EDUCATION AND TRAINING	1,254	1,254
	SUBTOTAL TRAINING AND RECRUITING	**16,274**	**16,274**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	740,400	740,400
380	AMMUNITION MANAGEMENT	13,974	13,974
420	OTHER PERSONNEL SUPPORT	105,508	105,508
450	REAL ESTATE MANAGEMENT	165,678	165,678
460	CLASSIFIED PROGRAMS	835,551	835,551
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**1,861,111**	**1,861,111**
	TOTAL OPERATION & MAINTENANCE, ARMY	**15,310,587**	**15,310,587**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	708	708
020	ECHELONS ABOVE BRIGADE	14,822	14,822
030	THEATER LEVEL ASSETS	375	375
040	LAND FORCES OPERATIONS SUPPORT	2,088	2,088
050	AVIATION ASSETS	608	608
060	FORCE READINESS OPERATIONS SUPPORT	5,425	5,425
090	BASE OPERATIONS SUPPORT	14,653	14,653
	SUBTOTAL OPERATING FORCES	**38,679**	**38,679**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**38,679**	**38,679**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	16,149	16,149
020	MODULAR SUPPORT BRIGADES	748	748
030	ECHELONS ABOVE BRIGADE	34,707	34,707
040	THEATER LEVEL ASSETS	10,472	10,472
060	AVIATION ASSETS	32,804	32,804
070	FORCE READINESS OPERATIONS SUPPORT	12,435	12,435
100	BASE OPERATIONS SUPPORT	18,800	18,800
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	920	920
	SUBTOTAL OPERATING FORCES	**127,035**	**127,035**
	TOTAL OPERATION & MAINTENANCE, ARNG	**127,035**	**127,035**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,173,341	2,173,341
020	INFRASTRUCTURE	48,262	48,262
030	EQUIPMENT AND TRANSPORTATION	76,216	76,216
040	TRAINING AND OPERATIONS	220,139	220,139
	SUBTOTAL MINISTRY OF DEFENSE	**2,517,958**	**2,517,958**
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	860,441	860,441
060	INFRASTRUCTURE	20,837	20,837
070	EQUIPMENT AND TRANSPORTATION	8,153	8,153
080	TRAINING AND OPERATIONS	41,326	41,326
	SUBTOTAL MINISTRY OF INTERIOR	**930,757**	**930,757**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**3,448,715**	**3,448,715**
	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND		
	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND		
010	COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	630,000	1,260,000
	Transfer from Coalition Support Fund		[180,000]
	Transfer from Counterterrorism Partnership Fund		[200,000]
	Transfer from Syria Train and Equip		[250,000]
	SUBTOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	**630,000**	**1,260,000**
	TOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND	**630,000**	**1,260,000**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	SYRIA TRAIN AND EQUIP FUND		
	SYRIA TRAIN AND EQUIP FUND		
010	SYRIA TRAIN AND EQUIP FUND	250,000	0
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–250,000]
	SUBTOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**
	TOTAL SYRIA TRAIN AND EQUIP FUND	**250,000**	**0**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	860,621	860,621
040	AIR OPERATIONS AND SAFETY SUPPORT	4,603	4,603
050	AIR SYSTEMS SUPPORT	159,049	159,049
060	AIRCRAFT DEPOT MAINTENANCE	113,994	113,994
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	1,840	1,840
080	AVIATION LOGISTICS	35,529	35,529
090	MISSION AND OTHER SHIP OPERATIONS	1,073,080	1,073,080
100	SHIP OPERATIONS SUPPORT & TRAINING	17,306	17,306
110	SHIP DEPOT MAINTENANCE	2,903,431	2,903,431
130	COMBAT COMMUNICATIONS	21,257	21,257
160	WARFARE TACTICS	22,603	22,603
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	22,934	22,934
180	COMBAT SUPPORT FORCES	568,511	568,511
190	EQUIPMENT MAINTENANCE	11,358	11,358
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	61,000	61,000
260	WEAPONS MAINTENANCE	289,045	289,045
270	OTHER WEAPON SYSTEMS SUPPORT	8,000	8,000
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	27,089	27,089
300	BASE OPERATING SUPPORT	219,525	219,525
	SUBTOTAL OPERATING FORCES	**6,420,775**	**6,420,775**
	MOBILIZATION		
330	AIRCRAFT ACTIVATIONS/INACTIVATIONS	1,530	1,530
350	EXPEDITIONARY HEALTH SERVICES SYSTEMS	8,904	8,904
370	COAST GUARD SUPPORT	162,692	162,692
	SUBTOTAL MOBILIZATION	**173,126**	**173,126**
	TRAINING AND RECRUITING		
410	SPECIALIZED SKILL TRAINING	43,365	43,365
	SUBTOTAL TRAINING AND RECRUITING	**43,365**	**43,365**
	ADMIN & SRVWD ACTIVITIES		
490	ADMINISTRATION	3,764	3,764
500	EXTERNAL RELATIONS	515	515
520	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	5,409	5,409
530	OTHER PERSONNEL SUPPORT	1,578	1,578
540	SERVICEWIDE COMMUNICATIONS	25,617	25,617
570	SERVICEWIDE TRANSPORTATION	126,700	126,700
600	ACQUISITION AND PROGRAM MANAGEMENT	9,261	9,261
640	NAVAL INVESTIGATIVE SERVICE	1,501	1,501
650	CLASSIFIED PROGRAMS	15,780	15,780
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**190,125**	**190,125**
	TOTAL OPERATION & MAINTENANCE, NAVY	**6,827,391**	**6,827,391**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	703,489	703,489
020	FIELD LOGISTICS	266,094	266,094
030	DEPOT MAINTENANCE	147,000	147,000
060	BASE OPERATING SUPPORT	18,576	18,576
	SUBTOTAL OPERATING FORCES	**1,135,159**	**1,135,159**
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	31,750	31,750
	SUBTOTAL TRAINING AND RECRUITING	**31,750**	**31,750**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	73,800	73,800

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
160	CLASSIFIED PROGRAMS	3,650	3,650
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**77,450**	**77,450**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**1,244,359**	**1,244,359**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
030	AIRCRAFT DEPOT MAINTENANCE	16,500	16,500
050	AVIATION LOGISTICS	2,522	2,522
100	COMBAT SUPPORT FORCES	7,243	7,243
	SUBTOTAL OPERATING FORCES	**26,265**	**26,265**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**26,265**	**26,265**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	2,500	2,500
040	BASE OPERATING SUPPORT	804	804
	SUBTOTAL OPERATING FORCES	**3,304**	**3,304**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**3,304**	**3,304**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,339,461	1,367,461
	ERI nuclear readiness		[28,000]
020	COMBAT ENHANCEMENT FORCES	1,096,021	1,096,021
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	152,278	152,278
040	DEPOT MAINTENANCE	1,185,506	1,185,506
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	56,700	56,700
060	BASE SUPPORT	941,714	941,714
070	GLOBAL C3I AND EARLY WARNING	30,219	30,219
080	OTHER COMBAT OPS SPT PROGRAMS	207,696	207,696
100	LAUNCH FACILITIES	869	869
110	SPACE CONTROL SYSTEMS	5,008	5,008
120	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	100,081	100,081
130	CLASSIFIED PROGRAMS	79,893	79,893
	SUBTOTAL OPERATING FORCES	**5,195,446**	**5,223,446**
	MOBILIZATION		
140	AIRLIFT OPERATIONS	2,774,729	2,774,729
150	MOBILIZATION PREPAREDNESS	108,163	108,163
160	DEPOT MAINTENANCE	891,102	891,102
180	BASE SUPPORT	3,686	3,686
	SUBTOTAL MOBILIZATION	**3,777,680**	**3,777,680**
	TRAINING AND RECRUITING		
230	BASE SUPPORT	52,740	52,740
240	SPECIALIZED SKILL TRAINING	4,500	4,500
	SUBTOTAL TRAINING AND RECRUITING	**57,240**	**57,240**
	ADMIN & SRVWD ACTIVITIES		
340	LOGISTICS OPERATIONS	86,716	86,716
380	BASE SUPPORT	59,133	59,133
400	SERVICEWIDE COMMUNICATIONS	165,348	165,348
410	OTHER SERVICEWIDE ACTIVITIES	141,883	116,783
	Program reduction		[–25,100]
450	INTERNATIONAL SUPPORT	61	61
460	CLASSIFIED PROGRAMS	15,323	15,323
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**468,464**	**443,364**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,498,830**	**9,501,730**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
030	DEPOT MAINTENANCE	51,086	51,086
050	BASE SUPPORT	6,500	6,500

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
	SUBTOTAL OPERATING FORCES	**57,586**	**57,586**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**57,586**	**57,586**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	3,400	3,400
050	BASE SUPPORT	16,600	16,600
	SUBTOTAL OPERATING FORCES	**20,000**	**20,000**
	TOTAL OPERATION & MAINTENANCE, ANG	**20,000**	**20,000**
	OPERATION AND MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES	2,650,651	2,650,651
	SUBTOTAL OPERATING FORCES	**2,650,651**	**2,650,651**
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	13,436	13,436
110	DEFENSE CONTRACT MANAGEMENT AGENCY	13,564	13,564
130	DEFENSE INFORMATION SYSTEMS AGENCY	47,579	47,579
150	DEFENSE LEGAL SERVICES AGENCY	111,986	111,986
170	DEFENSE MEDIA ACTIVITY	13,317	13,317
190	DEFENSE SECURITY COOPERATION AGENCY	1,412,000	312,000
	Reduction to Coalition Support Funds		[–100,000]
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–180,000]
	Transfer to Security Cooperation Enhancement Fund		[–820,000]
260	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	67,000	67,000
300	OFFICE OF THE SECRETARY OF DEFENSE	31,106	31,106
320	WASHINGTON HEADQUARTERS SERVICES	3,137	3,137
330	CLASSIFIED PROGRAMS	1,618,397	1,618,397
	SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES	**3,331,522**	**2,231,522**
	TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE	**5,982,173**	**4,882,173**
	UKRAINE SECURITY ASSISTANCE INITIATIVE		
	UKRAINE SECURITY ASSISTANCE INITIATIVE		
888	UKRAINE SECURITY ASSISTANCE INITIATIVE	0	350,000
	Ukraine Security Assistance Initiative		[350,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE INITIATIVE	**0**	**350,000**
	TOTAL UKRAINE SECURITY ASSISTANCE INITIATIVE	**0**	**350,000**
	TOTAL OPERATION & MAINTENANCE	**43,464,924**	**43,097,824**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

(a) MILITARY PERSONNEL.—

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2017 Request	Senate Authorized
MILITARY PERSONNEL		

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	**FY 2017 Request**	**Senate Authorized**
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	128,902,332	127,651,442
Defense Officer Personnel Management Act reforms		[100,000]
Foreign currency gains		[–72,940]
Military Personnel underexecution		[–880,450]
Non-adoption of Air Force Pilot Bonus Increase		[–2,500]
Non-adoption of DOD retirement reforms		[–400,000]
Rural Guard Act		[5,000]
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**128,902,332**	**127,651,442**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	6,366,908	6,366,908
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**6,366,908**	**6,366,908**
TOTAL MILITARY PERSONNEL	**135,269,240**	**134,018,350**

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) MILITARY PERSONNEL.—

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	**FY 2017 Request**	**Senate Authorized**
MILITARY PERSONNEL		
MILITARY PERSONNEL APPROPRIATIONS		
MILITARY PERSONNEL APPROPRIATIONS	3,562,258	3,562,258
SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS	**3,562,258**	**3,562,258**
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	0	0
SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS	**0**	**0**
TOTAL MILITARY PERSONNEL	**3,562,258**	**3,562,258**

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

(a) OTHER AUTHORIZATIONS.—

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	ARMY SUPPLY MANAGEMENT	56,469	56,469
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**56,469**	**56,469**
	WORKING CAPITAL FUND, AIR FORCE		
020	WORKING CAPITAL FUND	63,967	63,967
	SUBTOTAL WORKING CAPITAL FUND, AIR FORCE	**63,967**	**63,967**
	WORKING CAPITAL FUND, DEFENSE-WIDE		
020	WORKING CAPITAL FUND SUPPORT	37,132	37,132
	SUBTOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**37,132**	**37,132**
	WORKING CAPITAL FUND, DECA		
010	WORKING CAPITAL FUND SUPPORT	1,214,045	1,214,045
	SUBTOTAL WORKING CAPITAL FUND, DECA	**1,214,045**	**1,214,045**
	TOTAL WORKING CAPITAL FUND	**1,371,613**	**1,371,613**
	CHEM AGENTS & MUNITIONS DESTRUCTION		
	OPERATION AND MAINTENANCE		
1	O&M	147,282	147,282
	SUBTOTAL OPERATION AND MAINTENANCE	**147,282**	**147,282**
	RESEARCH, DEVELOPMENT, TEST, AND EVALUATION		
2	RDT&E	388,609	388,609
	SUBTOTAL RESEARCH, DEVELOPMENT, TEST, AND EVALUATION	**388,609**	**388,609**
	PROCUREMENT		
3	PROC	15,132	15,132
	SUBTOTAL PROCUREMENT	**15,132**	**15,132**
	TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**551,023**	**551,023**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
010	DEFENSEWIDE ACTIVITIES	730,087	471,787
	Transfer to Security Cooperation Enhancement Fund		[–258,300]
	SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**730,087**	**471,787**
	DRUG DEMAND REDUCTION PROGRAM		
020	DRUG INTRDCT & CNTR-DRG ACT, DEF	114,713	114,713
	SUBTOTAL DRUG DEMAND REDUCTION PROGRAM	**114,713**	**114,713**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**844,800**	**586,500**
	OFFICE OF THE INSPECTOR GENERAL		
	OPERATION AND MAINTENANCE		
010	DEFENSEWIDE ACTIVITIES	318,882	311,582
	Audit FTE unjustified growth		[–7,300]
	SUBTOTAL OPERATION AND MAINTENANCE	**318,882**	**311,582**
	RDT&E		
020	DEFENSEWIDE ACTIVITIES	3,153	3,153
	SUBTOTAL RDT&E	**3,153**	**3,153**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**322,035**	**314,735**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	9,240,160	9,240,160
020	PRIVATE SECTOR CARE	15,738,759	15,738,759
030	CONSOLIDATED HEALTH SUPPORT	2,367,759	2,367,759
040	INFORMATION MANAGEMENT	1,743,749	1,743,749
050	MANAGEMENT ACTIVITIES	311,380	311,380
060	EDUCATION AND TRAINING	743,231	743,231

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
070	BASE OPERATIONS/COMMUNICATIONS	2,086,352	2,086,352
210	UNDISTRIBUTED FOREIGN CURRENCY	0	–6,470
	Foreign currency gains		[–6,470]
	SUBTOTAL OPERATION & MAINTENANCE	**32,231,390**	**32,224,920**
	RDT&E		
080	R&D RESEARCH	9,097	9,097
090	R&D EXPLORATRY DEVELOPMENT	58,517	58,517
100	R&D ADVANCED DEVELOPMENT	221,226	221,226
110	R&D DEMONSTRATION/VALIDATION	96,602	96,602
120	R&D ENGINEERING DEVELOPMENT	364,057	364,057
130	R&D MANAGEMENT AND SUPPORT	58,410	58,410
140	R&D CAPABILITIES ENHANCEMENT	14,998	14,998
	SUBTOTAL RDT&E	**822,907**	**822,907**
	PROCUREMENT		
150	PROC INITIAL OUTFITTING	20,611	20,611
160	PROC REPLACEMENT & MODERNIZATION	360,727	360,727
180	PROC JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	2,413	2,413
200	PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	29,468	29,468
	SUBTOTAL PROCUREMENT	**413,219**	**413,219**
	UNDISTRIBUTED		
220	UNDISTRIBUTED DEFENSE HEALTH PROGRAM	0	440,000
	Incorporation of value-based health care into TRICARE program		[24,500]
	Pilot program on health insurance for reserve component members		[20,000]
	Reduction for unauthorized fertility treatment benefits		[–38,000]
	Reduction for unjustified travel expenses		[–6,500]
	Reimbursement rates for Comprehensive Autism Care Demonstration program		[40,000]
	TRICARE reform implementation		[400,000]
	SUBTOTAL UNDISTRIBUTED	**0**	**440,000**
	TOTAL DEFENSE HEALTH PROGRAM	**33,467,516**	**33,901,046**
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
99	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	0	673,100
	Transfer from Drug Interdiction and Counter-Drug Activities		[258,300]
	Transfer of Combatting Terrorism Fellowship Program		[26,800]
	Transfer of Defense Institute of International Legal Studies		[2,600]
	Transfer of Defense Institution Reform Initiative		[25,600]
	Transfer of Global Train and Equip Program		[270,200]
	Transfer of Ministry of Defense Advisors		[9,200]
	Transfer of Regional Centers		[58,600]
	Transfer of Wales Initaitive Fund/Partnership for Peace		[21,800]
	SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**673,100**
	TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**673,100**
	TOTAL OTHER AUTHORIZATIONS	**36,556,987**	**37,398,017**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) OTHER AUTHORIZATIONS.—

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
	WORKING CAPITAL FUND		
	WORKING CAPITAL FUND, ARMY		
020	ARMY SUPPLY MANAGEMENT	46,833	46,833
	SUBTOTAL WORKING CAPITAL FUND, ARMY	**46,833**	**46,833**
	DLA WORKING CAPITAL FUNDS		
030	DLA WORKING CAPITAL FUNDS	93,800	93,800
	SUBTOTAL DLA WORKING CAPITAL FUNDS	**93,800**	**93,800**
	TOTAL WORKING CAPITAL FUND	**140,633**	**140,633**
	DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
	DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES		
010	DEFENSEWIDE ACTIVITIES	215,333	215,333
	SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES	**215,333**	**215,333**
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**215,333**	**215,333**
	OFFICE OF THE INSPECTOR GENERAL		
	OPERATION AND MAINTENANCE		
010	OPERATION AND MAINTENANCE	22,062	22,062
	SUBTOTAL OPERATION AND MAINTENANCE	**22,062**	**22,062**
	TOTAL OFFICE OF THE INSPECTOR GENERAL	**22,062**	**22,062**
	DEFENSE HEALTH PROGRAM		
	OPERATION & MAINTENANCE		
010	IN-HOUSE CARE	95,366	95,366
020	PRIVATE SECTOR CARE	233,073	233,073
030	CONSOLIDATED HEALTH SUPPORT	3,325	3,325
	SUBTOTAL OPERATION & MAINTENANCE	**331,764**	**331,764**
	TOTAL DEFENSE HEALTH PROGRAM	**331,764**	**331,764**
	COUNTERTERRORISM PARTNERSHIPS FUND		
	COUNTERTERRORISM PARTNERSHIPS FUND		
090	COUNTERTERRORISM PARTNERSHIPS FUND	1,000,000	0
	Ahead of need		[–150,000]
	Transfer to Counter Islamic State in Iraq and the Levant Fund (former Iraq Train and Equip)		[–200,000]
	Transfer to Security Cooperation Enhancement Fund		[–650,000]
	SUBTOTAL COUNTERTERRORISM PARTNERSHIPS FUND	**1,000,000**	**0**
	TOTAL COUNTERTERRORISM PARTNERSHIPS FUND	**1,000,000**	**0**
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)		
99	SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	0	1,470,000
	Transfer from Coalition Support Fund		[820,000]
	Transfer from Counterterrorism Partnership Fund		[650,000]
	SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**1,470,000**
	TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF)	**0**	**1,470,000**
	TOTAL OTHER AUTHORIZATIONS	**1,709,792**	**2,179,792**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.—

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILITARY CONSTRUCTION				
MILCON, ARMY				
	Alaska			
MILCON, ARMY	Fort Wainwright	Unmanned Aerial Vehicle Hangar	47,000	47,000
	California			
MILCON, ARMY	Concord	Access Control Point	12,600	12,600
	Colorado			
MILCON, ARMY	Fort Carson	Guard Readiness Center	0	16,500
MILCON, ARMY	Fort Carson	Automated Infantry Platoon Battle Course	8,100	8,100
MILCON, ARMY	Fort Carson	Unmanned Aerial Vehicle Hangar	5,000	5,000
	Georgia			
MILCON, ARMY	Fort Gordon	Company Operations Facility	0	10,600
MILCON, ARMY	Fort Gordon	CYBER Protection Team Ops Facility	90,000	90,000
MILCON, ARMY	Fort Stewart	Automated Qualification/Training Range	14,800	14,800
	Germany			
MILCON, ARMY	East Camp Grafenwoehr	Training Support Center	22,000	22,000
MILCON, ARMY	Garmisch	Dining Facility	9,600	9,600
MILCON, ARMY	Wiesbaden Army Airfield	Controlled Humidity Warehouse	16,500	16,500
MILCON, ARMY	Wiesbaden Army Airfield	Hazardous Material Storage Building	2,700	2,700
	Guantanamo Bay, Cuba			
MILCON, ARMY	Guantanamo Bay	Mass Migration Complex	33,000	0
	Hawaii			
MILCON, ARMY	Fort Shafter	Command and Control Facility, Incr 2	40,000	40,000
	Texas			
MILCON, ARMY	Fort Hood	Automated Infantry Platoon Battle Course	7,600	7,600
	Utah			
MILCON, ARMY	Camp Williams	Live Fire Exercise Shoothouse	7,400	7,400
	Virginia			
MILCON, ARMY	Fort Belvoir	Secure Admin/Operations Facility, Incr 2	64,000	64,000
	Worldwide Unspecified			
MILCON, ARMY	Unspecified Worldwide Locations	Prior Year Savings	0	–30,000
MILCON, ARMY	Unspecified Worldwide Locations	Minor Construction FY17	25,000	25,000
MILCON, ARMY	Unspecified Worldwide Locations	Planning and Design FY17	80,159	80,159
MILCON, ARMY	Unspecified Worldwide Locations	Host Nation Support FY17	18,000	18,000
SUBTOTAL MILCON, ARMY			**503,459**	**467,559**
MIL CON, NAVY				
	Arizona			
MIL CON, NAVY	Yuma	Vmx–22 Maintenance Hangar	48,355	48,355
	California			
MIL CON, NAVY	Coronado	Coastal Campus Entry Control Point	13,044	13,044
MIL CON, NAVY	Coronado	Grace Hopper Data Center Power Upgrades	10,353	10,353
MIL CON, NAVY	Coronado	Coastal Campus Utilities Infrastructure	81,104	81,104
MIL CON, NAVY	Lemoore	F–35C Engine Repair Facility	26,723	26,723
MIL CON, NAVY	Miramar	Communications Complex and Infrastructure	0	34,700
MIL CON, NAVY	Miramar	F–35 Parking Apron	0	40,000
MIL CON, NAVY	San Diego	Energy Security Hospital Microgrid	6,183	0
MIL CON, NAVY	Seal Beach	Missile Magazines	21,007	21,007
	Florida			
MIL CON, NAVY	Eglin AFB	WMD Field Training Facilities	20,489	20,489
	Guam			
MIL CON, NAVY	Joint Region Marianas	Power Upgrade—Harmon	62,210	62,210
MIL CON, NAVY	Joint Region Marianas	Hardening of Guam Pol Infrastructure	26,975	26,975
	Hawaii			
MIL CON, NAVY	Barking Sands	Upgrade Power Plant & Electrical Distrib Sys	43,384	43,384
MIL CON, NAVY	Kaneohe Bay	Regimental Consolidated Comm/Elec Facility	72,565	72,565
	Japan			
MIL CON, NAVY	Kadena AB	Aircraft Maintenance Complex	26,489	26,489
MIL CON, NAVY	Sasebo	Shore Power (Juliet Pier)	16,420	16,420

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	Maine			
MIL CON, NAVY	Kittery	Unaccompanied Housing	17,773	17,773
MIL CON, NAVY	Kittery	Utility Improvements for Nuclear Platforms	30,119	30,119
	Maryland			
MIL CON, NAVY	Patuxent River	Uclass RDT&E Hangar	40,576	40,576
	Nevada			
MIL CON, NAVY	Fallon	Air Wing Simulator Facility	13,523	13,523
	North Carolina			
MIL CON, NAVY	Camp Lejeune, North Carolina	Range Facilities Safety Improvements	18,482	18,482
MIL CON, NAVY	Cherry Point Marine Corps Air Station	Central Heating Plant Conversion	12,515	12,515
	South Carolina			
MIL CON, NAVY	Beaufort	Aircraft Maintenance Hangar	83,490	83,490
MIL CON, NAVY	Parris Island	Recruit Reconditioning Center & Barracks	29,882	29,882
	Spain			
MIL CON, NAVY	Rota	Communication Station	23,607	23,607
	Virginia			
MIL CON, NAVY	Norfolk	Chambers Field Magazine Recap	0	27,000
	Washington			
MIL CON, NAVY	Bangor	Service Pier Electrical Upgrades	18,939	18,939
MIL CON, NAVY	Bremerton	Submarine Refit Maint Support Facility	21,476	21,476
MIL CON, NAVY	Bremerton	Nuclear Repair Facility	6,704	6,704
MIL CON, NAVY	Whidbey Island	Triton Mission Control Facility	30,475	30,475
MIL CON, NAVY	Whidbey Island	EA–18G Maintenance Hangar	45,501	45,501
	Worldwide Unspecified			
MIL CON, NAVY	Unspecified Worldwide Locations	Unspecified Minor Construction	29,790	29,790
MIL CON, NAVY	Unspecified Worldwide Locations	Planning and Design	88,230	88,230
MIL CON, NAVY	Various Worldwide Locations	Triton Forward Operating Base Hangar	41,380	41,380
SUBTOTAL MIL CON, NAVY			**1,027,763**	**1,123,280**
MILCON, AIR FORCE				
	Alaska			
MILCON, AIR FORCE	Clear AFS	Fire Station	20,000	20,000
MILCON, AIR FORCE	Eielson AFB	F–35A ADAL Field Training Detachment Fac	22,100	22,100
MILCON, AIR FORCE	Eielson AFB	F–35A Hangar/Propulsion Mx/Dispatch	44,900	44,900
MILCON, AIR FORCE	Eielson AFB	F–35A Missile Maintenance Facility	12,800	12,800
MILCON, AIR FORCE	Eielson AFB	F–35A Aircraft Weather Shelters (Sqd 1)	79,500	79,500
MILCON, AIR FORCE	Eielson AFB	F–35A Earth Covered Magazines	11,300	11,300
MILCON, AIR FORCE	Eielson AFB	F–35A Hangar/Squad Ops/AMU Sq #2	42,700	42,700
MILCON, AIR FORCE	Eielson AFB	F–35A Aircraft Weather Shelter (Sqd 2)	82,300	82,300
MILCON, AIR FORCE	Joint Base Elmendorf-Richardson	Add/Alter Awacs Alert Hangar	29,000	29,000
	Arizona			
MILCON, AIR FORCE	Luke AFB	F–35A Squad Ops/Aircraft Maint Unit #5	20,000	20,000
	Australia			
MILCON, AIR FORCE	Darwin	APR—Expand Parking Apron	28,600	28,600
MILCON, AIR FORCE	Darwin	APR—Aircraft Mx Support Facility	1,800	1,800
	California			
MILCON, AIR FORCE	Edwards Air Force Base	Flightline Fire Station	24,000	24,000
	Colorado			
MILCON, AIR FORCE	Buckley Air Force Base	Small Arms Range Complex	13,500	13,500
	Delaware			
MILCON, AIR FORCE	Dover AFB	Aircraft Maintenance Hangar	39,000	39,000
	Florida			
MILCON, AIR FORCE	Eglin AFB	Flightline Fire Station	13,600	13,600
MILCON, AIR FORCE	Eglin AFB	Advanced Munitions Technology Complex	75,000	75,000
MILCON, AIR FORCE	Patrick AFB	Fire/Crash Rescue Station	13,500	13,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	Georgia			
MILCON, AIR FORCE	Moody AFB	Personnel Recovery 4–Bay Hangar/Helo Mx Unit.	30,900	30,900
	Germany			
MILCON, AIR FORCE	Ramstein AB	37 AS Squadron Operations/Aircraft Maint Unit.	13,437	13,437
MILCON, AIR FORCE	Spangdahlem AB	Eic—Site Development and Infrastructure	43,465	43,465
	Guam			
MILCON, AIR FORCE	Joint Region Marianas	APR—Munitions Storage Igloos, PH 2	35,300	35,300
MILCON, AIR FORCE	Joint Region Marianas	Block 40 Maintenance Hangar	31,158	31,158
MILCON, AIR FORCE	Joint Region Marianas	APR—SATCOM C4i Facility	14,200	14,200
	Japan			
MILCON, AIR FORCE	Kadena AB	APR—Replace Munitions Structures	19,815	19,815
MILCON, AIR FORCE	Yokota AB	Construct Combat Arms Training & Maint Fac	8,243	8,243
MILCON, AIR FORCE	Yokota AB	C–130J Corrosion Control Hangar	23,777	23,777
	Kansas			
MILCON, AIR FORCE	McConnell AFB	Air Traffic Control Tower	11,200	11,200
MILCON, AIR FORCE	McConnell AFB	KC–46A Alter Flight Simulator Bldgs	3,000	3,000
MILCON, AIR FORCE	McConnell AFB	KC–46A ADAL Taxiway Delta	5,600	5,600
	Louisiana			
MILCON, AIR FORCE	Barksdale AFB	Consolidated Communication Facility	21,000	21,000
	Mariana Islands			
MILCON, AIR FORCE	Unspecified Location	APR—Land Acquisition	9,000	9,000
	Maryland			
MILCON, AIR FORCE	Joint Base Andrews	Consolidated Communications Center	0	50,000
MILCON, AIR FORCE	Joint Base Andrews	21 Points Enclosed Firing Range	13,000	13,000
MILCON, AIR FORCE	Joint Base Andrews	Par Relocate Jadoc Satellite Site	3,500	3,500
	Massachusetts			
MILCON, AIR FORCE	Hanscom AFB	System Management Engineering Facility	20,000	20,000
	Montana			
MILCON, AIR FORCE	Malmstrom AFB	Missile Maintenance Facility	14,600	14,600
	Nevada			
MILCON, AIR FORCE	Nellis AFB	F–35A Pol Fill Stand Addition	10,600	10,600
	New Mexico			
MILCON, AIR FORCE	Cannon AFB	North Fitness Center	21,000	21,000
MILCON, AIR FORCE	Holloman AFB	Hazardous Cargo Pad and Taxiway	10,600	10,600
MILCON, AIR FORCE	Kirtland AFB	Combat Rescue Helicopter (Crh) Simulator	7,300	7,300
	Ohio			
MILCON, AIR FORCE	Wright-Patterson AFB	Relocated Entry Control Facility 26a	12,600	12,600
	Oklahoma			
MILCON, AIR FORCE	Altus AFB	KC–46A FTU/Ftc Simulator Facility PH 2	11,600	11,600
MILCON, AIR FORCE	Tinker AFB	E3 Mission and Flight Simulator	0	26,000
MILCON, AIR FORCE	Tinker AFB	KC–46A Depot System Integration Laboratory	17,000	17,000
	Texas			
MILCON, AIR FORCE	Joint Base San Antonio	BMT Recruit Dormitory 6	67,300	67,300
	Turkey			
MILCON, AIR FORCE	Incirlik AB	Airfield Fire/Crash Rescue Station	13,449	13,449
	United Arab Emirates			
MILCON, AIR FORCE	AL Dhafra	Large Aircraft Maintenance Hangar	35,400	35,400
	United Kingdom			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AIR FORCE	RAF Croughton	Main Gate Complex	16,500	16,500
MILCON, AIR FORCE	RAF Croughton	JIAC Consolidation—PH 3	53,082	53,082
	Utah			
MILCON, AIR FORCE	Hill AFB	649 Muns Stamp/Maint & Inspection Facility	12,000	12,000
MILCON, AIR FORCE	Hill AFB	F–35A Munitions Maintenance Complex	10,100	10,100
MILCON, AIR FORCE	Hill AFB	Composite Aircraft Antenna Calibration Fac	7,100	7,100
MILCON, AIR FORCE	Hill AFB	649 Muns Precision Guided Missile Mx Facility	8,700	8,700
MILCON, AIR FORCE	Hill AFB	649 Muns Munitions Storage Magazines	6,600	6,600
	Virginia			
MILCON, AIR FORCE	Joint Base Langley-Eustis	Fuel System Maintenance Dock	14,200	14,200
MILCON, AIR FORCE	Joint Base Langley-Eustis	Air Force Targeting Center	45,000	45,000
	Washington			
MILCON, AIR FORCE	Fairchild AFB	Pipeline Dorm, Usaf Sere School (150 RM)	27,000	27,000
	Worldwide Unspecified			
MILCON, AIR FORCE	Unspecified Worldwide Locations	Prior Year Savings	0	–22,300
MILCON, AIR FORCE	Various Worldwide Locations	Planning & Design	143,582	143,582
MILCON, AIR FORCE	Various Worldwide Locations	Unspecified Minor Military Construction	30,000	30,000
	Wyoming			
MILCON, AIR FORCE	F. E. Warren AFB	Missile Transfer Facility Bldg 4331	5,550	5,550
SUBTOTAL MILCON, AIR FORCE			**1,481,058**	**1,534,758**
MIL CON, DEF-WIDE				
	Alaska			
MIL CON, DEF-WIDE	Clear AFS	Long Range Discrim Radar Sys Complex Ph1	155,000	155,000
MIL CON, DEF-WIDE	Fort Greely	Missile Defense Complex Switchgear Facility	9,560	9,560
MIL CON, DEF-WIDE	Joint Base Elmendorf-Richardson	Construct Truck Offload Facility	4,900	4,900
	Arizona			
MIL CON, DEF-WIDE	Fort Huachuca	JITC Building 52110 Renovation	4,493	4,493
	California			
MIL CON, DEF-WIDE	Coronado	SOF Seal Team Ops Facility	47,290	47,290
MIL CON, DEF-WIDE	Coronado	SOF Seal Team Ops Facility	47,290	47,290
MIL CON, DEF-WIDE	Coronado	SOF Special Recon Team One Operations Fac	20,949	20,949
MIL CON, DEF-WIDE	Coronado	SOF Human Performance Training Center	15,578	15,578
MIL CON, DEF-WIDE	Coronado	SOF Training Detachment One Ops Facility	44,305	44,305
MIL CON, DEF-WIDE	Travis AFB	Replace Hydrant Fuel System	26,500	26,500
	Delaware			
MIL CON, DEF-WIDE	Dover AFB	Welch ES/Dover MS Replacement	44,115	44,115
	Diego Garcia			
MIL CON, DEF-WIDE	Diego Garcia	Improve Wharf Refueling Capability	30,000	30,000
	Florida			
MIL CON, DEF-WIDE	Patrick AFB	Replace Fuel Tanks	10,100	10,100
	Georgia			
MIL CON, DEF-WIDE	Fort Benning	SOF Tactical Unmanned Aerial Vehicle Hangar	4,820	4,820
MIL CON, DEF-WIDE	Fort Gordon	Medical Clinic Replacement	25,000	25,000
	Germany			
MIL CON, DEF-WIDE	Kaiserlautern AB	Sembach Elementary/Middle School Replacement.	45,221	45,221

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, DEF-WIDE	Rhine Ordnance Barracks	Medical Center Replacement Incr 6	58,063	58,063
	Japan			
MIL CON, DEF-WIDE	Iwakuni	Construct Truck Offload & Loading Facilities	6,664	6,664
MIL CON, DEF-WIDE	Kadena AB	Kadena Elementary School Replacement	84,918	84,918
MIL CON, DEF-WIDE	Kadena AB	SOF Simulator Facility (MC–130)	12,602	12,602
MIL CON, DEF-WIDE	Kadena AB	SOF Maintenance Hangar	42,823	42,823
MIL CON, DEF-WIDE	Kadena AB	Medical Materiel Warehouse	20,881	20,881
MIL CON, DEF-WIDE	Yokota AB	Hangar/AMU	39,466	39,466
MIL CON, DEF-WIDE	Yokota AB	Operations and Warehouse Facilities	26,710	26,710
MIL CON, DEF-WIDE	Yokota AB	Simulator Facility	6,261	6,261
MIL CON, DEF-WIDE	Yokota AB	Airfield Apron	41,294	41,294
	Kwajalein			
MIL CON, DEF-WIDE	Kwajalein Atoll	Replace Fuel Storage Tanks	85,500	85,500
	Maine			
MIL CON, DEF-WIDE	Kittery	Medical/Dental Clinic Replacement	27,100	27,100
	Maryland			
MIL CON, DEF-WIDE	Bethesda Naval Hospital	Medcen Addition/Alteration Incr 1	50,000	50,000
MIL CON, DEF-WIDE	Fort Meade	NSAW Recapitalize Building #2 Incr 2	195,000	195,000
MIL CON, DEF-WIDE	Fort Meade	NSAW Campus Feeders Phase 3	17,000	17,000
MIL CON, DEF-WIDE	Fort Meade	Access Control Facility	21,000	21,000
	Missouri			
MIL CON, DEF-WIDE	ST Louis	Land Acquisition-Next NGA West (N2w) Campus.	801	801
	North Carolina			
MIL CON, DEF-WIDE	Camp Lejeune, North Carolina	Dental Clinic Replacement	31,000	31,000
MIL CON, DEF-WIDE	Fort Bragg	SOF Tactical Equipment Maintenance Facility	23,598	23,598
MIL CON, DEF-WIDE	Fort Bragg	SOF Parachute Rigging Facility	21,420	21,420
MIL CON, DEF-WIDE	Fort Bragg	SOF Special Tactics Facility (Ph3)	30,670	30,670
MIL CON, DEF-WIDE	Fort Bragg	SOF Combat Medic Training Facility	10,905	10,905
	South Carolina			
MIL CON, DEF-WIDE	Joint Base Charleston	Construct Hydrant Fuel System	17,000	17,000
	Texas			
MIL CON, DEF-WIDE	Red River Army Depot	Construct Warehouse & Open Storage	44,700	44,700
MIL CON, DEF-WIDE	Sheppard AFB	Medical/Dental Clinic Replacement	91,910	91,910
	United Kingdom			
MIL CON, DEF-WIDE	RAF Croughton	Croughton Elem/Middle/High School Replacement.	71,424	71,424
MIL CON, DEF-WIDE	Royal Air Force Lakenheath	Construct Hydrant Fuel System	13,500	13,500
	Virginia			
MIL CON, DEF-WIDE	Pentagon	Pentagon Metro Entrance Facility	12,111	0
MIL CON, DEF-WIDE	Pentagon	Upgrade It Facilities Infrastructure-Rrmc	8,105	8,105
	Wake Island			
MIL CON, DEF-WIDE	Wake Island	Test Support Facility	11,670	11,670
	Worldwide Unspecified			
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Battalion Complex	0	64,400
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Prior Year Savings	0	–132,200
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	23,585	23,585
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	71,647	71,647
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Worldwide Unspecified Minor Construction	2,414	2,414
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	5,994	5,994
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	13,450	13,450
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	ECIP Design	10,000	10,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,913	3,913
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	24,000	24,000
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Unspecified Minor Construction	8,500	8,500
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Exercise Related Minor Construction	8,631	8,631
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	Planning and Design	3,427	3,427
MIL CON, DEF-WIDE	Various Worldwide Locations	Planning and Design	27,653	27,653
MIL CON, DEF-WIDE	Various Worldwide Locations	Planning & Design	27,660	27,660
SUBTOTAL MIL CON, DEF-WIDE			**2,056,091**	**1,976,180**
MILCON, ARNG				
	Hawaii			
MILCON, ARNG	Hilo	Combined Support Maintenance Shop	31,000	31,000
	Iowa			
MILCON, ARNG	Davenport	National Guard Readiness Center	23,000	23,000
	Kansas			
MILCON, ARNG	Fort Leavenworth	National Guard Readiness Center	29,000	29,000
	New Hampshire			
MILCON, ARNG	Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000
MILCON, ARNG	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900
	Oklahoma			
MILCON, ARNG	Ardmore	National Guard Readiness Center	22,000	22,000
	Pennsylvania			
MILCON, ARNG	York	National Guard Readiness Center	9,300	9,300
	Rhode Island			
MILCON, ARNG	East Greenwich	National Guard/Reserve Center Building (JFHQ).	20,000	20,000
	Utah			
MILCON, ARNG	Camp Williams	National Guard Readiness Center	37,000	37,000
	Worldwide Unspecified			
MILCON, ARNG	Unspecified Worldwide Locations	Unspecified Minor Construction	12,001	12,001
MILCON, ARNG	Unspecified Worldwide Locations	Planning and Design	8,729	8,729
	Wyoming			
MILCON, ARNG	Laramie	National Guard Readiness Center	21,000	21,000
SUBTOTAL MILCON, ARNG			**232,930**	**232,930**
MILCON, ANG				
	Connecticut			
MILCON, ANG	Bradley IAP	Construct Small Air Terminal	6,300	6,300
	Florida			
MILCON, ANG	Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000
	Hawaii			
MILCON, ANG	Joint Base Pearl Harbor-Hickam	F–22 Composite Repair Facility	11,000	11,000
	Iowa			
MILCON, ANG	Sioux Gateway Airport	Construct Consolidated Support Functions	12,600	12,600
	Minnesota			
MILCON, ANG	Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600
	New Hampshire			
MILCON, ANG	Pease International Trade Port	KC–46A Install Fuselage Trainer Bldg 251	1,500	1,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	North Carolina			
MILCON, ANG	Charlotte/Douglas IAP	C–17 Corrosion Control/Fuel Cell Hangar	29,600	29,600
MILCON, ANG	Charlotte/Douglas IAP	C–17 Type Iii Hydrant Refueling System	21,000	21,000
	South Carolina			
MILCON, ANG	McEntire ANGS	Replace Operations and Training Facility	8,400	8,400
	Texas			
MILCON, ANG	Ellington Field	Consolidate Crew Readiness Facility	4,500	4,500
	Vermont			
MILCON, ANG	Burlington IAP	F–35 Beddown 4-Bay Flight Simulator	4,500	4,500
	Worldwide Unspecified			
MILCON, ANG	Unspecified Worldwide Locations	Unspecified Minor Construction	17,495	17,495
MILCON, ANG	Various Worldwide Locations	Planning and Design	10,462	10,462
SUBTOTAL MILCON, ANG			**143,957**	**143,957**
MILCON, ARMY R				
	Arizona			
MILCON, ARMY R	Phoenix	Army Reserve Center	0	30,000
	California			
MILCON, ARMY R	Fort Hunter Liggett	Emergency Services Center	21,500	21,500
MILCON, ARMY R	Fort Hunter Liggett	Transient Training Barracks	19,000	19,000
	Virginia			
MILCON, ARMY R	Dublin	Organizational Maintenance Shop/AMSA	6,000	6,000
	Wisconsin			
MILCON, ARMY R	Fort McCoy	AT/Mob Dining Facility	11,400	11,400
	Worldwide Unspecified			
MILCON, ARMY R	Unspecified Worldwide Locations	Planning and Design	7,500	7,500
MILCON, ARMY R	Unspecified Worldwide Locations	Unspecified Minor Construction	2,830	2,830
SUBTOTAL MILCON, ARMY R			**68,230**	**98,230**
MIL CON, NAVY RES				
	Louisiana			
MIL CON, NAVY RES	New Orleans	Joint Reserve Intelligence Center	11,207	11,207
	New York			
MIL CON, NAVY RES	Brooklyn	Electric Feeder Ductbank	1,964	1,964
MIL CON, NAVY RES	Syracuse	Marine Corps Reserve Center	13,229	13,229
	Texas			
MIL CON, NAVY RES	Galveston	Reserve Center Annex	8,414	8,414
	Worldwide Unspecified			
MIL CON, NAVY RES	Unspecified Worldwide Locations	MCNR Planning & Design	3,783	3,783
SUBTOTAL MIL CON, NAVY RES			**38,597**	**38,597**
MILCON, AF RES				
	North Carolina			
MILCON, AF RES	Seymour Johnson AFB	KC–46A Two Bay Corrosion/Fuel Cell Hangar	90,000	90,000
MILCON, AF RES	Seymour Johnson AFB	KC–46A ADAL Bldg for Age/Fuselage Training.	5,700	5,700
MILCON, AF RES	Seymour Johnson AFB	KC–46A ADAL Squadron Operations Facilities	2,250	2,250
	Pennsylvania			
MILCON, AF RES	Pittsburgh IAP	C–17 Construct Two Bay Corrosion/Fuel Hangar.	54,000	54,000
MILCON, AF RES	Pittsburgh IAP	C–17 ADAL Fuel Hydrant System	22,800	22,800
MILCON, AF RES	Pittsburgh IAP	C–17 Const/Overlaytaxiway and Apron	8,200	8,200
	Worldwide Unspecified			
MILCON, AF RES	Unspecified Worldwide Locations	Planning & Design	4,500	4,500
MILCON, AF RES	Unspecified Worldwide Locations	Unspecified Minor Construction	1,500	1,500
SUBTOTAL MILCON, AF RES			**188,950**	**188,950**
NATO SEC INV PRGM				
	Worldwide Unspecified			
NATO SEC INV PRGM	NATO Security Investment Program	NATO Security Investment Program	177,932	177,932
NATO SEC INV PRGM	Unspecified Worldwide Locations	Prior Year Savings	0	–30,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
SUBTOTAL NATO SEC INV PRGM			**177,932**	**147,932**
TOTAL MILITARY CONSTRUCTION			**5,918,967**	**5,952,373**
FAMILY HOUSING				
FAM HSG CON, ARMY				
	Korea			
FAM HSG CON, ARMY	Camp Humphreys	Family Housing New Construction	143,563	143,563
FAM HSG CON, ARMY	Camp Walker	Family Housing New Construction	54,554	54,554
	Worldwide Unspecified			
FAM HSG CON, ARMY	Unspecified Worldwide Locations	Planning & Design	2,618	2,618
SUBTOTAL FAM HSG CON, ARMY			**200,735**	**200,735**
FAM HSG O&M, ARMY				
	Worldwide Unspecified			
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Management	40,344	40,344
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Services	7,993	7,993
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Furnishings	10,178	10,178
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Miscellaneous	400	400
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Maintenance	60,745	60,745
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Utilities	55,428	55,428
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Leasing	131,761	131,761
FAM HSG O&M, ARMY	Unspecified Worldwide Locations	Housing Privitization Support	19,146	19,146
SUBTOTAL FAM HSG O&M, ARMY			**325,995**	**325,995**
FAM HSG CON, N/MC				
	Mariana Islands			
FAM HSG CON, N/MC	Guam	Replace Andersen Housing PH I	78,815	78,815
	Worldwide Unspecified			
FAM HSG CON, N/MC	Unspecified Worldwide Locations	Construction Improvements	11,047	11,047
FAM HSG CON, N/MC	Unspecified Worldwide Locations	Planning & Design	4,149	4,149
SUBTOTAL FAM HSG CON, N/MC			**94,011**	**94,011**
FAM HSG O&M, N/MC				
	Worldwide Unspecified			
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Utilities	56,685	56,685
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Furnishings	17,457	17,457
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Management	51,291	51,291
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Miscellaneous	364	364
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Services	12,855	12,855
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Leasing	54,689	54,689
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Maintenance	81,254	81,254
FAM HSG O&M, N/MC	Unspecified Worldwide Locations	Housing Privatization Support	26,320	26,320
SUBTOTAL FAM HSG O&M, N/MC			**300,915**	**300,915**
FAM HSG CON, AF				
	Worldwide Unspecified			
FAM HSG CON, AF	Unspecified Worldwide Locations	Construction Improvements	56,984	56,984
FAM HSG CON, AF	Unspecified Worldwide Locations	Planning & Design	4,368	4,368

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
SUBTOTAL FAM HSG CON, AF			**61,352**	**61,352**
FAM HSG O&M, AF				
	Worldwide Unspecified			
FAM HSG O&M, AF	Unspecified Worldwide Locations	Housing Privatization Support	41,809	41,809
FAM HSG O&M, AF	Unspecified Worldwide Locations	Utilities	37,241	37,241
FAM HSG O&M, AF	Unspecified Worldwide Locations	Management	42,919	42,919
FAM HSG O&M, AF	Unspecified Worldwide Locations	Services	13,026	13,026
FAM HSG O&M, AF	Unspecified Worldwide Locations	Furnishings	31,690	31,690
FAM HSG O&M, AF	Unspecified Worldwide Locations	Miscellaneous	1,745	1,745
FAM HSG O&M, AF	Unspecified Worldwide Locations	Leasing	20,530	20,530
FAM HSG O&M, AF	Unspecified Worldwide Locations	Maintenance	85,469	85,469
SUBTOTAL FAM HSG O&M, AF			**274,429**	**274,429**
FAM HSG O&M, DW				
	Worldwide Unspecified			
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	4,100	4,100
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	399	399
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	367	367
FAM HSG O&M, DW	Unspecified Worldwide Locations	Leasing	11,044	11,044
FAM HSG O&M, DW	Unspecified Worldwide Locations	Maintenance	800	800
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	500	500
FAM HSG O&M, DW	Unspecified Worldwide Locations	Leasing	40,984	40,984
FAM HSG O&M, DW	Unspecified Worldwide Locations	Furnishings	20	20
FAM HSG O&M, DW	Unspecified Worldwide Locations	Services	32	32
FAM HSG O&M, DW	Unspecified Worldwide Locations	Utilities	174	174
FAM HSG O&M, DW	Unspecified Worldwide Locations	Maintenance	349	349
FAM HSG O&M, DW	Unspecified Worldwide Locations	Management	388	388
SUBTOTAL FAM HSG O&M, DW			**59,157**	**59,157**
FAM HSG IMPROVE FUND				
	Worldwide Unspecified			
FAM HSG IMPROVE FUND	Unspecified Worldwide Locations	Program Expenses	3,258	3,258
SUBTOTAL FAM HSG IMPROVE FUND			**3,258**	**3,258**
TOTAL FAMILY HOUSING			**1,319,852**	**1,319,852**
DEFENSE BASE REALIGNMENT AND CLOSURE				
DOD BRAC—ARMY				
	Worldwide Unspecified			
DOD BRAC—ARMY	Base Realignment & Closure, Army	Base Realignment and Closure	14,499	14,499
SUBTOTAL DOD BRAC—ARMY			**14,499**	**14,499**
DOD BRAC—NAVY				
	Worldwide Unspecified			
DOD BRAC—NAVY	Base Realignment & Closure, Navy	Base Realignment & Closure	110,606	110,606
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA	4,648	4,648
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	557	557

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	100	100
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg AP.	3,397	3,397
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–100: Planing, Design and Management	4,604	4,604
DOD BRAC—NAVY	Unspecified Worldwide Locations	DON–101: Various Locations	10,461	10,461
SUBTOTAL DOD BRAC—NAVY			**134,373**	**134,373**
DOD BRAC—AIR FORCE				
DOD BRAC—AIR FORCE	Worldwide Unspecified Unspecified Worldwide Locations	DoD BRAC Activities—Air Force	56,365	56,365
SUBTOTAL DOD BRAC—AIR FORCE			**56,365**	**56,365**
TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE			**205,237**	**205,237**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**7,444,056**	**7,477,462**

1 **SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-**

2 **TINGENCY OPERATIONS.**

3 (a) MILITARY CONSTRUCTION.—

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Authorized
MILITARY CONSTRUCTION				
MILCON, ARMY				
MILCON, ARMY	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design	18,900	18,900
SUBTOTAL MILCON, ARMY			**18,900**	**18,900**
MIL CON, NAVY				
MIL CON, NAVY	Djibouti Camp Lemonier	OCO: Medical/Dental Facility	37,409	37,409
MIL CON, NAVY	Iceland Keflavik	ERI: P–8A Hangar Upgrade	14,600	14,600
MIL CON, NAVY	Keflavik	ERI: P–8A Aircraft Rinse Rack	5,000	5,000
MIL CON, NAVY	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	1,000	1,000
MIL CON, NAVY	Unspecified Worldwide Locations	ERI: Planning and Design	1,800	1,800
SUBTOTAL MIL CON, NAVY			**59,809**	**59,809**
MILCON, AIR FORCE				
MILCON, AIR FORCE	Bulgaria Graf Ignatievo	ERI: Fighter Ramp Extension	7,000	7,000
MILCON, AIR FORCE	Graf Ignatievo	ERI: Construct Sq Ops/Operational Alert Fac	3,800	3,800
MILCON, AIR FORCE	Graf Ignatievo	ERI: Upgrade Munitions Storage Area	2,600	2,600
MILCON, AIR FORCE	Djibouti Chabelley Airfield	OCO: Construct Chabelley Access Road	3,600	3,600
MILCON, AIR FORCE	Chabelley Airfield	OCO: Construct Parking Apron and Taxiway	6,900	6,900
MILCON, AIR FORCE	Estonia Amari Air Base	ERI: Construct Bulk Fuel Storage	6,500	6,500
MILCON, AIR FORCE	Germany Spangdahlem AB	ERI: Upgrade Hardened Aircraft Shelters	2,700	2,700

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AIR FORCE	Spangdahlem AB	ERI: F/A–22 Upgrade Infrastructure/Comm/Util.	1,600	1,600
MILCON, AIR FORCE	Spangdahlem AB	ERI: F/A–22 Low Observable/Comp Repair Fac	12,000	12,000
MILCON, AIR FORCE	Spangdahlem AB	ERI: Construct High Cap Trim Pad & Hush House.	1,000	1,000
MILCON, AIR FORCE	Spangdahlem AB	ERI: Upgrade Munitions Storage Doors	1,400	1,400
	Lithuania			
MILCON, AIR FORCE	Siauliai	ERI: Munitions Storage	3,000	3,000
	Poland			
MILCON, AIR FORCE	Lask AB	ERI: Construct Squadron Operations Facility	4,100	4,100
MILCON, AIR FORCE	Powidz AB	ERI: Construct Squadron Operations Facility	4,100	4,100
	Romania			
MILCON, AIR FORCE	Campia Turzii	ERI: Extend Parking Aprons	6,000	6,000
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Munitions Storage Area	3,000	3,000
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Two-Bay Hangar	6,100	6,100
MILCON, AIR FORCE	Campia Turzii	ERI: Construct Squadron Operations Facility	3,400	3,400
	Worldwide Unspecified			
MILCON, AIR FORCE	Unspecified Worldwide Locations	OCO: Planning and Design	940	940
MILCON, AIR FORCE	Unspecified Worldwide Locations	CTP: Planning and Design	9,000	9,000
SUBTOTAL MILCON, AIR FORCE			**88,740**	**88,740**
MIL CON, DEF-WIDE				
	Worldwide Unspecified			
MIL CON, DEF-WIDE	Unspecified Worldwide Locations	ERI: Unspecified Minor Construction	5,000	5,000
SUBTOTAL MIL CON, DEF-WIDE			**5,000**	**5,000**
TOTAL MILITARY CONSTRUCTION			**172,449**	**172,449**
TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC			**172,449**	**172,449**

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.—

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear Energy	151,876	151,876

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	9,243,147	9,235,397
Defense nuclear nonproliferation	1,807,916	1,877,916
Naval reactors	1,420,120	1,420,120
Federal salaries and expenses	412,817	412,817
Total, National nuclear security administration	**12,884,000**	**12,946,250**
Environmental and other defense activities:		
Defense environmental cleanup	5,382,050	5,246,950
Other defense activities	791,552	791,552
Total, Environmental & other defense activities	**6,173,602**	**6,038,502**
Total, Atomic Energy Defense Activities	**19,057,602**	**18,984,752**
Total, Discretionary Funding	**19,209,478**	**19,136,628**
Nuclear Energy		
Idaho sitewide safeguards and security	129,303	129,303
Idaho operations and maintenance	7,313	7,313
Consent Based Siting	15,260	15,260
Total, Nuclear Energy	**151,876**	**151,876**
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	616,079	616,079
W76 Life extension program	222,880	222,880
W88 Alt 370	281,129	281,129
W80–4 Life extension program	220,253	220,253
Total, Life extension programs	**1,340,341**	**1,340,341**
Stockpile systems		
B61 Stockpile systems	57,313	57,313
W76 Stockpile systems	38,604	38,604
W78 Stockpile systems	56,413	56,413
W80 Stockpile systems	64,631	64,631
B83 Stockpile systems	41,659	41,659
W87 Stockpile systems	81,982	81,982
W88 Stockpile systems	103,074	103,074
Total, Stockpile systems	**443,676**	**443,676**
Weapons dismantlement and disposition		
Operations and maintenance	68,984	56,234
Program reduction		[–12,750]
Stockpile services		
Production support	457,043	457,043
Research and development support	34,187	34,187
R&D certification and safety	156,481	156,481
Management, technology, and production	251,978	251,978
Total, Stockpile services	**899,689**	**899,689**
Nuclear material commodities		
Uranium sustainment	20,988	20,988
Plutonium sustainment	184,970	184,970
Tritium sustainment	109,787	109,787
Domestic uranium enrichment	50,000	50,000
Strategic matrials sustainment	212,092	212,092
Total, Nuclear material commodities	**577,837**	**577,837**
Total, Directed stockpile work	**3,330,527**	**3,317,777**
Research, development, test and evaluation (RDT&E)		
Science		
Advanced certification	58,000	58,000
Primary assessment technologies	99,000	99,000
Dynamic materials properties	106,000	106,000
Advanced radiography	50,500	50,500
Secondary assessment technologies	76,000	76,000
Academic alliances and partnerships	52,484	52,484
Total, Science	**441,984**	**441,984**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Engineering		
Enhanced surety	37,196	37,196
Weapon systems engineering assessment technology	16,958	16,958
Nuclear survivability	43,105	43,105
Enhanced surveillance	42,228	42,228
Total, Engineering	**139,487**	**139,487**
Inertial confinement fusion ignition and high yield		
Ignition	75,432	75,432
Support of other stockpile programs	23,363	23,363
Diagnostics, cryogenics and experimental support	68,696	68,696
Pulsed power inertial confinement fusion	5,616	5,616
Joint program in high energy density laboratory plasmas	9,492	9,492
Facility operations and target production	340,360	340,360
Total, Inertial confinement fusion and high yield	**522,959**	**522,959**
Advanced simulation and computing	663,184	663,184
Stockpile Responsiveness Program	0	5,000
Program Increase		[5,000]
Advanced manufacturing		
Additive manufacturing	12,000	12,000
Component manufacturing development	46,583	46,583
Processing technology development	28,522	28,522
Total, Advanced manufacturing	**87,105**	**87,105**
Total, RDT&E	**1,854,719**	**1,859,719**
Infrastructure and operations (formerly RTBF)		
Operating		
Operations of facilities		
Kansas City Plant	101,000	101,000
Lawrence Livermore National Laboratory	70,500	70,500
Los Alamos National Laboratory	196,500	196,500
Nevada Test Site	92,500	92,500
Pantex	55,000	55,000
Sandia National Laboratory	118,000	118,000
Savannah River Site	83,500	83,500
Y–12 National security complex	107,000	107,000
Total, Operations of facilities	**824,000**	**824,000**
Safety and environmental operations	110,000	110,000
Maintenance and repair of facilities	294,000	294,000
Recapitalization:		
Infrastructure and safety	554,643	554,643
Capability based investment	112,639	112,639
Total, Recapitalization	**667,282**	**667,282**
Construction:		
17–D–640, U1a Complex Enhancements Project, NNSS	11,500	11,500
17–D–630 Electrical Infrastructure Upgrades, LLNL	25,000	25,000
16–D–515 Albuquerque complex upgrades project	15,047	15,047
15–D–613 Emergency Operations Center, Y–12	2,000	2,000
15–D–302, TA–55 Reinvestment project, Phase 3, LANL	21,455	21,455
07–D–220-04 Transuranic liquid waste facility, LANL	17,053	17,053
06–D–141 PED/Construction, UPF Y–12, Oak Ridge, TN	575,000	575,000
04–D–125—04 RLUOB equipment installation	159,615	159,615
Total, Construction	**826,670**	**826,670**
Total, Infrastructure and operations	**2,721,952**	**2,721,952**
Secure transportation asset		
Operations and equipment	179,132	179,132
Program direction	103,600	103,600
Total, Secure transportation asset	**282,732**	**282,732**
Defense nuclear security		
Operations and maintenance	657,133	657,133

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Construction:		
14–D–710 Device assembly facility argus installation project, NV	13,000	13,000
Total, Defense nuclear security	**670,133**	**670,133**
Information technology and cybersecurity	176,592	176,592
Legacy contractor pensions	248,492	248,492
Rescission of prior year balances	–42,000	–42,000
Total, Weapons Activities	**9,243,147**	**9,235,397**
Defense Nuclear Nonproliferation		
Defense Nuclear Nonproliferation Programs		
Defense Nuclear Nonproliferation R&D		
Global material security	337,108	337,108
Material management and minimization	341,094	341,094
Nonproliferation and arms control	124,703	124,703
Defense Nuclear Nonproliferation R&D	393,922	393,922
Nonproliferation Construction:		
99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	270,000	340,000
MOX Fuel Fabrication Facility Construction		[70,000]
Total, Nonproliferation construction	**270,000**	**340,000**
Total, Defense Nuclear Nonproliferation Programs	**1,466,827**	**1,536,827**
Legacy contractor pensions	83,208	83,208
Nuclear counterterrorism and incident response program	271,881	271,881
Rescission of prior year balances	–14,000	–14,000
Total, Defense Nuclear Nonproliferation	**1,807,916**	**1,877,916**
Naval Reactors		
Naval reactors operations and infrastructure	449,682	449,682
Naval reactors development	437,338	437,338
Ohio replacement reactor systems development	213,700	213,700
S8G Prototype refueling	124,000	124,000
Program direction	47,100	47,100
Construction:		
17–D–911, BL Fire System Upgrade	1,400	1,400
15–D–904 NRF Overpack Storage Expansion 3	700	700
15–D–902 KS Engineroom team trainer facility	33,300	33,300
14–D–901 Spent fuel handling recapitalization project, NRF	100,000	100,000
10-D–903, Security upgrades, KAPL	12,900	12,900
Total, Construction	**148,300**	**148,300**
Total, Naval Reactors	**1,420,120**	**1,420,120**
Federal Salaries And Expenses		
Program direction	412,817	412,817
Total, Office Of The Administrator	**412,817**	**412,817**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	9,389	9,389
Hanford site:		
River corridor and other cleanup operations	69,755	69,755
Central plateau remediation	620,869	620,869
Richland community and regulatory support	14,701	14,701
Construction:		
15–D–401 Containerized sludge removal annex, RL	11,486	11,486
Total, Hanford site	**716,811**	**716,811**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	359,088	359,088
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	**362,088**	**362,088**
Los Alamos National Laboratory		
EMLA cleanup activities	185,606	195,606

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Program Increase		[10,000]
EMLA community and regulatory support	3,394	3,394
Total, Los Alamos National Laboratory	**189,000**	**199,000**
NNSA sites		
Lawrence Livermore National Laboratory	1,396	1,396
Separations Process Research Unit	3,685	3,685
Nevada	62,176	62,176
Sandia National Laboratories	4,130	4,130
Total, NNSA sites and Nevada off-sites	**71,387**	**71,387**
Oak Ridge Reservation:		
OR Nuclear facility D & D		
OR Nuclear facility D & D	93,851	93,851
Construction:		
14–D–403 Outfall 200 Mercury Treatment Facility	5,100	5,100
Total, OR Nuclear facility D & D	**98,951**	**98,951**
U233 Disposition Program	37,311	37,311
OR cleanup and disposition	54,557	54,557
OR reservation community and regulatory support	4,400	4,400
Oak Ridge technology development	3,000	3,000
Total, Oak Ridge Reservation	**198,219**	**198,219**
Office of River Protection:		
Waste treatment and immobilization plant		
WTP operations	3,000	3,000
15–D–409 Low activity waste pretreatment system, ORP	73,000	73,000
01–D–416 A-D/ORP-0060 / Major construction	690,000	690,000
Total, Waste treatment and immobilization plant	**766,000**	**766,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	721,456	721,456
Total, Tank farm activities	**721,456**	**721,456**
Total, Office of River protection	**1,487,456**	**1,487,456**
Savannah River sites:		
Nuclear Material Management	311,062	311,062
Environmental Cleanup	152,504	152,504
SR community and regulatory support	11,249	11,249
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	645,332	645,332
Construction:		
15–D–402—Saltstone Disposal Unit #6, SRS	7,577	7,577
17–D–401—Saltstone Disposal Unit #7	9,729	9,729
05–D–405 Salt waste processing facility, Savannah River Site	160,000	160,000
Total, Construction	**177,306**	**177,306**
Total, Radioactive liquid tank waste	**822,638**	**822,638**
Total, Savannah River site	**1,297,453**	**1,297,453**
Waste Isolation Pilot Plant		
Operations and maintenance	257,188	267,188
Program increase		[10,000]
Construction:		
15–D–411 Safety significant confinement ventilation system, WIPP	2,532	2,532
15–D–412 Exhaust shaft, WIPP	2,533	2,533
Total, Construction	**5,065**	**5,065**
Total, Waste Isolation Pilot Plant	**262,253**	**272,253**
Program direction	290,050	290,050
Program support	14,979	14,979
Safeguards and Security	255,973	255,973
Technology development	30,000	30,000
Infrastructure recapitalization	41,892	41,892
Defense Uranium enrichment D&D	155,100	0
Program decrease		[–155,100]
Total, Defense Environmental Cleanup	**5,382,050**	**5,246,950**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2017 Request	Senate Authorized
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security	130,693	130,693
Program direction	66,519	66,519
Total, Environment, Health, safety and security	**197,212**	**197,212**
Independent enterprise assessments		
Independent enterprise assessments	24,580	24,580
Program direction	51,893	51,893
Total, Independent enterprise assessments	**76,473**	**76,473**
Specialized security activities	237,912	237,912
Office of Legacy Management		
Legacy management	140,306	140,306
Program direction	14,014	14,014
Total, Office of Legacy Management	**154,320**	**154,320**
Defense-related activities		
Defense related administrative support		
Chief financial officer	23,642	23,642
Chief information officer	93,074	93,074
Project management oversight and Assessments	3,000	3,000
Total, Defense related administrative support	**116,716**	**116,716**
Office of hearings and appeals	5,919	5,919
Subtotal, Other defense activities	**791,552**	**791,552**
Total, Other Defense Activities	**791,552**	**791,552**

DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

SEC. 5001. SHORT TITLE.

This division may be cited as the ''Military Justice Act of 2016''.

TITLE LI—GENERAL PROVISIONS

SEC. 5101. DEFINITIONS.

(a) MILITARY JUDGE.—Paragraph (10) of section 801 of title 10, United States Code (article 1 of the Uniform Code of Military Justice), is amended to read as follows:

''(10) The term 'military judge' means a judge advocate designated under section 826(c) of this title

(article 26(c)) who is detailed under section 826(a) or section 830a of this title (article 26(a) or 30a).''.

(b) JUDGE ADVOCATE.—Paragraph (13) of such section (article) is amended—

(1) in subparagraph (A), by striking ''the Army or the Navy'' and inserting ''the Army, the Navy, or the Air Force''; and

(2) in subparagraph (B), by striking ''the Air Force or''.

SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ WHILE ON INACTIVE-DUTY TRAINING.

Paragraph (3) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

''(3)(A) While on inactive-duty training and during any of the periods specified in subparagraph (B)—

''(i) members of a reserve component; and

''(ii) members of the Army National Guard of the United States or the Air National Guard of the United States, but only when in Federal service.

''(B) The periods referred to in subparagraph (A) are the following:

"(i) Travel to and from the inactive-duty training site of the member, pursuant to orders or regulations.

"(ii) Intervals between consecutive periods of inactive-duty training on the same day, pursuant to orders or regulations.

"(iii) Intervals between inactive-duty training on consecutive days, pursuant to orders or regulations.".

SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION DUE TO PRIOR INVOLVEMENT IN CASE.

Subsection (c) of section 806 of title 10, United States Code (article 6 of the Uniform Code of Military Justice), is amended to read as follows:

"(c)(1) No person who, with respect to a case, serves in a capacity specified in paragraph (2) may later serve as a staff judge advocate or legal officer to any reviewing or convening authority upon the same case.

"(2) The capacities referred to in paragraph (1) are, with respect to the case involved, any of the following:

"(A) Preliminary hearing officer, court member, military judge, military magistrate, or appellate judge.

"(B) Counsel who have acted in the same case or appeared in any proceeding before a military

judge, military magistrate, preliminary hearing officer, or appellate court.''.

SEC. 5104. CONFORMING AMENDMENT RELATING TO MILITARY MAGISTRATES.

The first sentence of section 806a(a) of title 10, United States Code (article 6a(a) of the Uniform Code of Military Justice), is amended by striking ''military judge'' and all that follows through the end of the sentence and inserting ''military appellate judge, military judge, or military magistrate to perform the duties of the position involved.''.

SEC. 5105. RIGHTS OF VICTIM.

(a) DESIGNATION OF REPRESENTATIVE.—Subsection (c) of section 806b of title 10, United States Code (article 6b of the Uniform Code of Military Justice), is amended in the first sentence by striking ''the military judge'' and all that follows through the end of the sentence and inserting the following: ''the legal guardians of the victim or the representatives of the victim's estate, family members, or any other person designated as suitable by the military judge, may assume the rights of the victim under this section.''.

(b) RULE OF CONSTRUCTION.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

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

''(3) to impair the exercise of discretion under sections 830 and 834 of this title (articles 30 and 34).''.

(c) INTERVIEW OF VICTIM.—Such section (article) is amended by adding at the end the following new subsection:

''(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM OF ALLEGED OFFENSE.—(1) Upon notice by counsel for the Government to counsel for the accused of the name of an alleged victim of an offense under this chapter who counsel for the Government intends to call as a witness at a proceeding under this chapter, counsel for the accused shall make any request to interview the victim through the Special Victims' Counsel or other counsel for the victim, if applicable.

''(2) If requested by an alleged victim who is subject to a request for interview under paragraph (1), any interview of the victim by counsel for the accused shall take place only in the presence of the counsel for the Govern-

ment, a counsel for the victim, or, if applicable, a victim advocate.''.

TITLE LII—APPREHENSION AND RESTRAINT

SEC. 5121. RESTRAINT OF PERSONS CHARGED.

Section 810 of title 10, United States Code (article 10 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 810. Art. 10. Restraint of persons charged

''(a) IN GENERAL.—(1) Subject to paragraph (2), any person subject to this chapter who is charged with an offense under this chapter may be ordered into arrest or confinement as the circumstances require.

''(2) When a person subject to this chapter is charged only with an offense that is normally tried by summary court-martial, the person ordinarily shall not be ordered into confinement.

''(b) NOTIFICATION TO ACCUSED AND RELATED PROCEDURES.—(1) When a person subject to this chapter is ordered into arrest or confinement before trial, immediate steps shall be taken—

''(A) to inform the person of the specific offense of which the person is accused; and

''(B) to try the person or to dismiss the charges and release the person.

"(2) To facilitate compliance with paragraph (1), the President shall prescribe regulations setting forth procedures relating to referral for trial, including procedures for prompt forwarding of the charges and specifications and, if applicable, the preliminary hearing report submitted under section 832 of this title (article 32).".

SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINEMENT OF MEMBERS OF THE ARMED FORCES WITH ENEMY PRISONERS AND CERTAIN OTHERS.

Section 812 of title 10, United States Code (article 12 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others

"No member of the armed forces may be placed in confinement in immediate association with—

"(1) enemy prisoners; or

"(2) other individuals—

"(A) who are detained under the law of war and are foreign nationals; and

"(B) who are not members of the armed forces.".

TITLE LIII—NON-JUDICIAL PUNISHMENT

SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDICIAL PUNISHMENT.

Section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b)—

(A) in paragraph (2)(A), by striking ''on bread and water or diminished rations''; and

(B) in the undesignated matter after paragraph (2), by striking ''on bread and water or diminished rations'' in the sentence beginning ''No two or more''; and

(2) in subsection (d), by striking ''on bread and water or diminished rations'' in paragraphs (2) and (3).

TITLE LIV—COURT-MARTIAL JURISDICTION

SEC. 5161. COURTS-MARTIAL CLASSIFIED.

Section 816 of title 10, United States Code (article 16 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 816. Art 16. Courts-martial classified

''(a) IN GENERAL.—The three kinds of courts-martial in each of the armed forces are the following:

"(1) General courts-martial, as described in subsection (b).

"(2) Special courts-martial, as described in subsection (c).

"(3) Summary courts-martial, as described in subsection (d).

"(b) GENERAL COURTS-MARTIAL.—General courts-martial are of the following three types:

"(1) A general court-martial consisting of a military judge and eight members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

"(2) In a capital case, a general court-martial consisting of a military judge and the number of members determined under section 825a of this title (article 25a), subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

"(3) A general court-martial consisting of a military judge alone, if, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

"(c) SPECIAL COURTS-MARTIAL.—Special courts-martial are of the following two types:

"(1) A special court-martial, consisting of a military judge and four members, subject to sections 825(d)(3) and 829 of this title (articles 25(d)(3) and 29).

"(2) A special court-martial consisting of a military judge alone—

"(A) if the case is so referred by the convening authority, subject to section 819 of this title (article 19) and such limitations as the President may prescribe by regulation; or

"(B) if the case is referred under paragraph (1) and, before the court is assembled, the accused, knowing the identity of the military judge and after consultation with defense counsel, requests, orally on the record or in writing, a court composed of a military judge alone and the military judge approves the request.

"(d) SUMMARY COURT-MARTIAL.—A summary court-martial consists of one commissioned officer.".

SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.

Section 818 of title 10, United States Code (article 18 of the Uniform Code of Military Justice), is amended—

(1) in subsection (b), by striking ''section 816(1)(B) of this title (article 16(1)(B))'' and inserting ''section 816(b)(3) of this title (article 16(b)(3))''; and

(2) by striking subsection (c) and inserting the following new subsection (c):

''(c) Consistent with sections 819 and 820 of this title (articles 19 and 20), only general courts-martial have jurisdiction over the following offenses:

''(1) A violation of subsection (a) or (b) of section 920 of this title (article 120).

''(2) A violation of subsection (a) or (b) of section 920b of this title (article 120b).

''(3) An attempt to commit an offense specified in paragraph (1) or (2) that is punishable under section 880 of this title (article 80).''.

SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.

Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) by striking ''Subject to'' in the first sentence and inserting the following:

''(a) IN GENERAL.—Subject to'';

(2) by striking ''A bad-conduct discharge'' and all that follows through the end; and

(3) by adding after subsection (a), as designated by paragraph (1), the following new subsections:

''(b) ADDITIONAL LIMITATION.—Neither a bad-conduct discharge, nor confinement for more than six months, nor forfeiture of pay for more than six months may be adjudged if charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)).

''(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.''.

SEC. 5164. SUMMARY COURT-MARTIAL AS NON-CRIMINAL FORUM.

Section 820 of title 10, United States Code (article 20 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Subject to''; and

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

"(b) NON-CRIMINAL FORUM.—A summary court-martial is a non-criminal forum. A finding of guilty at a summary court-martial does not constitute a criminal conviction.".

TITLE LV—COMPOSITION OF COURTS-MARTIAL

SEC. 5181. TECHNICAL AMENDMENT RELATING TO PERSONS AUTHORIZED TO CONVENE GENERAL COURTS-MARTIAL.

Section 822(a)(6) of title 10, United States Code (article 22(a)(6) of the Uniform Code of Military Justice), is amended by striking "in chief".

SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RELATED MATTERS.

(a) WHO MAY SERVE ON COURTS-MARTIAL.—Subsection (c) of section 825 of title 10, United States Code (article 25 of the Uniform Code of Military Justice), is amended to read as follows:

"(c)(1) Any enlisted member on active duty is eligible to serve on a general or special court-martial for the trial of any other enlisted member.

"(2) Before a court-martial with a military judge and members is assembled for trial, an enlisted member who is an accused may personally request, orally on the record or in writing, that—

"(A) the membership of the court-martial be comprised entirely of officers; or

"(B) enlisted members comprise at least one-third of the membership of the court-martial, regardless of whether enlisted members have been detailed to the court-martial.

"(3) Except as provided in paragraph (4), after such a request, the accused may not be tried by a general or special court-martial if the membership of the court-martial is inconsistent with the request.

"(4) If, because of physical conditions or military exigencies, a sufficient number of eligible officers or enlisted members, as the case may be, are not available to carry out paragraph (2), the trial may nevertheless be held. In that event, the convening authority shall make a detailed written statement of the reasons for nonavailability. The statement shall be appended to the record.".

(b) DETAIL OF MEMBERS.—Subsection (d) of such section (article) is amended by adding at the end the following new paragraph:

"(3) The convening authority shall detail not less than the number of members necessary to impanel the court-martial under section 829 of this title (article 29).".

SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAPITAL CASES.

Section 825a of title 10, United States Code (article 25a of the Uniform Code of Military Justice), is amended to read as follows:

"§ 825a. Art. 25a. Number of court-martial members in capital cases

''(a) IN GENERAL.—In a case in which the accused may be sentenced to death, the number of members shall be 12.

''(b) CASE NO LONGER CAPITAL.—Subject to section 829 of this title (article 29)—

''(1) if a case is referred for trial as a capital case and, before the members are impaneled, the accused may no longer be sentenced to death, the number of members shall be eight; and

''(2) if a case is referred for trial as a capital case and, after the members are impaneled, the accused may no longer be sentenced to death, the number of members shall remain 12.''.

SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MATTERS RELATING TO MILITARY JUDGES.

(a) DETAIL TO SPECIAL COURTS-MARTIAL.—Subsection (a) of section 826 of title 10, United States Code (article 26 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by inserting after ''each general'' the following: ''and special''; and

(2) by striking the second sentence.

(b) QUALIFICATIONS.—Subsection (b) of such section (article) is amended by striking ''qualified for duty'' and inserting ''qualified, by reason of education, training, experience, and judicial temperament, for duty''.

(c) DETAIL AND ASSIGNMENT.—Subsection (c) of such section (article) is amended to read as follows:

''(c)(1) In accordance with regulations prescribed under subsection (a), a military judge of a general or special court-martial shall be designated for detail by the Judge Advocate General of the armed force of which the military judge is a member.

''(2) Neither the convening authority nor any member of the staff of the convening authority shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed, which relates to the military judge's performance of duty as a military judge.

''(3) A commissioned officer who is certified to be qualified for duty as a military judge of a general court-martial—

''(A) may perform such duties only when the officer is assigned and directly responsible to the

Judge Advocate General of the armed force of which the military judge is a member; and

"(B) may perform duties of a judicial or non-judicial nature other than those relating to the officer's primary duty as a military judge of a general court-martial when such duties are assigned to the officer by or with the approval of that Judge Advocate General.

"(4) In accordance with regulations prescribed by the President, assignments of military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.".

(d) DETAIL TO A DIFFERENT ARMED FORCE.—Such section (article) is further amended by adding at the end the following new subsection:

"(f) A military judge may be detailed under subsection (a) to a court-martial or a proceeding under section 830a of this title (article 30a) that is convened in a different armed force, when so permitted by the Judge Advocate General of the armed force of which the military judge is a member.".

(e) CHIEF TRIAL JUDGES.—Such section (article), as amended by subsection (d), is further amended by adding at the end the following new subsection:

"(g) In accordance with regulations prescribed by the President, each Judge Advocate General shall designate a chief trial judge from among the members of the applicable trial judiciary.".

SEC. 5185. QUALIFICATIONS OF TRIAL COUNSEL AND DEFENSE COUNSEL.

Section 827 of title 10, United States Code (article 27 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence of paragraph (2) of subsection (a), by striking "No person" and all that follows through "trial counsel," the first place it appears and inserting "No person who, with respect to a case, has served as a preliminary hearing officer, court member, military judge, military magistrate, or appellate judge, may later serve as trial counsel,";

(2) in the first sentence of subsection (b), by striking "Trial counsel or defense counsel" and inserting "Trial counsel, defense counsel, or assistant defense counsel"; and

(3) by striking subsection (c) and inserting the following new subsections:

"(c)(1) Defense counsel and assistant defense counsel detailed for a special court-martial shall have the qualifications set forth in subsection (b).

"(2) Trial counsel and assistant trial counsel detailed for a special court-martial and assistant trial counsel detailed for a general court-martial must be determined to be competent to perform such duties by the Judge Advocate General, under such rules as the President may prescribe.

"(d) To the greatest extent practicable, in any capital case, at least one defense counsel shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.".

SEC. 5186. ASSEMBLY AND IMPANELING OF MEMBERS AND RELATED MATTERS.

Section 829 of title 10, United States Code (article 29 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 829. Art 29. Assembly and impaneling of members; detail of new members and military judges

"(a) ASSEMBLY.—The military judge shall announce the assembly of a general or special court-martial with members. After such a court-martial is assembled, no member may be absent, unless the member is excused—

"(1) as a result of a challenge;

"(2) under subsection (b)(1)(B); or

"(3) by order of the military judge or the convening authority for disability or other good cause.

"(b) IMPANELING.—(1) Under rules prescribed by the President, the military judge of a general or special court-martial with members shall—

"(A) after determination of challenges, impanel the court-martial; and

"(B) excuse the members who, having been assembled, are not impaneled.

"(2) In a general court-martial, the military judge shall impanel—

"(A) 12 members in a capital case; and

"(B) eight members in a noncapital case.

"(3) In a special court-martial, the military judge shall impanel four members.

"(c) ALTERNATE MEMBERS.—In addition to members under subsection (b), the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

"(d) DETAIL OF NEW MEMBERS.—(1) If, after members are impaneled, the membership of the court-martial is reduced to—

"(A) fewer than 12 members with respect to a general court-martial in a capital case;

"(B) fewer than six members with respect to a general court-martial in a noncapital case; or

"(C) fewer than four members with respect to a special court-martial;

the trial may not proceed unless the convening authority details new members and, from among the members so detailed, the military judge impanels new members sufficient in number to provide the membership specified in paragraph (2).

"(2) The membership referred to in paragraph (1) is as follows:

"(A) 12 members with respect to a general court-martial in a capital case.

"(B) At least six but not more than eight members with respect to a general court-martial in a noncapital case.

"(C) Four members with respect to a special court-martial.

"(e) DETAIL OF NEW MILITARY JUDGE.—If the military judge is unable to proceed with the trial because of disability or otherwise, a new military judge shall be detailed to the court-martial.

"(f) EVIDENCE.—(1) In the case of new members under subsection (d), the trial may proceed with the new members present after the evidence previously introduced

is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new members, the military judge, the accused, and counsel for both sides.

''(2) In the case of a new military judge under subsection (e), the trial shall proceed as if no evidence had been introduced, unless the evidence previously introduced is read or, in the case of audiotape, videotape, or similar recording, is played, in the presence of the new military judge, the accused, and counsel for both sides.''.

SEC. 5187. MILITARY MAGISTRATES.

Subchapter V of chapter 47 of title 10, United States Code, is amended by inserting after section 826 (article 26 of the Uniform Code of Military Justice) the following new section (article):

''§ 826a. Art. 26a. Military magistrates

''(a) QUALIFICATIONS.—A military magistrate shall be a commissioned officer of the armed forces who—

''(1) is a member of the bar of a Federal court or a member of the bar of the highest court of a State; and

''(2) is certified to be qualified, by reason of education, training, experience, and judicial temperament, for duty as a military magistrate by the Judge Advocate General of the armed force of which the officer is a member.

"(b) DUTIES.—In accordance with regulations prescribed by the Secretary concerned, in addition to duties when designated under section 819 or 830a of this title (article 19 or 30a), a military magistrate may be assigned to perform other duties of a nonjudicial nature.".

TITLE LVI—PRE-TRIAL PROCEDURE

SEC. 5201. CHARGES AND SPECIFICATIONS.

Section 830 of title 10, United States Code (article 30 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 830. Art 30. Charges and specifications

"(a) IN GENERAL.—Charges and specifications—

"(1) may be preferred only by a person subject to this chapter; and

"(2) shall be preferred by presentment in writing, signed under oath before a commissioned officer of the armed forces who is authorized to administer oaths.

"(b) REQUIRED CONTENT.—The writing under subsection (a) shall state that—

"(1) the signer has personal knowledge of, or has investigated, the matters set forth in the charges and specifications; and

"(2) the matters set forth in the charges and specifications are true, to the best of the knowledge and belief of the signer.

"(c) DUTY OF PROPER AUTHORITY.—When charges and specifications are preferred under subsection (a), the proper authority shall, as soon as practicable—

"(1) inform the person accused of the charges and specifications; and

"(2) determine what disposition should be made of the charges and specifications in the interest of justice and discipline.".

SEC. 5202. PROCEEDINGS CONDUCTED BEFORE REFERRAL.

Subchapter VI of chapter 47 of title 10, United States Code, is amended by inserting after section 830 (article 30 of the Uniform Code of Military Justice) the following new section (article):

"§ 830a. Art. 30a. Proceedings conducted before referral

"(a) IN GENERAL.—(1) The President shall prescribe regulations for proceedings conducted before referral of charges and specifications to court-martial for trial.

"(2) The regulations prescribed under paragraph (1) shall—

"(A) set forth the matters that a military judge may rule upon in such proceedings;

"(B) include procedures for the review of such rulings;

"(C) include appropriate limitations to ensure that proceedings under this section extend only to matters that would be subject to consideration by a military judge in a general or special court-martial; and

"(D) provide such limitations on the relief that may be ordered under this section as the President considers appropriate.

"(3) If any matter in a proceeding under paragraph (1) becomes a subject at issue with respect to charges that have been referred to a general or special court-martial, the matter shall be transferred to the military judge detailed to the court-martial.

"(b) DETAIL OF MILITARY JUDGE.—The Secretary concerned shall prescribe regulations providing for the manner in which military judges are detailed to proceedings under subsection (a)(1).

"(c) DISCRETION TO DESIGNATE MAGISTRATE TO PRESIDE.—In accordance with regulations prescribed by the Secretary concerned, a military judge detailed to a proceeding under subsection (a)(1) may designate a military magistrate to preside over the proceeding.".

SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE REFERRAL TO GENERAL COURT-MARTIAL.

(a) IN GENERAL.—Section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), is amended by striking the section heading and subsections (a), (b), and (c) and inserting the following:

"§ 832. Art. 32. Preliminary hearing required before referral to general court-martial

''(a) IN GENERAL.—(1)(A) Except as provided in subparagraph (B), a preliminary hearing shall be held before referral of charges and specifications for trial by general court-martial. The preliminary hearing shall be conducted by an impartial hearing officer, detailed by the convening authority in accordance with subsection (b).

''(B) Under regulations prescribed by the President, a preliminary hearing need not be held if the accused submits a written waiver to the convening authority and the convening authority determines that a hearing is not required.

''(2) The issues for determination at a preliminary hearing are limited to the following:

''(A) Whether or not the specification alleges an offense under this chapter.

''(B) Whether or not there is probable cause to believe that the accused committed the offense charged.

"(C) Whether or not the convening authority has court-martial jurisdiction over the accused and over the offense.

"(b) HEARING OFFICER.—(1) A preliminary hearing under this section shall be conducted by an impartial hearing officer, who—

"(A) whenever practicable, shall be a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)); or

"(B) when it is not practicable to appoint a judge advocate because of exceptional circumstances, is not a judge advocate so certified.

"(2) In the case of a hearing officer under paragraph (1)(B), a judge advocate who is certified under section 827(b)(2) of this title (article 27(b)(2)) shall be available to provide legal advice to the hearing officer.

"(3) Whenever practicable, the hearing officer shall be equal in grade or senior in grade to military counsel who are detailed to represent the accused or the Government at the preliminary hearing.

"(c) REPORT TO CONVENING AUTHORITY.—After a preliminary hearing under this section, the hearing officer shall submit to the convening authority a written report (accompanied by a recording of the preliminary hearing under subsection (e)) that includes the following:

"(1) For each specification, a statement of the reasoning and conclusions of the hearing officer with respect to determinations under subsection (a)(2), including a summary of relevant witness testimony and documentary evidence presented at the hearing and any observations of the hearing officer concerning the testimony of witnesses and the availability and admissibility of evidence at trial.

"(2) Recommendations for any necessary modifications to the form of the charges or specifications.

"(3) An analysis of any additional information submitted after the hearing by the parties or by a victim of an offense, that, under such rules as the President may prescribe, is relevant to disposition under sections 830 and 834 of this title (articles 30 and 34).

"(4) A statement of action taken on evidence adduced with respect to uncharged offenses, as described in subsection (f).".

(b) SUNDRY AMENDMENTS.—Subsection (d) of such section (article) is amended—

(1) in paragraph (1), by striking "subsection (a)" in the first sentence and inserting "this section";

(2) in paragraph (2), by striking ''in defense'' and all that follows through the end and inserting ''that is relevant to the issues for determination under subsection (a)(2).'';

(3) in paragraph (3), by adding at the end the following new sentence: ''A declination under this paragraph shall not serve as the sole basis for ordering a deposition under section 849 of this title (article 49).''; and

(4) in paragraph (4), by striking ''the limited purposes of the hearing, as provided in subsection (a)(2)'' and inserting ''determinations under subsection (a)(2)''.

(c) REFERENCE TO MCM.—Subsection (e) of such section (article) is amended by striking ''as prescribed by the Manual for Courts-Martial'' in the second sentence and inserting ''under such rules as the President may prescribe''.

(d) EFFECT OF VIOLATION.—Subsection (g) of such section (article) is amended by adding at the end the following new sentence: ''A defect in a report under subsection (c) is not a basis for relief if the report is in substantial compliance with that subsection.''.

(e) CONFORMING AMENDMENTS.—The following provisions are each amended by striking ''investigating officer'' and inserting ''preliminary heating officer'':

(1) Section 806b(a)(3) of title 10, United States Code (article 6b(a)(3) of the Uniform Code of Military Justice).

(2) Section 825(d)(2) of such title (article 25(d)(2) of the Uniform Code of Military Justice).

(3) Section 826(d) of such title (article 26(d) of the Uniform Code of Military Justice).

SEC. 5204. DISPOSITION GUIDANCE.

Section 833 of title 10, United States Code (article 33 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 833. Art 33. Disposition guidance

''The President shall direct the Secretary of Defense to issue, in consultation with the Secretary of Homeland Security, non-binding guidance regarding factors that commanders, convening authorities, staff judge advocates, and judge advocates should take into account when exercising their duties with respect to disposition of charges and specifications in the interest of justice and discipline under sections 830 and 834 of this title (articles 30 and 34). Such guidance shall take into account, with appropriate consideration of military requirements, the prin-

ciples contained in official guidance of the Attorney General to attorneys for the Government with respect to disposition of Federal criminal cases in accordance with the principle of fair and evenhanded administration of Federal criminal law.''.

SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE REFERRAL FOR TRIAL.

Section 834 of title 10, United States Code (article 34 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 834. Art. 34. Advice to convening authority before referral for trial

''(a) GENERAL COURT-MARTIAL.—

''(1) STAFF JUDGE ADVOCATE ADVICE REQUIRED BEFORE REFERRAL.—Before referral of charges and specifications to a general court-martial for trial, the convening authority shall submit the matter to the staff judge advocate for advice, which the staff judge advocate shall provide to the convening authority in writing. The convening authority may not refer a specification under a charge to a general court-martial unless the staff judge advocate advises the convening authority in writing that—

''(A) the specification alleges an offense under this chapter;

"(B) there is probable cause to believe that the accused committed the offense charged; and

"(C) a court-martial would have jurisdiction over the accused and the offense.

"(2) STAFF JUDGE ADVOCATE RECOMMENDATION AS TO DISPOSITION.—Together with the written advice provided under paragraph (1), the staff judge advocate shall provide a written recommendation to the convening authority as to the disposition that should be made of the specification in the interest of justice and discipline.

"(3) STAFF JUDGE ADVOCATE ADVICE AND RECOMMENDATION TO ACCOMPANY REFERRAL.—When a convening authority makes a referral for trial by general court-martial, the written advice of the staff judge advocate under paragraph (1) and the written recommendation of the staff judge advocate under paragraph (2) with respect to each specification shall accompany the referral.

"(b) SPECIAL COURT-MARTIAL; CONVENING AUTHORITY CONSULTATION WITH JUDGE ADVOCATE.—Before referral of charges and specifications to a special court-martial for trial, the convening authority shall consult a judge advocate on relevant legal issues.

"(c) GENERAL AND SPECIAL COURTS-MARTIAL; CORRECTION OF CHARGES AND SPECIFICATIONS BEFORE REFERRAL.—Before referral for trial by general court-martial or special court-martial, changes may be made to charges and specifications—

"(1) to correct errors in form; and

"(2) when applicable, to conform to the substance of the evidence contained in a report under section 832(c) of this title (article 32(c)).

"(d) REFERRAL DEFINED.—In this section, the term 'referral' means the order of a convening authority that charges and specifications against an accused be tried by a specified court-martial.".

SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF TRIAL.

Section 835 of title 10, United States Code (article 35 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 835. Art. 35. Service of charges; commencement of trial

"(a) IN GENERAL.—Trial counsel detailed for a court-martial under section 827 of this title (article 27) shall cause to be served upon the accused a copy of the charges and specifications referred for trial.

"(b) COMMENCEMENT OF TRIAL.—(1) Subject to paragraphs (2) and (3), no trial or other proceeding of a general court-martial or a special court-martial (including any session under section 839(a) of this title (article 39(a)) may be held over the objection of the accused—

"(A) with respect to a general court-martial, from the time of service through the fifth day after the date of service; or

"(B) with respect to a special court-martial, from the time of service through the third day after the date of service.

"(2) An objection under paragraph (1) may be raised only at the first session of the trial or other proceeding and only if the first session occurs before the end of the applicable period under paragraph (1)(A) or (1)(B). If the first session occurs before the end of the applicable period, the military judge shall, at that session, inquire as to whether the defense objects under this subsection.

"(3) This subsection shall not apply in time of war.".

TITLE LVII—TRIAL PROCEDURE

SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.

Section 838(e) of title 10, United States Code (article 38(e) of the Uniform Code of Military Justice), is amended by striking ", under the direction" and all that follows through "(article 27),".

SEC. 5222. SESSIONS.

Section 839 of title 10, United States Code (article 39 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (4) as paragraph (5); and

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

''(3) holding the arraignment and receiving the pleas of the accused;

''(4) conducting a sentencing proceeding and sentencing the accused; and''; and

(2) in the second sentence of subsection (c), by striking '', in cases in which a military judge has been detailed to the court,''.

SEC. 5223. TECHNICAL AMENDMENT RELATING TO CONTINUANCES.

Section 840 of title 10, United States Code (article 40 of the Uniform Code of Military Justice), is amended by striking ''court-martial without a military judge'' and inserting ''summary court-martial''.

SEC. 5224. CONFORMING AMENDMENTS RELATING TO CHALLENGES.

Section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)(1), in the second sentence, by striking ‘‘, or, if none, the court,’’;

(2) in subsection (a)(2), in the first sentence, by striking ‘‘minimum’’; and

(3) in subsection (b)(2), by striking ‘‘minimum’’.

SEC. 5225. STATUTE OF LIMITATIONS.

(a) INCREASE IN PERIOD FOR CHILD ABUSE OFFENSES.—Subsection (b)(2)(A) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking ‘‘five years’’ and inserting ‘‘ten years’’.

(b) INCREASE IN PERIOD FOR FRAUDULENT ENLISTMENT OR APPOINTMENT OFFENSES.—Such section (article) is further amended by adding at the end the following new subsection:

‘‘(h) FRAUDULENT ENLISTMENT OR APPOINTMENT.—A person charged with fraudulent enlistment or fraudulent appointment under section 904a(1) of this title (article 104a(1)) may be tried by court-martial if the sworn charges and specifications are received by an officer exercising summary court-martial jurisdiction with respect to that person, as follows:

"(1) In the case of an enlisted member, during the period of the enlistment or five years, whichever provides a longer period.

"(2) In the case of an officer, during the period of the appointment or five years, whichever provides a longer period.".

(c) DNA EVIDENCE.—Such section (article), as amended by subsection (b) of this section, is further amended by adding at the end the following new subsection:

"(i) DNA EVIDENCE.—If DNA testing implicates an identified person in the commission of an offense punishable by confinement for more than one year, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.".

(d) CONFORMING AMENDMENTS.—Subsection (b)(2)(B) of such section (article) is amended by striking clauses (i) through (v) and inserting the following new clauses:

"(i) Any offense in violation of section 920, 920a, 920b, 920c, or 930 of this title (article 120,

120a, 120b, 120c, or 130), unless the offense is covered by subsection (a).

"(ii) Maiming in violation of section 928a of this title (article 128a).

"(iii) Aggravated assault, assault consummated by a battery, or assault with intent to commit specified offenses in violation of section 928 of this title (article 128).

"(iv) Kidnapping in violation of section 925 of this title (article 125).".

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "NO LIMITATION FOR CERTAIN OFFENSES.—" after "(a)";

(2) in subsection (b), by inserting "FIVE-YEAR LIMITATION FOR TRIAL BY COURT-MARTIAL.—" after "(b)";

(3) in subsection (c), by inserting "TOLLING FOR ABSENCE WITHOUT LEAVE OR FLIGHT FROM JUSTICE.—" after "(c)";

(4) in subsection (d), by inserting "TOLLING FOR ABSENCE FROM US OR MILITARY JURISDICTION.—" after "(d)";

(5) in subsection (e), by inserting "EXTENSION FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO PROSECUTION OF WAR.—" after "(e)";

(6) in subsection (f), by inserting "EXTENSION FOR OTHER OFFENSES IN TIME OF WAR.—" after "(f)"; and

(7) in subsection (g), by inserting "DEFECTIVE OR INSUFFICIENT CHARGES.—" after "(g)".

(e) APPLICATION.—The amendments made by subsections (a), (b), (c), and (d) shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this subsection if the applicable limitation period has not yet expired.

SEC. 5226. FORMER JEOPARDY.

Subsection (c) of section 844 of title 10, United States Code (article 44 of the Uniform Code of Military Justice), is amended to read as follows:

"(c)(1) A court-martial with a military judge alone is a trial in the sense of this section (article) if, without fault of the accused—

"(A) after introduction of evidence; and

"(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.

''(2) A court-martial with a military judge and members is a trial in the sense of this section (article) if, without fault of the accused—

''(A) after the members, having taken an oath as members under section 842 of this title (article 42) and after completion of challenges under section 841 of this title (article 41), are impaneled; and

''(B) before announcement of findings under section 853 of this title (article 53);

the case is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses.''.

SEC. 5227. PLEAS OF THE ACCUSED.

(a) PLEAS OF GUILTY.—Subsection (b) of section 845 of title 10, United States Code (article 45 of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking ''may be adjudged'' and inserting ''is mandatory''; and

(2) in the second sentence—

(A) by striking ''or by a court-martial without a military judge''; and

(B) by striking ", if permitted by regulations of the Secretary concerned,".

(b) HARMLESS ERROR.—Such section (article) is further amended by adding at the end the following new subsection:

"(c) HARMLESS ERROR.—A variance from the requirements of this article is harmless error if the variance does not materially prejudice the substantial rights of the accused.".

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "IRREGULAR AND SIMILAR PLEAS.—" after "(a)"; and

(2) in subsection (b), by inserting "PLEAS OF GUILTY.—" after "(b)".

SEC. 5228. SUBPOENA AND OTHER PROCESS.

(a) AMENDMENTS TO UCMJ ARTICLE.—

(1) IN GENERAL.—Subsection (a) of section 846 of title 10, United States Code (article 46 of the Uniform Code of Military Justice), is amended by striking "The counsel for the Government, the counsel for the accused," and inserting "In a case referred for trial by court-martial, the trial counsel, the defense counsel,".

(2) SUBPOENA AND OTHER PROCESS GENERALLY.—Subsection (b) of such section (article) is amended to read as follows:

"(b) SUBPOENA AND OTHER PROCESS GENERALLY.—Any subpoena or other process issued under this section (article)—

"(1) shall be similar to that which courts of the United States having criminal jurisdiction may issue;

"(2) shall be executed in accordance with regulations prescribed by the President; and

"(3) shall run to any part of the United States and to the Commonwealths and possessions of the United States.".

(3) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—Subsection (c) of such section (article) is amended to read as follows:

"(c) SUBPOENA AND OTHER PROCESS FOR WITNESSES.—A subpoena or other process may be issued to compel a witness to appear and testify—

"(1) before a court-martial, military commission, or court of inquiry;

"(2) at a deposition under section 849 of this title (article 49); or

"(3) as otherwise authorized under this chapter.".

(4) OTHER MATTERS.—Such section (article) is further amended by adding at the end the following new subsections:

"(d) SUBPOENA AND OTHER PROCESS FOR EVIDENCE.—

"(1) IN GENERAL.—A subpoena or other process may be issued to compel the production of evidence—

"(A) for a court-martial, military commission, or court of inquiry;

"(B) for a deposition under section 849 of this title (article 49);

"(C) for an investigation of an offense under this chapter; or

"(D) as otherwise authorized under this chapter.

"(2) INVESTIGATIVE SUBPOENA.—An investigative subpoena under paragraph (1)(C) may be issued before referral of charges to a court-martial only if a general court-martial convening authority has authorized counsel for the Government to issue such a subpoena.

"(3) WARRANT OR ORDER FOR WIRE OR ELECTRONIC COMMUNICATIONS.—With respect to an investigation of an offense under this chapter, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) may issue warrants or court orders for the contents of, and records concerning, wire or electronic communications in the same manner as such warrants and orders may be issued by a district court of the United States under chapter 121 of title 18, subject to such limitations as the President may prescribe by regulation.

"(e) REQUEST FOR RELIEF FROM SUBPOENA OR OTHER PROCESS.—If a person requests relief from a subpoena or other process under this section (article) on grounds that compliance is unreasonable or oppressive or is prohibited by law, a military judge detailed in accordance with section 826 or 830a of this title (article 26 or 30a) shall review the request and shall—

"(1) order that the subpoena or other process be modified or withdrawn, as appropriate; or

"(2) order the person to comply with the subpoena or other process.".

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

"§ 846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial".

(b) CONFORMING AMENDMENTS TO TITLE 18, UNITED STATES CODE.—

(1) Section 2703 of title 18, United States Code, is amended—

(A) in the first sentence of subsection (a);

(B) in subsection (b)(1)(A); and

(C) in subsection (c)(1)(A);

by inserting after ''warrant procedures'' the following: ''and, in the case of a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code of Military Justice), issued under section 846 of that title, in accordance with regulations prescribed by the President''.

(D) Section 2711(3) of title 18, United States Code, is amended—

(i) in subparagraph (A), by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''and'' at the end and inserting ''or''; and

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

''(C) a court-martial or other proceeding under chapter 47 of title 10 (the Uniform Code

of Military Justice) to which a military judge has been detailed; and''.

SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO APPEAR, TESTIFY, OR PRODUCE EVIDENCE.

(a) IN GENERAL.—Subsection (a) of section 847 of title 10, United States Code (article 47 of the Uniform Code of Military Justice), is amended to read as follows:

''(a) IN GENERAL.—(1) Any person described in paragraph (2) who—

''(A) willfully neglects or refuses to appear; or

''(B) willfully refuses to qualify as a witness or to testify or to produce any evidence which that person is required to produce;

is guilty of an offense against the United States.

''(2) The persons referred to in paragraph (1) are the following:

''(A) Any person not subject to this chapter who—

''(i) is issued a subpoena or other process described in subsection (c) of section 846 of this title (article 46); and

''(ii) is provided a means for reimbursement from the Government for fees and mileage at the rates allowed to witnesses attending the courts of the United States or, in the case of

extraordinary hardship, is advanced such fees and mileage.

''(B) Any person not subject to this chapter who is issued a subpoena or other process described in subsection (d) of section 846 of this title (article 46).''.

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

''§ 847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence''.

SEC. 5230. CONTEMPT.

(a) AUTHORITY TO PUNISH.—Subsection (a) of section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

''(a) AUTHORITY TO PUNISH.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—

''(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

''(B) disturbs the proceeding by any riot or disorder; or

"(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

"(2) A judicial officer referred to in paragraph (1) is any of the following:

"(A) Any judge of the Court of Appeals for the Armed Forces and any judge of a Court of Criminal Appeals under section 866 of this title (article 66).

"(B) Any military judge detailed to a court-martial, a provost court, a military commission, or any other proceeding under this chapter.

"(C) Any military magistrate designated to preside under section 819 or 830a of this title (article 19 or 30a).

"(D) Any commissioned officer detailed as a summary court-martial.

"(E) The president of a court of inquiry.".

(b) REVIEW.—Such section (article) is further amended—

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

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

"(c) REVIEW.—A punishment under this section—

"(1) if imposed by a military judge or military magistrate, may be reviewed by the Court of Criminal Appeals in accordance with the uniform rules of procedure for the Courts of Criminal Appeals under section 866(i) of this title (article 66(i));

"(2) if imposed by a judge of the Court of Appeals for the Armed Forces or a judge of a Court of Criminal Appeals, shall constitute a judgment of the court, subject to review under the applicable provisions of section 867 or 867a of this title (article 67 or 67a); and

"(3) if imposed by a summary court-martial or court of inquiry, shall be subject to review by the convening authority in accordance with rules prescribed by the President.".

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

"§ 848. Art. 48. Contempt".

SEC. 5231. DEPOSITIONS.

Section 849 of title 10, United States Code (article 49 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 849. Art. 49. Depositions

''(a) IN GENERAL.—(1) Subject to paragraph (2), a convening authority or a military judge may order depositions at the request of any party.

''(2) A deposition may be ordered under paragraph (1) only if the requesting party demonstrates that, due to exceptional circumstances, it is in the interest of justice that the testimony of a prospective witness be preserved for use at a court-martial, military commission, court of inquiry, or other military court or board.

''(3) A party who requests a deposition under this section shall give to every other party reasonable written notice of the time and place for the deposition.

''(4) A deposition under this section shall be taken before, and authenticated by, an impartial officer, as follows:

''(A) Whenever practicable, by an impartial judge advocate certified under section 827(b) of this title (article 27(b)).

''(B) In exceptional circumstances, by an impartial military or civil officer authorized to administer oaths by (i) the laws of the United States or (ii) the laws of the place where the deposition is taken.

''(b) REPRESENTATION BY COUNSEL.—Representation of the parties with respect to a deposition shall be

by counsel detailed in the same manner as trial counsel and defense counsel are detailed under section 827 of this title (article 27). In addition, the accused shall have the right to be represented by civilian or military counsel in the same manner as such counsel are provided for in section 838(b) of this title (article 38(b)).

''(c) ADMISSIBILITY AND USE AS EVIDENCE.—A deposition order under subsection (a) does not control the admissibility of the deposition in a court-martial or other proceeding under this chapter. Except as provided by subsection (d), a party may use all or part of a deposition as provided by the rules of evidence.

''(d) CAPITAL CASES.—Testimony by deposition may be presented in capital cases only by the defense.''.

SEC. 5232. ADMISSIBILITY OF SWORN TESTIMONY BY AUDIOTAPE OR VIDEOTAPE FROM RECORDS OF COURTS OF INQUIRY.

(a) IN GENERAL.—Section 850 of title 10, United States Code (article 50 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony that—

''(1) is recorded by audiotape, videotape, or similar method; and

"(2) is contained in the duly authenticated record of proceedings of a court of inquiry;

is admissible before a court-martial, military commission, court of inquiry, or military board, to the same extent as sworn testimony may be read in evidence before any such body under subsection (a), (b), or (c).".

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

"§ 850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry".

(c) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "USE AS EVIDENCE BY ANY PARTY.—" after "(a)";

(2) in subsection (b), by inserting "USE AS EVIDENCE BY DEFENSE.—" after "(b)"; and

(3) in subsection (c), by inserting "USE IN COURTS OF INQUIRY AND MILITARY BOARDS.—" after "(c)".

SEC. 5233. CONFORMING AMENDMENT RELATING TO DEFENSE OF LACK OF MENTAL RESPONSIBILITY.

Section 850a(c) of title 10, United States Code (article 50a(c) of the Uniform Code of Military Justice), is

amended by striking ‘‘, or the president of a court-martial without a military judge,’’.

SEC. 5234. VOTING AND RULINGS.

Section 851 of title 10, United States Code (article 51 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking ‘‘, and by members of a court-martial without a military judge upon questions of challenge,’’ in the first sentence;

(2) in subsection (b)—

(A) in the first sentence, by striking ‘‘and, except for questions of challenge, the president of a court-martial without a military judge’’; and

(B) in the second sentence, by striking ‘‘, or by the president’’ and all that follows through the end of the subsection and inserting ‘‘is final and constitutes the ruling of the court, except that the military judge may change a ruling at any time during trial.’’; and

(3) in subsection (c), by striking ‘‘or the president of a court-martial without a military judge’’ in the matter before paragraph (1).

SEC. 5235. VOTES REQUIRED FOR CONVICTION, SENTENCING, AND OTHER MATTERS.

Section 852 of title 10, United States Code (article 52 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 852. Art. 52. Votes required for conviction, sentencing, and other matters

''(a) IN GENERAL.—No person may be convicted of an offense in a general or special court-martial, other than—

''(1) after a plea of guilty under section 845(b) of this title (article 45(b));

''(2) by a military judge in a court-martial with a military judge alone, under section 816 of this title (article 16); or

''(3) in a court-martial with members under section 816 of this title (article 16), by the concurrence of at least three-fourths of the members present when the vote is taken.

''(b) LEVEL OF CONCURRENCE REQUIRED.—

''(1) IN GENERAL.—Except as provided in subsection (a) and in paragraph (2), all matters to be decided by members of a general or special court-martial shall be determined by a majority vote, but a reconsideration of a finding of guilty or reconsideration of a sentence, with a view toward decreasing

the sentence, may be made by any lesser vote which indicates that the reconsideration is not opposed by the number of votes required for that finding or sentence.

''(2) SENTENCING.—A sentence of death requires (A) a unanimous finding of guilty of an offense in this chapter expressly made punishable by death and (B) a unanimous determination by the members that the sentence for that offense shall include death. All other sentences imposed by members shall be determined by the concurrence of at least three-fourths of the members present when the vote is taken.''.

SEC. 5236. FINDINGS AND SENTENCING.

Section 853 of title 10, United States Code (article 53 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 853. Art. 53. Findings and sentencing

''(a) ANNOUNCEMENT.—A court-martial shall announce its findings and sentence to the parties as soon as determined.

''(b) SENTENCING GENERALLY.—(1) Except as provided in subsection (c) for capital offenses, if the accused is convicted of an offense in a trial by general or special court-martial, the military judge shall sentence the ac-

cused. The sentence determined by the military judge constitutes the sentence of the court-martial.

''(2) If the accused is convicted of an offense in a trial by summary court-martial, the court-martial shall sentence the accused.

''(c) SENTENCING FOR CAPITAL OFFENSES.—(1) In a capital case, if the accused is convicted of an offense for which the court-martial may sentence the accused to death—

''(A) the members shall determine whether the sentence for that offense shall be death, life in prison without eligibility for parole, or a lesser punishment determined by the military judge; and

''(B) the military judge shall sentence the accused for that offense in accordance with the determination of the members under subparagraph (A).

''(2) In accordance with regulations prescribed by the President, the military judge may include in any sentence to death or life in prison without eligibility for parole other lesser punishments authorized under this chapter.''.

SEC. 5237. PLEA AGREEMENTS.

Subchapter VII of chapter 47 of title 10, United States Code, is amended by inserting after section 853 (article 53 of the Uniform Code of Military Justice) the following new section:

"§ 853a. Art. 53a. Plea agreements

"(a) IN GENERAL.—(1) At any time before the announcement of findings under section 853 of this title (article 53), the convening authority and the accused may enter into a plea agreement with respect to such matters as—

"(A) the manner in which the convening authority will dispose of one or more charges and specifications; and

"(B) limitations on the sentence that may be adjudged for one or more charges and specifications.

"(2) The military judge of a general or special court-martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

"(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject to subsection (c), the military judge of a general or special court-martial shall accept a plea agreement submitted by the parties, except that—

"(1) in the case of an offense with a sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence that is outside the sentencing parameter if the military judge determines that the proposed sentence is plainly unreasonable; and

"(2) in the case of an offense with no sentencing parameter under section 856 of this title (article 56), the military judge may reject a plea agreement that proposes a sentence if the military judge determines that the proposed sentence is plainly unreasonable.

"(c) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge of a general or special court-martial shall reject a plea agreement that—

"(1) contains a provision that has not been accepted by both parties;

"(2) contains a provision that is not understood by the accused;

"(3) except as provided in subsection (d), contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in section 856(b)(2) of this title (article 56(b)(2)); or

"(4) is prohibited by law or by regulation prescribed by the President.

"(d) LIMITED CONDITIONS FOR ACCEPTANCE OF PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY MINIMUM FOR CERTAIN OFFENSES.—With respect to an offense referred to in section 856(b)(2) of this title (article 56(b)(2))—

"(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and

"(2) upon recommendation of the trial counsel, in exchange for substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the military judge may accept a plea agreement that provides for a sentence that is less than the mandatory minimum sentence for the offense charged.

"(e) BINDING EFFECT OF PLEA AGREEMENT.—Upon acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the military judge.".

SEC. 5238. RECORD OF TRIAL.

Section 854 of title 10, United States Code (article 54 of the Uniform Code of Military Justice), is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) GENERAL AND SPECIAL COURTS-MARTIAL.—Each general or special court-martial shall keep a separate record of the proceedings in each case brought before it. The record shall be certified by a court-reporter, except that in the case of death, disability, or absence of a court

reporter, the record shall be certified by an official selected as the President may prescribe by regulation.'';

(2) in subsection (b)—

(A) by striking ''(b) Each special and summary court-martial'' and inserting ''(b) SUMMARY COURT-MARTIAL.—Each summary court-martial''; and

(B) by striking ''authenticated'' and inserting ''certified'';

(3) by striking subsection (c) and inserting the following new subsection (c):

''(c) CONTENTS OF RECORD.—(1) Except as provided in paragraph (2), the record shall contain such matters as the President may prescribe by regulation.

''(2) In accordance with regulations prescribed by the President, a complete record of proceedings and testimony shall be prepared in any case of a sentence of death, dismissal, discharge, confinement for more than six months, or forfeiture of pay for more than six months.'';

(4) in subsection (d)—

(A) by striking ''(d) A copy'' and inserting ''(d) COPY TO ACCUSED.—A copy''; and

(B) by striking ''authenticated'' and inserting ''certified''; and

(5) in subsection (e)—

(A) by striking ''(e) In the case'' and inserting ''(e) COPY TO VICTIM.—In the case'';

(B) by striking ''involving a sexual assault or other offense covered by section 920 of this title (article 120)'' in the first sentence and inserting ''upon request,''; and

(C) by striking ''authenticated'' in the second sentence and inserting ''certified''.

TITLE LVIII—SENTENCES

SEC. 5261. SENTENCING.

(a) IN GENERAL.—Section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 856. Art. 56. Sentencing

''(a) SENTENCE MAXIMUMS.—The punishment which a court-martial may direct for an offense may not exceed such limits as the President may prescribe for that offense.

''(b) SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—

''(1) IN GENERAL.—Except as provided in section 853a(d) of this title (article 53a(d)), punishment for any offense specified in paragraph (2) shall include dismissal or dishonorable discharge, as applicable.

"(2) OFFENSES.—The offenses referred to in paragraph (1) are as follows:

"(A) Rape under subsection (a) of section 920 of this title (article 120).

"(B) Sexual assault under subsection (b) of such section (article).

"(C) Rape of a child under subsection (a) of section 920b of this title (article 120b).

"(D) Sexual assault of a child under subsection (b) of such section (article).

"(E) An attempt to commit an offense specified in subparagraph (A), (B), (C), or (D) that is punishable under section 880 of this title (article 80).

"(c) IMPOSITION OF SENTENCE.—

"(1) IN GENERAL.—In sentencing an accused under section 853 of this title (article 53), a court-martial shall impose punishment that is sufficient, but not greater than necessary, to promote justice and to maintain good order and discipline in the armed forces, taking into consideration—

"(A) the nature and circumstances of the offense and the history and characteristics of the accused;

"(B) the impact of the offense on—

"(i) the financial, social, psychological, or medical well-being of any victim of the offense; and

"(ii) the mission, discipline, or efficiency of the command of the accused and any victim of the offense;

"(C) the need for the sentence—

"(i) to reflect the seriousness of the offense;

"(ii) to promote respect for the law;

"(iii) to provide just punishment for the offense;

"(iv) to promote adequate deterrence of misconduct;

"(v) to protect others from further crimes by the accused;

"(vi) to rehabilitate the accused; and

"(vii) to provide, in appropriate cases, the opportunity for retraining and return to duty to meet the needs of the service;

"(D) the sentences available under this chapter; and

"(E) the applicable sentencing parameters or sentencing criteria prescribed under this section.

"(2) APPLICATION OF SENTENCING PARAMETERS IN GENERAL AND SPECIAL COURTS-MARTIAL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in a general or special court-martial in which the accused is convicted of an offense with a sentencing parameter under subsection (d), the military judge shall sentence the accused for that offense within the applicable parameter.

"(B) EXCEPTION.—The military judge may impose a sentence outside a sentencing parameter upon finding specific facts that warrant such a sentence. The military judge shall include in the record a written statement of the factual basis for any sentence under this subparagraph.

"(3) USE OF SENTENCING CRITERIA IN GENERAL AND SPECIAL COURTS-MARTIAL.—In a general or special court-martial in which the accused is convicted of an offense with sentencing criteria under subsection (d), the military judge shall consider the applicable sentencing criteria in determining the sentence for that offense.

"(4) OFFENSE BASED SENTENCING IN GENERAL AND SPECIAL COURTS-MARTIAL.—In announcing the sentence under section 853 of this title (article 53) in a general or special court-martial, the military judge shall, with respect to each offense of which the accused is found guilty, specify the term of confinement, if any, and the amount of the fine, if any. If the accused is sentenced to confinement for more than one offense, the military judge shall specify whether the terms of confinement are to run consecutively or concurrently.

"(5) NONAPPLICABILITY TO DEATH PENALTY.—Sentencing parameters and sentencing criteria are not applicable to the issue of whether an offense should be punished by death.

"(6) SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.—

"(A) IN GENERAL.—If an offense is subject to a sentence of confinement for life, a court-martial may impose a sentence of confinement for life without eligibility for parole.

"(B) CONFINEMENT.—An accused who is sentenced to confinement for life without eligibility for parole shall be confined for the remainder of the accused's life unless—

"(i) the sentence is set aside or otherwise modified as a result of—

"(I) action taken by the convening authority or the Secretary concerned; or

"(II) any other action taken during post-trial procedure and review under any other provision of subchapter IX of this chapter;

"(ii) the sentence is set aside or otherwise modified as a result of action taken by a Court of Criminal Appeals, the Court of Appeals for the Armed Forces, or the Supreme Court; or

"(iii) the accused is pardoned.

"(d) ESTABLISHMENT OF SENTENCING PARAMETERS AND SENTENCING CRITERIA.—

"(1) IN GENERAL.—The President shall prescribe regulations establishing sentencing parameters and sentencing criteria in accordance with this subsection.

"(2) SENTENCING PARAMETERS.—

"(A) IN GENERAL.—A sentencing parameter provides a delineated sentencing range for an offense that is appropriate for a typical vio-

lation of the offense, taking into consideration—

"(i) the severity of the offense;

"(ii) the guideline or offense category that would apply to the offense if the offense were tried in a United States district court;

"(iii) any military-specific sentencing factors; and

"(iv) the need for the sentencing parameter to be sufficiently broad to allow for individualized consideration of the offense and the accused.

"(B) ELEMENTS AND SCOPE.—Sentencing parameters established under paragraph (1)—

"(i) shall include no fewer than seven and no more than twelve offense categories;

"(ii) other than for offenses identified under paragraph (5)(B), shall assign each offense under this chapter to an offense category;

"(iii) shall delineate the confinement range for each offense category by setting

an upper confinement limit and a lower confinement limit; and

"(iv) shall be neutral as to the race, sex, national origin, creed, sexual orientation, and socioeconomic status of offenders.

"(3) SENTENCING CRITERIA.—Sentencing criteria are factors concerning available punishments that may aid the military judge in determining an appropriate sentence when there is no applicable sentencing parameter for a specific offense.

"(4) MILITARY SENTENCING PARAMETERS AND CRITERIA BOARD.—

"(A) IN GENERAL.—There is established within the Department of Defense a board, to be known as the 'Military Sentencing Parameters and Criteria Board' (in this subsection referred to as 'Board').

"(B) VOTING MEMBERS.—The Board shall have five voting members, as follows:

"(i) The four chief trial judges designated under section 826(g) of this title (article 26(g)), except that, if the chief trial judge of the Coast Guard is not available, the Judge Advocate General of the Coast Guard may designate as a voting

member a judge advocate of the Coast Guard with substantial military justice experience.

"(ii) A trial judge of the Navy, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Navy.

"(iii) A trial judge of the Marine Corps, designated under regulations prescribed by the President, if the chief trial judges designated under section 826(g) of this title (article 26(g)) do not include a trial judge of the Marine Corps.

"(C) NONVOTING MEMBERS.—The Attorney General, the Chief Judge of the Court of Appeals for the Armed Forces, the Chairman of the Joint Chiefs of Staff, and the General Counsel of the Department of Defense shall each designate one nonvoting member of the Board.

"(D) CHAIR AND VICE-CHAIR.—The Secretary of Defense shall designate one voting

member as chair of the Board and one voting member as vice-chair of the Board.

"(5) DUTIES OF BOARD.—

"(A) IN GENERAL.—As directed by the President, the Board shall submit to the President for approval—

"(i) sentencing parameters for all offenses under this chapter, other than offenses that are identified by the Board as unsuitable for sentencing parameters; and

"(ii) sentencing criteria to be used by military judges in determining appropriate sentences for offenses that are identified as unsuitable for sentencing parameters.

"(B) OFFENSES UNSUITABLE FOR SENTENCING PARAMETERS.—For purposes of this paragraph, an offense is unsuitable for sentencing parameters if—

"(i) the nature of the offense is indeterminate and unsuitable for categorization; and

"(ii) there is no similar criminal offense under the laws of the United States or the laws of the District of Columbia.

"(C) SCOPE OF DUTIES.—The Board shall consider the appropriateness of sentencing parameters for punitive discharges, fines, reductions, forfeitures, and other punishments authorized under this chapter.

"(D) REGULAR REVIEW OF PARAMETERS AND CRITERIA.—The Board shall regularly review, and propose revision to, in consideration of comments and data coming to its attention, the sentencing parameters and sentencing criteria prescribed under subsection (d)(1).

"(E) ASSESSMENT OF EFFECTIVENESS.—The Board shall develop means of measuring the degree to which applicable sentencing, penal, and correctional practices are effective with respect to the sentencing factors and policies set forth in this section.

"(F) CONSULTATION.—In fulfilling its duties and in exercising its powers, the Board shall consult authorities on, and individual and institutional representatives of, various aspects of the military criminal justice system. The Board shall establish separate advisory groups consisting of individuals with current or recent experience in command and in senior enlisted

positions, individuals with experience in the trial of courts-martial, and such other groups as the Board deems appropriate.

"(G) PROPOSALS FOR AMENDMENTS TO RULES FOR COURTS-MARTIAL.—The Board shall submit to the President proposed amendments to the rules for courts-martial with respect to sentencing proceedings and maximum punishments, together with statements explaining the basis for the proposed amendments.

"(H) PROPOSALS FOR AMENDMENTS TO PARAMETERS AND CRITERIA.—The Board shall submit to the President proposed amendments to the sentencing parameters and sentencing criteria, together with statements explaining the basis for the proposed amendments.

"(I) NONBINDING GUIDANCE.—The Board may issue nonbinding policy statements to achieve the Board's purposes and to guide military judges in fashioning appropriate sentences, including guidance on factors that may be relevant in determining where in a sentencing parameter a specification may fall, or whether a deviation outside of the sentencing range may be warranted.

"(J) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act shall not apply with respect to the Board or any advisory group established by the Board.

"(6) VOTING REQUIREMENT.—An affirmative vote of at least three members is required for any action of the Board under this subsection.

"(e) REVIEW OF CERTAIN SENTENCES.—

"(1) IN GENERAL.—The Judge Advocate General concerned may send a case to the Court of Criminal Appeals for review of the sentence on the grounds that—

"(A) the sentence violates the law;

"(B) in the case of a sentence for an offense with a sentencing parameter under this section, the sentence is a result of an incorrect application of the parameter; or

"(C) the sentence is plainly unreasonable.

"(2) TIMELINESS.—A case submitted for review under this subsection must be filed within 60 days after the date on which the judgment of a court-martial is entered into the record under section 860c of this title (article 60c).".

(b) CONFORMING REPEAL.—Section 856a of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is repealed.

(c) IMPLEMENTATION OF SENTENCING PARAMETERS AND CRITERIA.—

(1) REGULATIONS.—Not later than four years after the date of the enactment of this Act, the President shall prescribe the regulations for sentencing parameters and criteria required by subsection (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section.

(2) INTERIM GUIDANCE.—Not later than two years after the date of the enactment of this Act, the President shall prescribe interim guidance for use in sentencing at courts-martial before the implementation of sentencing parameters and criteria pursuant to the regulations referred to in paragraph (1). Insofar as the President considers practicable, the interim guidance shall be consistent with the purposes and procedures set forth in subsections (c) and (d) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as so amended, taking into account the interim nature

of the guidance. For purposes of sentencing under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the interim guidance shall be treated as sentencing parameters and criteria.

(3) EFFECTIVE DATES.—The President shall prescribe the effective dates of the regulations referred to in paragraph (1) and of the interim guidance referred to in paragraph (2).

(d) PROSPECTIVE REPEAL OF SENTENCE MINIMUMS FOR CERTAIN OFFENSES.—Upon the taking effect of the interim guidance prescribed under subsection (c)(2) for offenses specified in paragraph (2) of subsection (b) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as in effect on the day after the date of the enactment of this Act—

(1) section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a) of this section, is further amended—

(A) in subsection (a), by striking ''(a) SENTENCE MAXIMUMS.—''; and

(B) by striking subsection (b); and

(2) section 853a of title 10, United States Code (article 53a of the Uniform Code of Military Jus-

tice), as added by section 5237 of this Act, is amended by striking subsections (c) and (d) and inserting the following new subsection:

"(c) LIMITATION ON ACCEPTANCE OF PLEA AGREEMENTS.—The military judge shall reject a plea agreement that—

"(1) contains a provision that has not been accepted by both parties;

"(2) contains a provision that is not understood by the accused; or

"(3) is prohibited by law or by regulation prescribed by the President.".

(e) APPLICABILITY OF AUTHORITY FOR REVIEW OF CERTAIN SENTENCES.—A case may be sent to the Court of Criminal Appeals for review of the sentence in accordance with subsection (e) of section 856 of title 10, United States Code (article 56 of the Uniform Code of Military Justice), as amended by subsection (a), only if the sentence is adjudged on or after the effective date of the interim guidance prescribed under subsection (c)(2).

SEC. 5262. EFFECTIVE DATE OF SENTENCES.

(a) IN GENERAL.—Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 857. Art. 57. Effective date of sentences

''(a) EXECUTION OF SENTENCES.—A court-martial sentence shall be executed and take effect as follows:

''(1) FORFEITURE AND REDUCTION.—A forfeiture of pay or allowances shall be applicable to pay and allowances accruing on and after the date on which the sentence takes effect. Any forfeiture of pay or allowances or reduction in grade that is included in a sentence of a court-martial takes effect on the earlier of—

''(A) the date that is 14 days after the date on which the sentence is adjudged; or

''(B) in the case of a summary court-martial, the date on which the sentence is approved by the convening authority.

''(2) CONFINEMENT.—Any period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial, but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement.

''(3) APPROVAL OF SENTENCE OF DEATH.—If the sentence of the court-martial extends to death, that part of the sentence providing for death may not be executed until approved by the President. In

such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as the President sees fit. That part of the sentence providing for death may not be suspended.

"(4) APPROVAL OF DISMISSAL.—If in the case of a commissioned officer, cadet, or midshipman, the sentence of a court-martial extends to dismissal, that part of the sentence providing for dismissal may not be executed until approved by the Secretary concerned or such Under Secretary or Assistant Secretary as may be designated by the Secretary concerned. In such a case, the Secretary, Under Secretary, or Assistant Secretary, as the case may be, may commute, remit, or suspend the sentence, or any part of the sentence, as the Secretary sees fit. In time of war or national emergency he or she may commute a sentence of dismissal to reduction to any enlisted grade. A person so reduced may be required to serve for the duration of the war or emergency and six months thereafter.

"(5) COMPLETION OF APPELLATE REVIEW.—If a sentence extends to death, dismissal, or a dishonorable or bad-conduct discharge, that part of the sentence extending to death, dismissal, or a dishonorable or bad-conduct discharge may be executed, in

accordance with service regulations, after completion of appellate review (and, with respect to death or dismissal, approval under paragraph (3) or (4), as appropriate).

"(6) OTHER SENTENCES.—Except as otherwise provided in this subsection, a general or special court-martial sentence is effective upon entry of judgment and a summary court-martial sentence is effective when the convening authority acts on the sentence.

"(b) DEFERRAL OF SENTENCES.—

"(1) IN GENERAL.—On application by an accused, the convening authority or, if the accused is no longer under his or her jurisdiction, the officer exercising general court-martial jurisdiction over the command to which the accused is currently assigned, may, in his or her sole discretion, defer the effective date of a sentence of confinement, reduction, or forfeiture. The deferment shall terminate upon entry of judgment or, in the case of a summary court-martial, when the convening authority acts on the sentence. The deferment may be rescinded at any time by the officer who granted it or, if the accused is no longer under his or her jurisdiction, by the officer

exercising general court-martial jurisdiction over the command to which the accused is currently assigned.

"(2) DEFERRAL OF CERTAIN PERSONS SENTENCED TO CONFINEMENT.—In any case in which a court-martial sentences a person referred to in paragraph (3) to confinement, the convening authority may defer the service of the sentence to confinement, without the consent of that person, until after the person has been permanently released to the armed forces by a State or foreign country referred to in that paragraph.

"(3) COVERED PERSONS.—Paragraph (2) applies to a person subject to this chapter who—

"(A) while in the custody of a State or foreign country is temporarily returned by that State or foreign country to the armed forces for trial by court-martial; and

"(B) after the court-martial, is returned to that State or foreign country under the authority of a mutual agreement or treaty, as the case may be.

"(4) STATE DEFINED.—In this subsection, the term 'State' includes the District of Columbia and any Commonwealth, territory, or possession of the United States.

"(5) DEFERRAL WHILE REVIEW PENDING.—In any case in which a court-martial sentences a person to confinement, but in which review of the case under section 867(a)(2) of this title (article 67(a)(2)) is pending, the Secretary concerned may defer further service of the sentence to confinement while that review is pending.

"(c) APPELLATE REVIEW.—

"(1) COMPLETION OF APPELLATE REVIEW.—Appellate review is complete under this section when—

"(A) a review under section 865 of this title (article 65) is completed; or

"(B) an appeal is filed with a Court of Criminal Appeals or the sentence includes death, and review is completed by a Court of Criminal Appeals and—

"(i) the time for the accused to file a petition for review by the Court of Appeals for the Armed Forces has expired and the accused has not filed a timely petition for such review and the case is not otherwise under review by that Court;

"(ii) such a petition is rejected by the Court of Appeals for the Armed Forces; or

"(iii) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

"(I) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

"(II) such a petition is rejected by the Supreme Court; or

"(III) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(2) COMPLETION AS FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.".

(b) CONFORMING AMENDMENTS.—

(1) Section 857a of title 10, United States Code (article 57a of the Uniform Code of Military Justice), is repealed.

(2) Section 871 of title 10, United States Code, (article 71 of the Uniform Code of Military Justice), is repealed.

(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is

amended by striking ''section 857(a) of this title (article 57(a))'' and inserting ''section 857 of this title (article 57)''.

SEC. 5263. SENTENCE OF REDUCTION IN ENLISTED GRADE.

Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) by striking ''as approved by the convening authority'' and inserting ''as set forth in the judgment of the court-martial entered into the record under section 860c of this title (article 60c)''; and

(B) in the matter after paragraph (3), by striking ''of that approval'' and inserting ''on which the judgment is so entered''; and

(2) in subsection (b), by striking ''disapproved, or, as finally approved'' and inserting ''reduced, or, as finally affirmed''.

SEC. 5264. REPEAL OF SENTENCE REDUCTION PROVISION WHEN INTERIM GUIDANCE TAKES EFFECT.

Effective on the effective date of the interim guidance prescribed by the President pursuant to section 5261(c)(2):

(1) Section 858a of title 10, United States Code (article 58a of the Uniform Code of Military Justice), is repealed.

(2) The table of sections at the beginning of subchapter VIII of chapter 47 of such title is amended by striking the item relating to section 858a.

TITLE LIX—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

SEC. 5281. POST-TRIAL PROCESSING IN GENERAL AND SPECIAL COURTS-MARTIAL.

Section 860 of title 10, United States Code (article 60 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 860. Art 60. Post-trial processing in general and special courts-martial

''(a) STATEMENT OF TRIAL RESULTS.—(1) The military judge of a general or special court-martial shall enter into the record of trial a document entitled 'Statement of Trial Results', which shall set forth—

''(A) each plea and finding;

''(B) the sentence, if any; and

''(C) such other information as the President may prescribe by regulation.

"(2) Copies of the Statement of Trial Results shall be provided promptly to the convening authority, the accused, and any victim of the offense.

"(b) POST-TRIAL MOTIONS.—In accordance with regulations prescribed by the President, the military judge in a general or special court-martial shall address all post-trial motions and other post-trial matters that—

"(1) may affect a plea, a finding, the sentence, the Statement of Trial Results, the record of trial, or any post-trial action by the convening authority; and

"(2) are subject to resolution by the military judge before entry of judgment.".

SEC. 5282. LIMITED AUTHORITY TO ACT ON SENTENCE IN SPECIFIED POST-TRIAL CIRCUMSTANCES.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860 (article 60 of the Uniform Code of Military Justice), as amended by section 5281 of this Act, the following new section (article):

"§ 860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances

"(a) IN GENERAL.—(1) The convening authority of a general or special court-martial described in paragraph (2)—

"(A) may act on the sentence of the court-martial only as provided in subsection (b), (c), or (d); and

"(B) may not act on the findings of the court-martial.

"(2) The courts-martial referred to in paragraph (1) are the following:

"(A) A general or special court-martial in which the maximum sentence of confinement established under section 856(a) of this title (article 56(a)) for any offense of which the accused is found guilty is more than two years.

"(B) A general or special court-martial in which the total of the sentences of confinement imposed, running consecutively, is more than six months.

"(C) A general or special court-martial in which the sentence imposed includes a dismissal, dishonorable discharge, or bad-conduct discharge.

"(D) A general or special court-martial in which the accused is found guilty of a violation of subsection (a) or (b) of section 920 of this title (article 120), section 920b of this title (article 120b), or such other offense as the Secretary of Defense may specify by regulation.

"(3) Except as provided in subsection (d), the convening authority may act under this section only before entry of judgment.

"(4) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

"(b) REDUCTION, COMMUTATION, AND SUSPENSION OF SENTENCES GENERALLY.—(1) Except as provided in subsection (c) or (d), the convening authority may not reduce, commute, or suspend any of the following sentences:

"(A) A sentence of confinement, if the total period of confinement imposed for all offenses involved, running consecutively, is greater than six months.

"(B) A sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

"(C) A sentence of death.

"(2) The convening authority may reduce, commute, or suspend any sentence not specified in paragraph (1).

"(c) SUSPENSION OF CERTAIN SENTENCES UPON RECOMMENDATION OF MILITARY JUDGE.—(1) Upon recommendation of the military judge, as included in the Statement of Trial Results, together with an explanation

of the facts supporting the recommendation, the convening authority may suspend—

"(A) a sentence of confinement, in whole or in part; or

"(B) a sentence of dismissal, dishonorable discharge, or bad-conduct discharge.

"(2) The convening authority may not, under paragraph (1)—

"(A) suspend a mandatory minimum sentence; or

"(B) suspend a sentence to an extent in excess of the suspension recommended by the military judge.

"(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL ASSISTANCE BY ACCUSED.—(1) Upon a recommendation by the trial counsel, if the accused, after sentencing and before entry of judgment, provides substantial assistance in the investigation or prosecution of another person, the convening authority may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

"(2) Upon a recommendation by a trial counsel, designated in accordance with rules prescribed by the President, if the accused, after entry of judgment, provides substantial assistance in the investigation or prosecution of

another person, a convening authority, designated under such regulations, may reduce, commute, or suspend a sentence, in whole or in part, including any mandatory minimum sentence.

''(3) In evaluating whether the accused has provided substantial assistance under this subsection, the convening authority may consider the presentence assistance of the accused.

''(e) SUBMISSIONS BY ACCUSED AND VICTIM.—(1) In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of an offense. Such rules shall include—

''(A) procedures for notice of the opportunity to make such submissions;

''(B) the deadlines for such submissions; and

''(C) procedures for providing the accused and any victim of an offense with a copy of the recording of any open sessions of the court-martial and copies of, or access to, any admitted, unsealed exhibits.

''(2) The convening authority shall not consider under this section any submitted matters that relate to the character of a victim unless such matters were presented as evidence at trial and not excluded at trial.

"(f) DECISION OF CONVENING AUTHORITY.—(1) The decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

"(2) If, under this section, the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall include a written explanation of the reasons for such action.

"(3) If, under subsection (d)(2), the convening authority reduces, commutes, or suspends the sentence, the decision of the convening authority shall be forwarded to the chief trial judge for appropriate modification of the entry of judgment, which shall be transmitted to the Judge Advocate General for appropriate action.".

SEC. 5283. POST-TRIAL ACTIONS IN SUMMARY COURTS-MARTIAL AND CERTAIN GENERAL AND SPECIAL COURTS-MARTIAL.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860a (article 60a of the Uniform Code of Military Justice), as added by section 5282 of this Act, the following new section (article):

"§ 860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial

"(a) IN GENERAL.—(1) In a court-martial not specified in section 860a(a)(2) of this title (article 60a(a)(2)), the convening authority may—

"(A) dismiss any charge or specification by setting aside the finding of guilty;

"(B) change a finding of guilty to a charge or specification to a finding of guilty to a lesser included offense;

"(C) disapprove the findings and the sentence and dismiss the charges and specifications;

"(D) disapprove the findings and the sentence and order a rehearing as to the findings and the sentence;

"(E) disapprove, commute, or suspend the sentence, in whole or in part; or

"(F) disapprove the sentence and order a rehearing as to the sentence.

"(2) In a summary court-martial, the convening authority shall approve the sentence or take other action on the sentence under paragraph (1).

"(3) Except as provided in paragraph (4), the convening authority may act under this section only before entry of judgment.

"(4) The convening authority may act under this section after entry of judgment in a general or special court-martial in the same manner as the convening authority may act under section 860a(d)(2) of this title (article 60a(d)(2)). Such action shall be forwarded to the chief trial judge, who shall ensure appropriate modification to the entry of judgment and shall transmit the entry of judgment to the Judge Advocate General for appropriate action.

"(5) Under regulations prescribed by the Secretary concerned, a commissioned officer commanding for the time being, a successor in command, or any person exercising general court-martial jurisdiction may act under this section in place of the convening authority.

"(b) LIMITATIONS ON REHEARINGS.—The convening authority may not order a rehearing under this section—

"(1) as to the findings, if there is insufficient evidence in the record to support the findings;

"(2) to reconsider a finding of not guilty of any specification or a ruling which amounts to a finding of not guilty; or

"(3) to reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which

sufficiently alleges a violation of some article of this chapter.

''(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In accordance with rules prescribed by the President, in determining whether to act under this section, the convening authority shall consider matters submitted in writing by the accused or any victim of the offense. Such rules shall include the matter required by section 860a(e) of this title (article 60a(e)).

''(d) DECISION OF CONVENING AUTHORITY.—(1) In a general or special court-martial, the decision of the convening authority under this section shall be forwarded to the military judge, with copies provided to the accused and to any victim of the offense.

''(2) If the convening authority acts on the findings or the sentence under subsection (a)(1), the decision of the convening authority shall include a written explanation of the reasons for such action.''.

SEC. 5284. ENTRY OF JUDGMENT.

Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 860b (article 60b of the Uniform Code of Military Justice), as added by section 5283 of this Act, the following new section (article):

"§ 860c. Art. 60c. Entry of judgment

"(a) ENTRY OF JUDGMENT OF GENERAL OR SPECIAL COURT-MARTIAL.—(1) In accordance with rules prescribed by the President, in a general or special court-martial, the military judge shall enter into the record of trial the judgment of the court. The judgment of the court shall consist of the following:

"(A) The Statement of Trial Results under section 860 of this title (article 60).

"(B) Any modifications of, or supplements to, the Statement of Trial Results by reason of—

"(i) any post-trial action by the convening authority; or

"(ii) any ruling, order, or other determination of the military judge that affects a plea, a finding, or the sentence.

"(2) Under rules prescribed by the President, the judgment under paragraph (1) shall be—

"(A) provided to the accused and to any victim of the offense; and

"(B) made available to the public.

"(b) SUMMARY COURT-MARTIAL JUDGMENT.—The findings and sentence of a summary court-martial, as modified by any post-trial action by the convening authority under section 860b of this title (article 60b), constitutes the judgment of the court-martial and shall be re-

corded and distributed under rules prescribed by the President.''.

SEC. 5285. WAIVER OF RIGHT TO APPEAL AND WITHDRAWAL OF APPEAL.

Section 861 of title 10, United States Code (article 61 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 861. Art. 61. Waiver of right to appeal; withdrawal of appeal

''(a) WAIVER OF RIGHT TO APPEAL.—After entry of judgment in a general or special court-martial, under procedures prescribed by the Secretary concerned, the accused may waive the right to appeal. Such a waiver shall be—

''(1) signed by the accused and by defense counsel; and

''(2) attached to the record of trial.

''(b) WITHDRAWAL OF APPEAL.—In a general or special court-martial, the accused may withdraw an appeal at any time.

''(c) DEATH PENALTY CASE EXCEPTION.—Notwithstanding subsections (a) and (b), an accused may not waive the right to appeal or withdraw an appeal with respect to a judgment that includes a sentence of death.

"(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver or withdrawal under this section bars review under section 866 of this title (article 66).".

SEC. 5286. APPEAL BY THE UNITED STATES.

Section 862 of title 10, United States Code (article 62 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter before subparagraph (A), by striking "court-martial" and all that follows through the colon at the end and inserting "general or special court-martial or in a pretrial proceeding under section 830a of this title (article 30a), the United States may appeal the following:"; and

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

"(G) An order or ruling of the military judge entering a finding of not guilty with respect to a charge or specification following the return of a finding of guilty by the members."; and

(B) in paragraph (2)—

(i) by striking "(2)" and inserting "(2)(A)"; and

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

''(B) An appeal of an order or ruling may not be taken when prohibited by section 844 of this title (article 44).'';

(2) in subsection (b), by striking ''section 866(c) of this title (article 66(c))'' and inserting ''section 866 of this title (article 66))''; and

(3) by adding at the end the following new subsections:

''(d) The United States may appeal a ruling or order of a military magistrate in the same manner as had the ruling or order been made by a military judge, except that the issue shall first be presented to the military judge who designated the military magistrate or to a military judge detailed to hear the issue.

''(e) The provisions of this section (article) shall be liberally construed to effect its purposes.''.

SEC. 5287. REHEARINGS.

Section 863 of title 10, United States Code (article 63 of the Uniform Code of Military Justice), is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Each rehearing'';

(2) in the second sentence, by striking ''may be approved'' and inserting ''may be adjudged'';

(3) by striking the third sentence; and

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

''(b) PLEA AGREEMENTS.—If the sentence adjudged by the first court-martial was in accordance with a plea agreement under section 853a of this title (article 53a) and the accused at the rehearing does not comply with the agreement, or if a plea of guilty was entered for an offense at the first court-martial and a plea of not guilty was entered at the rehearing, the sentence as to those charges or specifications may include any punishment not in excess of that which could have been adjudged at the first court-martial.

''(c) SENTENCES SET ASIDE ON APPEAL BY GOVERNMENT.—If, after review of a sentence under section 866(b)(2) of this title (article 66(b)(2)), the sentence adjudged is set aside and a rehearing on sentence is ordered by the Court of Criminal Appeals or Court of Appeals for the Armed Forces, the court-martial may impose any sentence that is in accordance with the order or ruling setting aside the adjudged sentence.''.

SEC. 5288. JUDGE ADVOCATE REVIEW OF FINDING OF GUILTY IN SUMMARY COURT-MARTIAL.

(a) IN GENERAL.—Subsection (a) of section 864 of title 10, United States Code (article 64 of the Uniform

Code of Military Justice), is amended by striking the first two sentences and inserting the following:

''(a) IN GENERAL.—Under regulations prescribed by the Secretary concerned, each summary court-martial in which there is a finding of guilty shall be reviewed by a judge advocate. A judge advocate may not review a case under this subsection if the judge advocate has acted in the same case as an accuser, preliminary hearing officer, member of the court, military judge, or counsel or has otherwise acted on behalf of the prosecution or defense.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The heading of such section (article) is amended to read as follows:

''§ 864. Art. 64. Judge advocate review of finding of guilty in summary court-martial''.

(2) Subsection (b) of such section is amended—

(A) by striking ''(b) The record'' and inserting ''(b) RECORD.—The record'';

(B) in paragraph (1), by adding ''or'' at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2).

(3) Subsection (c)(3) of such section (article) is amended by striking ''section 869(b) of this title (ar-

ticle 69(b)).'' and inserting ''section 869 of this title (article 69).''.

SEC. 5289. TRANSMITTAL AND REVIEW OF RECORDS.

Section 865 of title 10, United States Code (article 65 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 865. Art. 65. Transmittal and review of records

''(a) TRANSMITTAL OF RECORDS.—

''(1) FINDING OF GUILTY IN GENERAL OR SPECIAL COURT-MARTIAL.—If the judgment of a general or special court-martial entered under section 860c of this title (article 60c) includes a finding of guilty, the record shall be transmitted to the Judge Advocate General.

''(2) OTHER CASES.—In all other cases, records of trial by court-martial and related documents shall be transmitted and disposed of as the Secretary concerned may prescribe by regulation.

''(b) CASES ELIGIBLE FOR DIRECT APPEAL.—

''(1) MANDATORY REVIEW.—If the judgment includes a sentence of death, the Judge Advocate General shall forward the record of trial to the Court of Criminal Appeals for review under section 866(b)(3) of this title (article 66(b)(3)).

"(2) CASES ELIGIBLE FOR DIRECT APPEAL REVIEW.—

"(A) IN GENERAL.—If the case is eligible for direct review under section 866(b)(1) of this title (article 66(b)(1)), the Judge Advocate General shall—

"(i) forward a copy of the record of trial to an appellate defense counsel who shall be detailed to review the case and, upon request of the accused, to represent the accused before the Court of Criminal Appeals; and

"(ii) upon written request of the accused, forward a copy of the record of trial to civilian counsel provided by the accused.

"(B) INAPPLICABILITY.—Subparagraph (A) shall not apply if the accused—

"(i) waives the right to appeal under section 861 of this title (article 61); or

"(ii) declines in writing the detailing of appellate defense counsel under subparagraph (A)(i).

"(c) NOTICE OF RIGHT TO APPEAL.—

"(1) IN GENERAL.—The Judge Advocate General shall provide notice to the accused of the right

to file an appeal under section 866(b)(1) of this title (article 66(b)(1)) by means of depositing in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in the official service record of the accused.

"(2) INAPPLICABILITY UPON WAIVER OF APPEAL.—Paragraph (1) shall not apply if the accused waives the right to appeal under section 861 of this title (article 61).

"(d) REVIEW BY JUDGE ADVOCATE GENERAL.—

"(1) BY WHOM.—A review conducted under this subsection may be conducted by an attorney within the Office of the Judge Advocate General or another attorney designated under regulations prescribed by the Secretary concerned.

"(2) REVIEW OF CASES NOT ELIGIBLE FOR DIRECT APPEAL.—

"(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial that is not eligible for direct appeal under paragraph (1) or (3) of section 866(b) of this title (article 66(b)).

"(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision providing each of the following:

"(i) A conclusion as to whether the court had jurisdiction over the accused and the offense.

"(ii) A conclusion as to whether the charge and specification stated an offense.

"(iii) A conclusion as to whether the sentence was within the limits prescribed as a matter of law.

"(iv) A response to each allegation of error made in writing by the accused.

"(3) REVIEW WHEN DIRECT APPEAL IS WAIVED, WITHDRAWN, OR NOT FILED.—

"(A) IN GENERAL.—A review under subparagraph (B) shall be completed in each general and special court-martial if—

"(i) the accused waives the right to appeal or withdraws appeal under section 861 of this title (article 61); or

"(ii) the accused does not file a timely appeal in a case eligible for direct appeal under subparagraph (A), (B), or (C) of

section 866(b)(1) of this title (article 66(b)(1)).

"(B) SCOPE OF REVIEW.—A review referred to in subparagraph (A) shall include a written decision limited to providing conclusions on the matters specified in clauses (i), (ii), and (iii) of paragraph (2)(B).

"(e) REMEDY.—

"(1) IN GENERAL.—If after a review of a record under subsection (d), the attorney conducting the review believes corrective action may be required, the record shall be forwarded to the Judge Advocate General, who may set aside the findings or sentence, in whole or in part.

"(2) REHEARING.—In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a rehearing may not be ordered in violation of section 844 of this title (article 44).

"(3) REMEDY WITHOUT REHEARING.—

"(A) DISMISSAL WHEN NO REHEARING ORDERED.—If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

"(B) DISMISSAL WHEN REHEARING IMPRACTICAL.—If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.".

SEC. 5290. COURTS OF CRIMINAL APPEALS.

(a) APPELLATE MILITARY JUDGES.—Subsection (a) of section 866 of title 10, United States Code (article 66 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking "subsection (f)" and inserting "subsection (i)";

(2) in the fourth sentence, by inserting after "highest court of a State" the following: "and must be certified by the Judge Advocate General as qualified, by reason of education, training, experience, and judicial temperament, for duty as an appellate military judge"; and

(3) by adding at the end the following new sentence: "In accordance with regulations prescribed by the President, assignments of appellate military judges under this section (article) shall be for appropriate minimum periods, subject to such exceptions as may be authorized in the regulations.".

(b) REVISION OF APPELLATE PROCEDURES.—Such section (article) is further amended—

(1) by redesignating subsections (e), (f), (g), and (h) as subsections (h), (i), (j), and (k), respectively; and

(2) by striking subsections (b), (c), and (d) and inserting the following new subsections:

''(b) REVIEW.—

''(1) APPEALS BY ACCUSED.—A Court of Criminal Appeals shall have jurisdiction of a timely appeal from the judgment of a court-martial, entered into the record under section 860c of this title (article 60c), as follows:

''(A) On appeal by the accused in a case in which the sentence extends to dismissal of a commissioned officer, cadet, or midshipman, dishonorable or bad-conduct discharge, or confinement for more than six months.

''(B) On appeal by the accused in a case in which the Government previously filed an appeal under section 862 of this title (article 62).

''(C) On appeal by the accused in a case that the Judge Advocate General has sent to the Court of Criminal Appeals for review of the

sentence under section 856(e) of this title (article 56(e)).

"(D) In a case in which the accused filed an application for review with the Court under section 869(d)(1)(B) of this title (article 69(d)(1)(B)) and the application has been granted by the Court.

"(2) REVIEW OF CERTAIN SENTENCES.—A Court of Criminal Appeals shall have jurisdiction of all cases that the Judge Advocate General orders sent to the Court for review under section 856(e) of this title (article 56(e)).

"(3) REVIEW OF CAPITAL CASES.—A Court of Criminal Appeals shall have jurisdiction of a court-martial in which the judgment entered into the record under section 860c of this title (article 60c) includes a sentence of death.

"(c) TIMELINESS.—An appeal under subsection (b) is timely if it is filed as follows:

"(1) In the case of an appeal by the accused under subsection (b)(1)(A) or (b)(1)(B), if filed before the later of—

"(A) the end of the 90-day period beginning on the date the accused is provided notice

of appellate rights under section 865(c) of this title (article 65(c)); or

"(B) the date set by the Court of Criminal Appeals by rule or order.

"(2) In the case of an appeal by the accused under subsection (b)(1)(C), if filed before the later of—

"(A) the end of the 90-day period beginning on the date the accused is notified that the application for review has been granted by letter placed in the United States mails for delivery by first class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record; or

"(B) the date set by the Court of Criminal Appeals by rule or order.

"(d) DUTIES.—

"(1) CASES APPEALED BY ACCUSED.—In any case before the Court of Criminal Appeals under paragraph (1) of subsection (b), the Court shall affirm, set aside, or modify the findings, sentence, or order appealed.

"(2) CAPITAL CASES.—In any case before the Court of Criminal Appeals under paragraph (3) of subsection (b), the Court shall review the record of trial and affirm, set aside, or modify the findings or sentence.

"(3) ERROR OR EXCESSIVE DELAY.—In any case before the Court of Criminal Appeals under paragraph (1), (2), or (3) of subsection (b), the Court may provide appropriate relief if the accused demonstrates error or excessive delay in the processing of the court-martial after the judgment was entered into the record under section 860c of this title (article 60c).

"(e) CONSIDERATION OF THE EVIDENCE.—

"(1) IN GENERAL.—In an appeal of a finding of guilty under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court of Criminal Appeals, upon request of the accused, may consider the weight of the evidence upon a specific showing by the accused of deficiencies in proof. The Court may set aside and dismiss a finding if clearly convinced that the finding was against the weight of the evidence. The Court may affirm a lesser finding. A rehearing may not be ordered.

"(2) DEFERENCE IN CONSIDERATION.—When considering a case under paragraph (1)(A), (1)(B), (1)(C), (2), or (3) of subsection (b), the Court may weigh the evidence and determine controverted questions of fact, subject to—

"(A) appropriate deference to the fact that the court-martial saw and heard the witnesses and other evidence; and

"(B) appropriate deference to findings of fact entered into the record by the military judge.

"(f) CONSIDERATION OF SENTENCE.—

"(1) IN GENERAL.—In considering a sentence on appeal or review under subsection (b)(1) or (b)(3), the Court of Criminal Appeals may consider—

"(A) whether the sentence violates the law;

"(B) whether the sentence is inappropriately severe—

"(i) if the sentence is for an offense for which there is no sentencing parameter under section 856(d) of this title (article 56(d)); or

"(ii) in the case of an offense with a sentencing parameter under section 856(d)

of this title (article 56(d)), if the sentence is above the upper range under paragraph (2)(B)(iii) of such section (article).

"(C) in the case of a sentence for an offense with a sentencing parameter under this section, whether the sentence is a result of an incorrect application of the parameter;

"(D) whether the sentence is plainly unreasonable; and

"(E) in review of a sentence to death or to life in prison without eligibility for parole determined by the members in a capital case under section 853(c) of this title (article 53(c)), whether the sentence is otherwise appropriate, under rules prescribed by the President.

"(2) RECORD ON APPEAL OR REVIEW.—In an appeal or review under subsection (b)(1) or (b)(3), the record on appeal or review shall consist of—

"(A) any portion of the record in the case that is designated as pertinent by either of the parties;

"(B) the information submitted during the sentencing proceeding; and

"(C) any information required by rule or order of the Court of Criminal Appeals.

"(g) LIMITS OF AUTHORITY.—

"(1) SET ASIDE OF FINDINGS.—

"(A) IN GENERAL.—If the Court of Criminal Appeals sets aside the findings, the Court—

"(i) may affirm any lesser included offense; and

"(ii) may, except when prohibited by section 844 of this title (article 44), order a rehearing.

"(B) DISMISSAL WHEN NO REHEARING ORDERED.—If the Court of Criminal Appeals sets aside the findings and does not order a rehearing, the Court shall order that the charges be dismissed.

"(C) DISMISSAL WHEN REHEARING IMPRACTICABLE.—If the Court of Criminal Appeals orders a rehearing on a charge and the convening authority finds a rehearing impracticable, the convening authority may dismiss the charge.

"(2) SET ASIDE OF SENTENCE.—If the Court of Criminal Appeals sets aside the sentence, the Court may—

"(A) modify the sentence to a lesser sentence; or

"(B) order a rehearing.

"(3) ADDITIONAL PROCEEDINGS.—If the Court determines that additional proceedings are warranted, the Court may order a hearing as may be necessary to address a substantial issue, subject to such limitations as the Court may direct and under such regulations as the President may prescribe.".

(c) ACTION WHEN REHEARING IMPRACTICABLE AFTER REHEARING ORDER.—Subsection (h) of such section (article), as redesignated by subsection (b)(1) of this section, is amended—

(1) in the first sentence, by striking "convening authority" and inserting "appropriate authority"; and

(2) by striking the last sentence.

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

"§ 866. Art. 66. Courts of Criminal Appeals".

(e) SUBSECTION HEADING AMENDMENTS FOR STYLISTIC CONSISTENCY.—Such section (article) is further amended—

(1) in subsection (a), by inserting "COURTS OF CRIMINAL APPEALS.—" after "(a)";

(2) in subsection (h), as redesignated by subsection (b)(1) of this section, by inserting "ACTION

IN ACCORDANCE WITH DECISIONS OF COURTS.—'' after ''(h)'';

(3) in subsection (i), as so redesignated, by inserting ''RULES OF PROCEDURE.—'' after ''(i)'';

(4) in subsection (j), as so redesignated, by inserting ''PROHIBITION ON EVALUATION OF OTHER MEMBERS OF COURTS.—'' after ''(j)''; and

(5) in subsection (k), as so redesignated, by inserting ''INELIGIBILITY OF MEMBERS OF COURTS TO REVIEW RECORDS OF CASES INVOLVING CERTAIN PRIOR MEMBER SERVICE.—'' after ''(k)''.

SEC. 5291. REVIEW BY COURT OF APPEALS FOR THE ARMED FORCES.

(a) JAG NOTIFICATION.—Subsection (a)(2) of section 867 of title 10, United States Code (article 67 of the Uniform Code of Military Justice), is amended by inserting after ''the Judge Advocate General'' the following: '', after appropriate notification to the other Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps,''.

(b) BASIS FOR REVIEW.—Subsection (c) of such section (article) is amended—

(1) by inserting ''(1)'' after ''(c)'';

(2) by designating the second sentence as paragraph (2);

(3) by designating the third sentence as paragraph (3);

(4) by designating the fourth sentence as paragraph (4); and

(5) in paragraph (1), as designated by paragraph (1) of this subsection, by striking ''only with respect to'' and all that follows through the end of the sentence and inserting ''only with respect to—

''(A) the findings and sentence set forth in the entry of judgment, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals; or

''(B) a decision, judgment, or order by a military judge, as affirmed or set aside as incorrect in law by the Court of Criminal Appeals.''.

SEC. 5292. SUPREME COURT REVIEW.

The second sentence of section 867a(a) of title 10, United States Code (article 67a(a) of the Uniform Code of Military Justice), is amended by inserting before ''Court of Appeals'' the following: ''United States''.

SEC. 5293. REVIEW BY JUDGE ADVOCATE GENERAL.

Section 869 of title 10, United States Code (article 69 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 869. Art. 69. Review by Judge Advocate General

''(a) IN GENERAL.—Upon application by the accused and subject to subsections (b), (c), and (d), the Judge Advocate General may modify or set aside, in whole or in part, the findings and sentence in a court-martial that is not reviewed under section 866 of this title (article 66).

''(b) TIMING.—To qualify for consideration, an application under subsection (a) must be submitted to the Judge Advocate General not later than one year after the date of completion of review under section 864 or 865 of this title (article 64 or 65), as the case may be. The Judge Advocate General may, for good cause shown, extend the period for submission of an application, but may not consider an application submitted more than three years after such completion date.

''(c) SCOPE.—(1)(A) In a case reviewed under section 864 or 865(d) of this title (article 64 or 65(d)), the Judge Advocate General may set aside the findings or sentence, in whole or in part, on the grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, error prejudicial to the substantial rights of the accused, or the appropriateness of the sentence.

''(B) In setting aside findings or sentence, the Judge Advocate General may order a rehearing, except that a

rehearing may not be ordered in violation of section 844 of this title (article 44).

"(C) If the Judge Advocate General sets aside findings and sentence and does not order a rehearing, the Judge Advocate General shall dismiss the charges.

"(D) If the Judge Advocate General sets aside findings and orders a rehearing and the convening authority determines that a rehearing would be impractical, the convening authority shall dismiss the charges.

"(2) In a case reviewed under section 865(d) of this title (article 65(d)), review under this section is limited to the issue of whether the waiver, withdrawal, or failure to file an appeal was invalid under the law. If the Judge Advocate General determines that the waiver, withdrawal, or failure to file an appeal was invalid, the Judge Advocate General shall order appropriate corrective action under rules prescribed by the President.

"(d) COURT OF CRIMINAL APPEALS.—(1) A Court of Criminal Appeals may review the action taken by the Judge Advocate General under subsection (c)—

"(A) in a case sent to the Court of Criminal Appeals by order of the Judge Advocate General; or

"(B) in a case submitted to the Court of Criminal Appeals by the accused in an application for review.

"(2) The Court of Criminal Appeals may grant an application under paragraph (1)(B) only if—

"(A) the application demonstrates a substantial basis for concluding that the action on review under subsection (c) constituted prejudicial error; and

"(B) the application is filed not later than the earlier of—

"(i) 60 days after the date on which the accused is notified of the decision of the Judge Advocate General; or

"(ii) 60 days after the date on which a copy of the decision of the Judge Advocate General is deposited in the United States mails for delivery by first-class certified mail to the accused at an address provided by the accused or, if no such address has been provided by the accused, at the latest address listed for the accused in his official service record.

"(3) The submission of an application for review under this subsection does not constitute a proceeding before the Court of Criminal Appeals for purposes of section 870(c)(1) of this title (article 70(c)(1)).

"(e) ACTION ONLY ON MATTERS OF LAW.—Notwithstanding section 866 of this title (article 66), in any case reviewed by a Court of Criminal Appeals under subsection

(d), the Court may take action only with respect to matters of law.''.

SEC. 5294. APPELLATE DEFENSE COUNSEL IN DEATH PENALTY CASES.

Section 870 of title 10, United States Code (article 70 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

''(f) To the greatest extent practicable, in any capital case, at least one defense counsel under subsection (c) shall, as determined by the Judge Advocate General, be learned in the law applicable to such cases. If necessary, this counsel may be a civilian and, if so, may be compensated in accordance with regulations prescribed by the Secretary of Defense.''.

SEC. 5295. AUTHORITY FOR HEARING ON VACATION OF SUSPENSION OF SENTENCE TO BE CONDUCTED BY QUALIFIED JUDGE ADVOCATE.

(a) IN GENERAL.—Subsection (a) of section 872 of title 10, United States Code (article 72) of the Uniform Code of Military Justice), is amended by inserting after the first sentence the following new sentence: ''The special court-martial convening authority may detail a judge advocate, who is certified under section 827(b) of this title (article 27(b)), to conduct the hearing.''.

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

(1) in the last sentence of subsection (a), by striking ''if he so desires'' and inserting ''if the probationer so desires''; and

(2) in the second sentence of subsection (b)—

(A) by striking ''If he'' and inserting ''If the officer exercising general court-martial jurisdiction''; and

(B) by striking ''section 871(c) of this title (article 71(c))'' and inserting ''section 857 of this title (article 57))''.

SEC. 5296. EXTENSION OF TIME FOR PETITION FOR NEW TRIAL.

The first sentence of section 873 of title 10, United States Code (article 73 of the Uniform Code of Military Justice), is amended by striking ''two years after approval by the convening authority of a court-martial sentence'' and inserting ''three years after the date of the entry of judgment under section 860c of this title (article 60c)''.

SEC. 5297. RESTORATION.

Section 875 of title 10, United States Code (article 75 of the Uniform Code of Military Justice), is amended by adding at the end the following new subsection:

"(d) The President shall prescribe regulations, with such limitations as the President considers appropriate, governing eligibility for pay and allowances for the period after the date on which an executed part of a court-martial sentence is set aside.".

SEC. 5298. LEAVE REQUIREMENTS PENDING REVIEW OF CERTAIN COURT-MARTIAL CONVICTIONS.

Section 876a of title 10, United States Code (article 76a of the Uniform Code of Military Justice), is amended—

(1) in the first sentence, by striking ", as approved under section 860 of this title (article 60),"; and

(2) in the second sentence, by striking "on which the sentence is approved under section 860 of this title (article 60)" and inserting "of the entry of judgment under section 860c of this title (article 60c)".

TITLE LX—PUNITIVE ARTICLES

SEC. 5301. REORGANIZATION OF PUNITIVE ARTICLES.

Sections of subchapter X of chapter 47 of title 10, United States Code (articles of the Uniform Code of Military Justice), are transferred within subchapter X and redesignated as follows:

(1) ENLISTMENT AND SEPARATION.—Sections 883 and 884 (articles 83 and 84) are transferred so as to appear (in that order) after section 904 (article 104) and are redesignated as sections 904a and 904b (articles 104a and 104b), respectively.

(2) RESISTANCE, FLIGHT, BREACH OF ARREST, AND ESCAPE.—Section 895 (article 95) is transferred so as to appear after section 887 (article 87) and is redesignated as section 887a (article 87a).

(3) NONCOMPLIANCE WITH PROCEDURAL RULES.—Section 898 (article 98) is transferred so as to appear after section 931 (article 131) and is redesignated as section 931f (article 131f).

(4) CAPTURED OR ABANDONED PROPERTY.—Section 903 (article 103) is transferred so as to appear after section 908 (article 108) and is redesignated as section 908a (article 108a).

(5) AIDING THE ENEMY.—Section 904 (article 104) is redesignated as section 903b (article 103b).

(6) MISCONDUCT AS PRISONER.—Section 905 (article 105) is transferred so as to appear after section 897 (article 97) and is redesignated as section 898 (article 98).

(7) SPIES; ESPIONAGE.—Sections 906 and 906a (articles 106 and 106a) are transferred so as to ap-

pear (in that order) after section 902 (article 102) and are redesignated as sections 903 and 903a (articles 103 and 103a), respectively.

(8) MISBEHAVIOR OF SENTINEL.—Section 913 (article 113) is transferred so as to appear after section 894 (article 94) and is redesignated as section 895 (article 95).

(9) DRUNKEN OR RECKLESS OPERATION OF A VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (article 111) is transferred so as to appear after section 912a (article 912a) and is redesignated as section 913 (article 113).

(10) HOUSEBREAKING.—Section 930 (article 130) is redesignated as section 929a (article 129a).

(11) STALKING.—Section 920a (article 120a) is transferred so as to appear after section 929a (article 129a), as redesignated by paragraph (10), and is redesignated as section 930 (article 130).

(12) FORGERY.—Section 923 (article 123) is transferred so as to appear after section 904b (article 104b), as transferred and redesignated by paragraph (1), and is redesignated as section 905 (article 105).

(13) MAIMING.—Section 924 (article 124) is transferred so as to appear after section 928 (article

128) and is redesignated as section 928a (article 128a).

(14) FRAUDS AGAINST THE UNITED STATES.—Section 932 of (article 132) is transferred so as to appear after section 923a (article 123a) and is redesignated as section 924 (article 124).

SEC. 5302. CONVICTION OF OFFENSE CHARGED, LESSER INCLUDED OFFENSES, AND ATTEMPTS.

Section 879 of title 10, United States Code (article 79 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts

"(a) IN GENERAL.—An accused may be found guilty of any of the following:

"(1) The offense charged.

"(2) A lesser included offense.

"(3) An attempt to commit the offense charged.

"(4) An attempt to commit a lesser included offense, if the attempt is an offense in its own right.

"(b) LESSER INCLUDED OFFENSE DEFINED.—In this section (article), the term 'lesser included offense' means—

"(1) an offense that is necessarily included in the offense charged; and

"(2) any lesser included offense so designated by regulation prescribed by the President.

"(c) REGULATORY AUTHORITY.—Any designation of a lesser included offense in a regulation referred to in subsection (b) shall be reasonably included in the greater offense.".

SEC. 5303. SOLICITING COMMISSION OF OFFENSES.

Section 882 of title 10, United States Code (article 82 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 882. Art. 82. Soliciting commission of offenses

"(a) SOLICITING COMMISSION OF OFFENSES GENERALLY.—Any person subject to this chapter who solicits or advises another to commit an offense under this chapter (other than an offense specified in subsection (b)) shall be punished as a court-martial may direct.

"(b) SOLICITING DESERTION, MUTINY, SEDITION, OR MISBEHAVIOR BEFORE THE ENEMY.—Any person subject to this chapter who solicits or advises another to violate section 885 of this title (article 85), section 894 of this title (article 94), or section 99 of this title (article 99)—

"(1) if the offense solicited or advised is attempted or is committed, shall be punished with the

punishment provided for the commission of the offense; and

"(2) if the offense solicited or advised is not attempted or committed, shall be punished as a court-martial may direct.".

SEC. 5304. MALINGERING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 882 (article 82 of the Uniform Code of Military Justice), as amended by section 5303 of this Act, the following new section (article):

"§ 883. Art. 83. Malingering

"Any person subject to this chapter who, with the intent to avoid work, duty, or service—

"(1) feigns illness, physical disablement, mental lapse, or mental derangement; or

"(2) intentionally inflicts self-injury;

shall be punished as a court-martial may direct.".

SEC. 5305. BREACH OF MEDICAL QUARANTINE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 883 (article 83 of the Uniform Code of Military Justice), as added by section 5304 of this Act, the following new section (article):

"§ 884. Art. 84. Breach of medical quarantine

''Any person subject to this chapter—

''(1) who is ordered into medical quarantine by a person authorized to issue such order; and

''(2) who, with knowledge of the quarantine and the limits of the quarantine, goes beyond those limits before being released from the quarantine by proper authority;

shall be punished as a court-martial may direct.''.

SEC. 5306. MISSING MOVEMENT; JUMPING FROM VESSEL.

Section 887 of title 10, United States Code (article 87 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 887. Art. 87. Missing movement; jumping from vessel

''(a) MISSING MOVEMENT.—Any person subject to this chapter who, through neglect or design, misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

''(b) JUMPING FROM VESSEL INTO THE WATER.—Any person subject to this chapter who wrongfully and intentionally jumps into the water from a vessel in use by the armed forces shall be punished as a court-martial may direct.''.

SEC. 5307. OFFENSES AGAINST CORRECTIONAL CUSTODY AND RESTRICTION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 887a (article 87a of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(2) of this Act, the following new section (article):

"§ 887b. Art. 87b. Offenses against correctional custody and restriction

''(a) ESCAPE FROM CORRECTIONAL CUSTODY.—Any person subject to this chapter—

''(1) who is placed in correctional custody by a person authorized to do so;

''(2) who, while in correctional custody, is under physical restraint; and

''(3) who escapes from the physical restraint before being released from the physical restraint by proper authority;

shall be punished as a court-martial may direct.

''(b) BREACH OF CORRECTIONAL CUSTODY.—Any person subject to this chapter—

''(1) who is placed in correctional custody by a person authorized to do so;

''(2) who, while in correctional custody, is under restraint other than physical restraint; and

"(3) who goes beyond the limits of the restraint before being released from the correctional custody or relieved of the restraint by proper authority;

shall be punished as a court-martial may direct.

"(c) BREACH OF RESTRICTION.—Any person subject to this chapter—

"(1) who is ordered to be restricted to certain limits by a person authorized to do so; and

"(2) who, with knowledge of the limits of the restriction, goes beyond those limits before being released by proper authority;

shall be punished as a court-martial may direct.".

SEC. 5308. DISRESPECT TOWARD SUPERIOR COMMISSIONED OFFICER; ASSAULT OF SUPERIOR COMMISSIONED OFFICER.

Section 889 of title 10, United States Code (article 89 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer

"(a) DISRESPECT.—Any person subject to this chapter who behaves with disrespect toward that person's superior commissioned officer shall be punished as a court-martial may direct.

"(b) ASSAULT.—Any person subject to this chapter who strikes that person's superior commissioned officer or draws or lifts up any weapon or offers any violence against that officer while the officer is in the execution of the officer's office shall be punished—

"(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

"(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.".

SEC. 5309. WILLFULLY DISOBEYING SUPERIOR COMMISSIONED OFFICER.

Section 890 of title 10, United States Code (article 90 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 890. Art. 90. Willfully disobeying superior commissioned officer

"Any person subject to this chapter who willfully disobeys a lawful command of that person's superior commissioned officer shall be punished—

"(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

"(2) if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct.".

SEC. 5310. PROHIBITED ACTIVITIES WITH MILITARY RECRUIT OR TRAINEE BY PERSON IN POSITION OF SPECIAL TRUST.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 893 (article 93 of the Uniform Code of Military Justice) the following new section (article):

"§ 893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust

"(a) ABUSE OF TRAINING LEADERSHIP POSITION.—Any person subject to this chapter—

"(1) who is an officer, a noncommissioned officer, or a petty officer;

"(2) who is in a training leadership position with respect to a specially protected junior member of the armed forces; and

"(3) who engages in prohibited sexual activity with such specially protected junior member of the armed forces;

shall be punished as a court-martial may direct.

1 "(b) ABUSE OF POSITION AS MILITARY RE-
2 CRUITER.—Any person subject to this chapter—
3 "(1) who is a military recruiter and engages in
4 prohibited sexual activity with an applicant for mili-
5 tary service; or
6 "(2) who is a military recruiter and engages in
7 prohibited sexual activity with a specially protected
8 junior member of the armed forces who is enlisted
9 under a delayed entry program;
10 shall be punished as a court-martial may direct.
11 "(c) CONSENT.—Consent is not a defense for any
12 conduct at issue in a prosecution under this section (arti-
13 cle).
14 "(d) DEFINITIONS.—In this section (article):
15 "(1) SPECIALLY PROTECTED JUNIOR MEMBER
16 OF THE ARMED FORCES.—The term 'specially pro-
17 tected junior member of the armed forces' means—
18 "(A) a member of the armed forces who is
19 assigned to, or is awaiting assignment to, basic
20 training or other initial active duty for training,
21 including a member who is enlisted under a de-
22 layed entry program;
23 "(B) a member of the armed forces who is
24 a cadet, a midshipman, an officer candidate, or

a student in any other officer qualification program; and

"(C) a member of the armed forces in any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

"(2) TRAINING LEADERSHIP POSITION.—The term 'training leadership position' means, with respect to a specially protected junior member of the armed forces, any of the following:

"(A) Any drill instructor position or other leadership position in a basic training program, an officer candidate school, a reserve officers' training corps unit, a training program for entry into the armed forces, or any program that, by regulation prescribed by the Secretary concerned, is identified as a training program for initial career qualification.

"(B) Faculty and staff of the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, and the United States Coast Guard Academy.

"(3) APPLICANT FOR MILITARY SERVICE.—The term 'applicant for military service' means a person

who, under regulations prescribed by the Secretary concerned, is an applicant for original enlistment or appointment in the armed forces.

"(4) PROHIBITED SEXUAL ACTIVITY.—The term 'prohibited sexual activity' means, as specified in regulations prescribed by the Secretary concerned, inappropriate physical intimacy under circumstances described in such regulations.".

SEC. 5311. OFFENSES BY SENTINEL OR LOOKOUT.

Section 895 of title 10, United States Code (article 95 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(8) of this Act, is amended to read as follows:

"§ 895. Art. 95. Offenses by sentinel or lookout

"(a) DRUNK OR SLEEPING ON POST, OR LEAVING POST BEFORE BEING RELIEVED.—Any sentinel or lookout who is drunk on post, who sleeps on post, or who leaves post before being regularly relieved, shall be punished—

"(1) if the offense is committed in time of war, by death or such other punishment as a court-martial may direct; and

"(2) if the offense is committed other than in time of war, by such punishment, other than death, as a court-martial may direct.

"(b) LOITERING OR WRONGFULLY SITTING ON POST.—Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished as a court-martial may direct.".

SEC. 5312. DISRESPECT TOWARD SENTINEL OR LOOKOUT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 895 (article 95 of the Uniform Code of Military Justice), as amended by section 5311 of this Act, the following new section (article):

"§ 895a. Art. 95a. Disrespect toward sentinel or lookout

"(a) DISRESPECTFUL LANGUAGE TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.

"(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL OR LOOKOUT.—Any person subject to this chapter who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or look-

out, who is in the execution of duties as a sentinel or lookout, shall be punished as a court-martial may direct.''.

SEC. 5313. RELEASE OF PRISONER WITHOUT AUTHORITY; DRINKING WITH PRISONER.

Section 896 of title 10, United States Code (article 96 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 896. Art. 96. Release of prisoner without authority; drinking with prisoner

''(a) RELEASE OF PRISONER WITHOUT AUTHORITY.—Any person subject to this chapter—

''(1) who, without authority to do so, releases a prisoner; or

''(2) who, through neglect or design, allows a prisoner to escape;

shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with the law.

''(b) DRINKING WITH PRISONER.—Any person subject to this chapter who unlawfully drinks any alcoholic beverage with a prisoner shall be punished as a court-martial may direct.''.

SEC. 5314. PENALTY FOR ACTING AS A SPY.

Section 903 of title 10, United States Code (article 103 of the Uniform Code of Military Justice), as trans-

ferred and redesignated by section 5301(7) of this Act, is amended by inserting before the period at the end of the first sentence the following: ''or such other punishment as a court-martial or a military commission may direct''.

SEC. 5315. PUBLIC RECORDS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 903b (article 103b of the Uniform Code of Military Justice), as redesignated by section 5301(5) of this Act, the following new section (article):

''§ 904. Art. 104. Public records offenses

''Any person subject to this chapter who, willfully and unlawfully—

''(1) alters, conceals, removes, mutilates, obliterates, or destroys a public record; or

''(2) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate, or destroy the public record;

shall be punished as a court-martial may direct.''.

SEC. 5316. FALSE OR UNAUTHORIZED PASS OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905 (article 105 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(12) of this Act, the following new section (article):

"§ 905a. Art. 105a. False or unauthorized pass offenses

"(a) WRONGFUL MAKING, ALTERING, ETC.—Any person subject to this chapter who, wrongfully and falsely, makes, alters, counterfeits, or tampers with a military or official pass, permit, discharge certificate, or identification card shall be punished as a court-martial may direct.

"(b) WRONGFUL SALE, ETC.—Any person subject to this chapter who wrongfully sells, gives, lends, or disposes of a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.

"(c) WRONGFUL USE OR POSSESSION.—Any person subject to this chapter who wrongfully uses or possesses a false or unauthorized military or official pass, permit, discharge certificate, or identification card, knowing that the pass, permit, discharge certificate, or identification card is false or unauthorized, shall be punished as a court-martial may direct.".

SEC. 5317. IMPERSONATION OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 905a (article 105a of the Uniform Code of Military Justice), as added

by section 5316 of this Act, the following new section (article):

"§ 906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official

"(a) IN GENERAL.—Any person subject to this chapter who, wrongfully and willfully, impersonates—

"(1) an officer, a noncommissioned officer, or a petty officer;

"(2) an agent of superior authority of one of the armed forces; or

"(3) an official of a government;

shall be punished as a court-martial may direct.

"(b) IMPERSONATION WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and with intent to defraud, impersonates any person referred to in paragraph (1), (2), or (3) of subsection (a) shall be punished as a court-martial may direct.

"(c) IMPERSONATION OF GOVERNMENT OFFICIAL WITHOUT INTENT TO DEFRAUD.—Any person subject to this chapter who, wrongfully, willfully, and without intent to defraud, impersonates an official of a government by committing an act that exercises or asserts the authority

of the office that the person claims to have shall be punished as a court-martial may direct.''.

SEC. 5318. INSIGNIA OFFENSES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 906 (article 106 of the Uniform Code of Military Justice), as added by section 5317 of this Act, the following new section (article):

''§ 906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button

''Any person subject to this chapter—

''(1) who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button; and

''(2) who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing;

shall be punished as a court-martial may direct.''.

SEC. 5319. FALSE OFFICIAL STATEMENTS; FALSE SWEARING.

Section 907 of title 10, United States Code (article 107 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 907. Art. 107. False official statements; false swearing

''(a) FALSE OFFICIAL STATEMENTS.—Any person subject to this chapter who, with intent to deceive—

''(1) signs any false record, return, regulation, order, or other official document, knowing it to be false; or

''(2) makes any other false official statement knowing it to be false;

shall be punished as a court-martial may direct.

''(b) FALSE SWEARING.—Any person subject to this chapter—

''(1) who takes an oath that—

''(A) is administered in a matter in which such oath is required or authorized by law; and

''(B) is administered by a person with authority to do so; and

''(2) who, upon such oath, makes or subscribes to a statement;

if the statement is false and at the time of taking the oath, the person does not believe the statement to be true, shall be punished as a court-martial may direct.''.

SEC. 5320. PAROLE VIOLATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 907 (article 107 of the Uniform Code of Military Justice), as amended

by section 5319 of this Act, the following new section (article):

"§ 907a. Art. 107a. Parole violation

''Any person subject to this chapter—

''(1) who, having been a prisoner as the result of a court-martial conviction or other criminal proceeding, is on parole with conditions; and

''(2) who violates the conditions of parole;

shall be punished as a court-martial may direct.''.

SEC. 5321. WRONGFUL TAKING, OPENING, ETC. OF MAIL MATTER.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 909 (article 109 of the Uniform Code of Military Justice), the following new section (article):

"§ 909a. Art. 109a. Mail matter: wrongful taking, opening, etc.

''(a) TAKING.—Any person subject to this chapter who, with the intent to obstruct the correspondence of, or to pry into the business or secrets of, any person or organization, wrongfully takes mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.

''(b) OPENING, SECRETING, DESTROYING, STEALING.—Any person subject to this chapter who wrongfully

opens, secretes, destroys, or steals mail matter before the mail matter is delivered to or received by the addressee shall be punished as a court-martial may direct.''.

SEC. 5322. IMPROPER HAZARDING OF VESSEL OR AIRCRAFT.

Section 910 of title 10, United States Code (article 110 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 910. Art. 110. Improper hazarding of vessel or aircraft

''(a) WILLFUL AND WRONGFUL HAZARDING.—Any person subject to this chapter who, willfully and wrongfully, hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished by death or such other punishment as a court-martial may direct.

''(b) NEGLIGENT HAZARDING.—Any person subject to this chapter who negligently hazards or suffers to be hazarded any vessel or aircraft of the armed forces shall be punished as a court-martial may direct.''.

SEC. 5323. LEAVING SCENE OF VEHICLE ACCIDENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 910 (article 110 of the Uniform Code of Military Justice), as amended by section 5322 of this Act, the following new section (article):

"§ 911. Art. 111. Leaving scene of vehicle accident

"(a) DRIVER.—Any person subject to this chapter—

"(1) who is the driver of a vehicle that is involved in an accident that results in personal injury or property damage; and

"(2) who wrongfully leaves the scene of the accident—

"(A) without providing assistance to an injured person; or

"(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.

"(b) SENIOR PASSENGER.—Any person subject to this chapter—

"(1) who is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

"(2) who is the superior commissioned or noncommissioned officer of the driver of the vehicle or is the commander of the vehicle; and

"(3) who wrongfully and unlawfully orders, causes, or permits the driver to leave the scene of the accident—

"(A) without providing assistance to an injured person; or

"(B) without providing personal identification to others involved in the accident or to appropriate authorities;

shall be punished as a court-martial may direct.".

SEC. 5324. DRUNKENNESS AND OTHER INCAPACITATION OFFENSES.

Section 912 of title 10, United States Code (article 112 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 912. Art. 112. Drunkenness and other incapacitation offenses

"(a) DRUNK ON DUTY.—Any person subject to this chapter who is drunk on duty shall be punished as a court-martial may direct.

"(b) INCAPACITATION FOR DUTY FROM DRUNKENNESS OR DRUG USE.—Any person subject to this chapter who, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty shall be punished as a court-martial may direct.

"(c) DRUNK PRISONER.—Any person subject to this chapter who is a prisoner and, while in such status, is drunk shall be punished as a court-martial may direct.".

SEC. 5325. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR CONVICTION OF DRUNKEN OR RECKLESS OPERATION OF VEHICLE, AIRCRAFT, OR VESSEL.

Subsection (b)(3) of section 913 of title 10, United States Code (article 113 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(9) of this Act, is amended—

(1) by striking ''0.10 grams'' both places it appears and inserting ''0.08 grams''; and

(2) by adding at the end the following new sentence: ''The Secretary may by regulation prescribe limits that are lower than the limits specified in the preceding sentence, if such lower limits are based on scientific developments, as reflected in Federal law of general applicability.''.

SEC. 5326. ENDANGERMENT OFFENSES.

Section 914 of title 10, United States Code (article 114 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 914. Art. 114. Endangerment offenses

''(a) RECKLESS ENDANGERMENT.—Any person subject to this chapter who engages in conduct that—

''(1) is wrongful and reckless or is wanton; and

''(2) is likely to produce death or grievous bodily harm to another person;

shall be punished as a court-martial may direct.

"(b) DUELING.—Any person subject to this chapter—

"(1) who fights or promotes, or is concerned in or connives at fighting, a duel; or

"(2) who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority;

shall be punished as a court-martial may direct.

"(c) FIREARM DISCHARGE, ENDANGERING HUMAN LIFE.—Any person subject to this chapter who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

"(d) CARRYING CONCEALED WEAPON.—Any person subject to this chapter who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.".

SEC. 5327. COMMUNICATING THREATS.

Section 915 of title 10, United States Code (article 115 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 915. Art. 115. Communicating threats

"(a) COMMUNICATING THREATS GENERALLY.—Any person subject to this chapter who wrongfully commu-

nicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

''(b) COMMUNICATING THREAT TO USE EXPLOSIVE, ETC.—Any person subject to this chapter who wrongfully communicates a threat to injure the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct.

''(c) COMMUNICATING FALSE THREAT CONCERNING USE OF EXPLOSIVE, ETC.—Any person subject to this chapter who maliciously communicates a false threat concerning injury to the person or property of another by use of (1) an explosive, (2) a weapon of mass destruction, (3) a biological or chemical agent, substance, or weapon, or (4) a hazardous material, shall be punished as a court-martial may direct. As used in the preceding sentence, the term 'false threat' means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.''.

SEC. 5328. TECHNICAL AMENDMENT RELATING TO MURDER.

Section 918(4) of title 10, United States Code (article 118(4) of the Uniform Code of Military Justice), is amended by striking ''forcible sodomy,''.

SEC. 5329. CHILD ENDANGERMENT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 919a (article 119a of the Uniform Code of Military Justice), the following new section (article):

''§ 919b. Art. 119b. Child endangerment

''Any person subject to this chapter—

''(1) who has a duty for the care of a child under the age of 16 years; and

''(2) who, through design or culpable negligence, endangers the child's mental or physical health, safety, or welfare;

shall be punished as a court-martial may direct.''.

SEC. 5330. RAPE AND SEXUAL ASSAULT OFFENSES.

(a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(2) in paragraph (2)—

(A) by striking ''another person when'' and inserting ''another person—

''(B) when'';

(B) by inserting before subparagraph (B), as added by subparagraph (A) of this paragraph, the following new subparagraph:

''(A) without the consent of the other person; or''; and

(C) in subparagraph (B), as so added, by striking ''or'' at the end; and

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

''(4) commits a sexual act upon another person by wrongfully using position, rank, or authority to coerce the acquiescence of the other person in the sexual act;''.

(b) DEFINITIONS.—

(1) SEXUAL ACT.—Paragraph (1) of subsection (g) of such section (article) is amended to read as follows:

"(1) SEXUAL ACT.—The term 'sexual act' means—

"(A) the penetration, however slight, of the penis into the vulva or anus or mouth;

"(B) contact between the mouth and the penis, vulva, scrotum, or anus; or

"(C) the penetration, however slight, of the vulva or penis or anus of another by any part of the body or any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.".

(2) SEXUAL CONTACT.—Paragraph (2) of such subsection is amended to read as follows:

"(2) SEXUAL CONTACT.—The term 'sexual contact' means touching, or causing another person to touch, either directly or through the clothing, the vulva, penis, scrotum, anus, groin, brest, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object.".

(3) REPEAL OF DEFINITION OF BODILY HARM.—Such subsection is further amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(4) CONSENT.—Paragraph (7) of such subsection, as redesignated by paragraph (3)(B) of this subsection, is further amended—

(A) in subparagraph (A)—

(i) in the second sentence, by striking ''or submission resulting from the use of force, threat of force, or placing another in fear'';

(ii) by inserting after the second sentence, as amended by clause (i) of this subparagraph the following new sentence: ''Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent.''; and

(iii) in the last sentence, by striking ''shall not'' and inserting ''does not''.

(B) in subparagraph (B), by striking ''subparagraph (B) or (D)'' and inserting ''subparagraph (B) or (C)''; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) in the last sentence, by striking ", or whether" and all that follows and inserting a period.

(5) INCAPABLE OF CONSENTING.—Such subsection is further amended by adding at the end the following new paragraph (8):

"(8) INCAPABLE OF CONSENTING.—The term 'incapable of consenting' means the person is—

"(A) incapable of appraising the nature of the conduct at issue; or

"(B) physically incapable of declining participation in, or communicating unwillingess to engage in, the sexual act at issue.".

(c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Subsection (h)(1) of section 920b of title 10, United States Code (article 120b of the Uniform Code of Military Justice), is amended by inserting before the period at the end the following: ", except that the term 'sexual act' also includes the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person".

SEC. 5331. DEPOSIT OF OBSCENE MATTER IN THE MAIL.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 920 (article 120 of the Uniform Code of Military Justice), the following new section (article):

"§ 920a. Art. 120a. Mails: deposit of obscene matter

''Any person subject to this chapter who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.''.

SEC. 5332. FRAUDULENT USE OF CREDIT CARDS, DEBIT CARDS, AND OTHER ACCESS DEVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921 (article 121 of the Uniform Code of Military Justice), the following new section (article):

"§ 921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices

''(a) IN GENERAL.—Any person subject to this chapter who, knowingly and with intent to defraud, uses—

''(1) a stolen credit card, debit card, or other access device;

''(2) a revoked, cancelled, or otherwise invalid credit card, debit card, or other access device; or

''(3) a credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use;

to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

''(b) ACCESS DEVICE DEFINED.—In this section (article), the term 'access device' has the meaning given that term in section 1029 of title 18.''.

SEC. 5333. FALSE PRETENSES TO OBTAIN SERVICES.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 921a (article 121a of the Uniform Code of Military Justice), as added by section 5332 of this Act, the following new section (article):

''§ 921b. Art. 121b. False pretenses to obtain services

''Any person subject to this chapter who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.''.

SEC. 5334. ROBBERY.

Section 922 of title 10, United States Code (article 122 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 922. Art. 122. Robbery

''Any person subject to this chapter who takes anything of value from the person or in the presence of another, against his will, by means of force or violence or fear of immediate or future injury to his person or property or to the person or property of a relative or member

of his family or of anyone in his company at the time of the robbery, is guilty of robbery and shall be punished as a court-martial may direct.''.

SEC. 5335. RECEIVING STOLEN PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922 (article 122 of the Uniform Code of Military Justice), as amended by section 5334 of this Act, the following new section (article):

''§ 922a. Art. 122a. Receiving stolen property

''Any person subject to this chapter who wrongfully receives, buys, or conceals stolen property, knowing the property to be stolen property, shall be punished as a court-martial may direct.''.

SEC. 5336. OFFENSES CONCERNING GOVERNMENT COMPUTERS.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 922a (article 122a of the Uniform Code of Military Justice), as added by section 5335 of this Act, the following new section (article):

''§ 923. Art. 123. Offenses concerning Government computers

''(a) IN GENERAL.—Any person subject to this chapter who—

"(1) knowingly accesses a Government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it;

"(2) intentionally accesses a Government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any such Government computer; or

"(3) knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization, to a Government computer;

shall be punished as a court-martial may direct.

"(b) DEFINITIONS.—In this section:

"(1) The term 'computer' has the meaning given that term in section 1030 of title 18.

"(2) The term 'Government computer' means a computer owned or operated by or on behalf of the United States Government.

"(3) The term 'damage' has the meaning given that term in section 1030 of title 18.".

SEC. 5337. BRIBERY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924 (article 124 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(14) of this Act, the following new section (article):

"§ 924a. Art. 124a. Bribery

"(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

"(1) who occupies an official position or who has official duties; and

"(2) who wrongfully asks, accepts, or receives a thing of value with the intent to have the person's decision or action influenced with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

"(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, with the intent to influence the decision or action of the other person with respect to an official matter

in which the United States is interested, shall be punished as a court-martial may direct.''.

SEC. 5338. GRAFT.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 924a (article 124a of the Uniform Code of Military Justice), as added by section 5337 of this Act, the following new section (article):

''§ 924b. Art. 124b. Graft

''(a) ASKING, ACCEPTING, OR RECEIVING THING OF VALUE.—Any person subject to this chapter—

''(1) who occupies an official position or who has official duties; and

''(2) who wrongfully asks, accepts, or receives a thing of value as compensation for or in recognition of services rendered or to be rendered by the person with respect to an official matter in which the United States is interested;

shall be punished as a court-martial may direct.

''(b) PROMISING, OFFERING, OR GIVING THING OF VALUE.—Any person subject to this chapter who wrongfully promises, offers, or gives a thing of value to another person, who occupies an official position or who has official duties, as compensation for or in recognition of services rendered or to be rendered by the other person with

respect to an official matter in which the United States is interested, shall be punished as a court-martial may direct.''.

SEC. 5339. KIDNAPPING.

Section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 925. Art. 125. Kidnapping

''Any person subject to this chapter who wrongfully—

''(1) seizes, confines, inveigles, decoys, or carries away another person; and

''(2) holds the other person against that person's will;

shall be punished as a court-martial may direct.''.

SEC. 5340. ARSON; BURNING PROPERTY WITH INTENT TO DEFRAUD.

Section 926 of title 10, United States Code (article 126 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 926. Art. 126. Arson; burning property with intent to defraud

''(a) AGGRAVATED ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets on fire an inhabited dwelling, or any other structure, movable or immovable, wherein, to the knowledge of that per-

son, there is at the time a human being, is guilty of aggravated arson and shall be punished as a court-martial may direct.

''(b) SIMPLE ARSON.—Any person subject to this chapter who, willfully and maliciously, burns or sets fire to the property of another is guilty of simple arson and shall be punished as a court-martial may direct.

''(c) BURNING PROPERTY WITH INTENT TO DEFRAUD.—Any person subject to this chapter who, willfully, maliciously, and with intent to defraud, burns or sets fire to any property shall be punished as a court-martial may direct.''.

SEC. 5341. ASSAULT.

Section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 928. Art. 128. Assault

''(a) ASSAULT.—Any person subject to this chapter who, unlawfully and with force or violence—

''(1) attempts to do bodily harm to another person;

''(2) offers to do bodily harm to another person; or

''(3) does bodily harm to another person;

is guilty of assault and shall be punished as a court-martial may direct.

"(b) AGGRAVATED ASSAULT.—Any person subject to this chapter—

"(1) who, with the intent to do bodily harm, offers to do bodily harm with a dangerous weapon; or

"(2) who, in committing an assault, inflicts substantial bodily harm, or grievous bodily harm on another person;

is guilty of aggravated assault and shall be punished as a court-martial may direct.

"(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED OFFENSES.—

"(1) IN GENERAL.—Any person subject to this chapter who commits assault with intent to commit an offense specified in paragraph (2) shall be punished as a court-martial may direct.

"(2) OFFENSES SPECIFIED.—The offenses referred to in paragraph (1) are murder, voluntary manslaughter, rape, sexual assault, rape of a child, sexual assault of a child, robbery, arson, burglary, and kidnapping.".

SEC. 5342. BURGLARY AND UNLAWFUL ENTRY.

Section 929 of title 10, United States Code (article 129 of the Uniform Code of Military Justice), and section

929a of such title (article 129a), as redesignated by section 5301(10) of this Act, are amended to read as follows:

"§ 929. Art. 129. Burglary; unlawful entry

"(a) BURGLARY.—Any person subject to this chapter who, with intent to commit an offense under this chapter, breaks and enters the building or structure of another shall be punished as a court-martial may direct.

"(b) UNLAWFUL ENTRY.—Any person subject to this chapter who unlawfully enters—

"(1) the real property of another; or

"(2) the personal property of another which amounts to a structure usually used for habitation or storage;

shall be punished as a court-martial may direct.".

SEC. 5343. STALKING.

Section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(11) of this Act, is amended to read as follows:

"§ 930. Art. 130. Stalking

"(a) IN GENERAL.—Any person subject to this chapter—

"(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, in-

cluding sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

"(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner; and

"(3) whose conduct induces reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself, to a member of his or her immediate family, or to his or her intimate partner;

is guilty of stalking and shall be punished as a court-martial may direct.

"(b) DEFINITIONS.—In this section:

"(1) The term 'conduct' means conduct of any kind, including use of surveillance, the mails, an interactive computer service, an electronic communication service, or an electronic communication system.

"(2) The term 'course of conduct' means—

"(A) a repeated maintenance of visual or physical proximity to a specific person;

"(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person; or

"(C) a pattern of conduct composed of repeated acts evidencing a continuity of purpose.

"(3) The term 'repeated', with respect to conduct, means two or more occasions of such conduct.

"(4) The term 'immediate family', in the case of a specific person, means—

"(A) that person's spouse, parent, brother or sister, child, or other person to whom he or she stands in loco parentis; or

"(B) any other person living in his or her household and related to him or her by blood or marriage.

"(5) The term 'intimate partner' in the case of a specific person, means—

"(A) a former spouse of the specific person, a person who shares a child in common with the specific person, or a person who cohabits with or has cohabited as a spouse with the specific person; or

"(B) a person who has been in a social relationship of a romantic or intimate nature with

the specific person, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.''.

SEC. 5344. SUBORNATION OF PERJURY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931 (article 131 of the Uniform Code of Military Justice), the following new section (article):

''§ 931a. Art. 131a. Subornation of perjury

''(a) IN GENERAL.—Any person subject to this chapter who induces and procures another person—

''(1) to take an oath; and

''(2) to falsely testify, depose, or state upon such oath;

shall, if the conditions specified in subsection (b) are satisfied, be punished as a court-martial may direct.

''(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

''(1) The oath is administered with respect to a matter for which such oath is required or authorized by law.

''(2) The oath is administered by a person having authority to do so.

"(3) Upon the oath, the other person willfully makes or subscribes a statement.

"(4) The statement is material.

"(5) The statement is false.

"(6) When the statement is made or subscribed, the person subject to this chapter and the other person do not believe that the statement is true.".

SEC. 5345. OBSTRUCTING JUSTICE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931a (article 131a of the Uniform Code of Military Justice), as added by section 5344 of this Act, the following new section (article):

"§ 931b. Art. 131b. Obstructing justice

"Any person subject to this chapter who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct.".

SEC. 5346. MISPRISION OF SERIOUS OFFENSE.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931b (article 131b of the Uniform Code of Military Justice), as added

by section 5345 of this Act, the following new section (article):

"§ 931c. Art. 131c. Misprision of serious offense

''Any person subject to this chapter—

''(1) who knows that another person has committed a serious offense; and

''(2) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible;

shall be punished as a court-martial may direct.''.

SEC. 5347. WRONGFUL REFUSAL TO TESTIFY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931c (article 131c of the Uniform Code of Military Justice), as added by section 5346 of this Act, the following new section (article):

"§ 931d. Art. 131d. Wrongful refusal to testify

''Any person subject to this chapter who, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, preliminary hearing, or an officer taking a deposition, of or for the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.''.

SEC. 5348. PREVENTION OF AUTHORIZED SEIZURE OF PROPERTY.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931d (article 131d of the Uniform Code of Military Justice), as added by section 5347 of this Act, the following new section (article):

"§ 931e. Art. 131e. Prevention of authorized seizure of property

''Any person subject to this chapter who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.''.

SEC. 5349. WRONGFUL INTERFERENCE WITH ADVERSE ADMINISTRATIVE PROCEEDING.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931f (article 131f of the Uniform Code of Military Justice), as transferred and redesignated by section 5301(3) of this Act, the following new section (article):

"§ 931g. Art. 131g. Wrongful interference with adverse administrative proceeding

''Any person subject to this chapter who, having reason to believe that an adverse administrative proceeding

is pending against any person subject to this chapter, wrongfully acts with the intent—

"(1) to influence, impede, or obstruct the conduct of the proceeding; or

"(2) otherwise to obstruct the due administration of justice;

shall be punished as a court-martial may direct.".

SEC. 5350. RETALIATION.

Subchapter X of chapter 47 of title 10, United States Code, is amended by inserting after section 931g (article 131g of the Uniform Code of Military Justice), as added by section 5349 of this Act, the following new section (article):

"§ 932. Art. 132. Retaliation

"(a) IN GENERAL.—Any person subject to this chapter who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication—

"(1) wrongfully takes or threatens to take an adverse personnel action against any person; or

"(2) wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person;

shall be punished as a court-martial may direct.

"(b) DEFINITIONS.—In this section:

"(1) The term 'protected communication' means the following:

"(A) A lawful communication to a Member of Congress or an Inspector General.

"(B) A communication to a covered individual or organization in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

"(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

"(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(2) The term 'Inspector General' has the meaning given that term in section 1034(h) of this title.

"(3) The term 'covered individual or organization' means any recipient of a communication specified in clauses (i) through (v) of section 1034(b)(1)(B) of this title.

"(4) The term 'unlawful discrimination' means discrimination on the basis of race, color, religion, sex, or national origin.".

SEC. 5351. EXTRATERRITORIAL APPLICATION OF CERTAIN OFFENSES.

Section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: "As used in the preceding sentence, the term 'crimes and offenses not capital' includes any conduct engaged in outside the United States, as defined in section 5 of title 18, that would constitute a crime or offense not capital if the conduct had been engaged in within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18.".

SEC. 5352. TABLE OF SECTIONS.

The table of sections at the beginning of subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended to read as follows:

"SUBCHAPTER X—PUNITIVE ARTICLES

"Sec. Art.

"877. Art. 77. Principals.
"878. Art. 78. Accessory after the fact.
"879. Art. 79. Conviction of offense charged, lesser included offenses, and attempts.
"880. Art. 80. Attempts.
"881. Art. 81. Conspiracy.
"882. Art. 82. Soliciting commission of offenses.
"883. Art. 83. Malingering.
"884. Art. 84. Breach of medical quarantine.
"885. Art. 85. Desertion.
"886. Art. 86. Absence without leave.
"887. Art. 87. Missing movement; jumping from vessel.
"887a. Art. 87a. Resistence, flight, breach of arrest, and escape.
"887b. Art. 87b. Offenses against correctional custody and restriction.
"888. Art. 88. Contempt toward officials.
"889. Art. 89. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
"890. Art. 90. Willfully disobeying superior commissioned officer.
"891. Art. 91. Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.
"892. Art. 92. Failure to obey order or regulation.
"893. Art. 93. Cruelty and maltreatment.
"893a. Art. 93a. Prohibited activities with military recruit or trainee by person in position of special trust.
"894. Art. 94. Mutiny or sedition.
"895. Art. 95. Offenses by sentinel or lookout.
"895a. Art. 95a. Disrespect toward sentinel or lookout.
"896. Art. 96. Release of prisoner without authority; drinking with prisoner.
"897. Art. 97. Unlawful detention.
"898. Art. 98. Misconduct as prisoner.
"899. Art. 99. Misbehavior before the enemy.
"900. Art. 100. Subordinate compelling surrender.
"901. Art. 101. Improper use of countersign.
"902. Art. 102. Forcing a safeguard.
"903. Art. 103. Spies.
"903a. Art. 103a. Espionage.
"903b. Art. 103b. Aiding the enemy.
"904. Art. 104. Public records offenses.
"904a. Art. 104a. Fraudulent enlistment, appointment, or separation.
"904b. Art. 104b. Unlawful enlistment, appointment, or separation.
"905. Art. 105. Forgery.
"905a. Art. 105a. False or unauthorized pass offenses.
"906. Art. 106. Impersonation of officer, noncommissioned or petty officer, or agent or official.
"906a. Art. 106a. Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button.
"907. Art. 107. False official statements; false swearing.
"907a. Art. 107a. Parole violation.
"908. Art. 108. Military property of the United States—Loss damage, destruction, or wrongful disposition.
"908a. Art. 108a. Captured or abandoned property.
"909. Art. 109. Property other than military property of the United States—Waste, spoilage, or destruction.
"909a. Art. 109a. Mail matter: wrongful taking, opening, etc..
"910. Art. 110. Improper hazarding of vessel or aircraft.

"911. Art. 111. Leaving scene of vehicle accident.
"912. Art. 112. Drunkenness and other incapacitation offenses.
"912a. Art. 112a. Wrongful use, possession, etc., of controlled substances.
"913. Art. 113. Drunken or reckless operation of a vehicle, aircraft, or vessel.
"914. Art. 114. Endangerment offenses.
"915. Art. 115. Communicating threats.
"916. Art. 116. Riot or breach of peace.
"917. Art. 117. Provoking speeches or gestures.
"918. Art. 118. Murder.
"919. Art. 119. Manslaughter.
"919a. Art. 119a. Death or injury of an unborn child.
"919b. Art. 119b. Child endangerment.
"920. Art. 120. Rape and sexual assault generally.
"920a. Art. 120a. Mails: deposit of obscene matter.
"920b. Art. 120b. Rape and sexual assault of a child.
"920c. Art. 120c. Other sexual misconduct.
"921. Art. 121. Larceny and wrongful appropriation.
"921a. Art. 121a. Fraudulent use of credit cards, debit cards, and other access devices.
"921b. Art. 121b. False pretenses to obtain services.
"922. Art. 122. Robbery.
"922a. Art. 122a. Receiving stolen property.
"923. Art. 123. Offenses concerning Government computers.
"923a. Art. 123a. Making, drawing, or uttering check, draft, or order without sufficient funds.
"924. Art. 124. Frauds against the United States.
"924a. Art. 124a. Bribery.
"924b. Art. 124b. Graft.
"925. Art. 125. Kidnapping.
"926. Art. 126. Arson; burning property with intent to defraud.
"927. Art. 127. Extortion.
"928. Art. 128. Assault.
"928a. Art 128a. Maiming.
"929. Art. 129. Burglary; unlawful entry.
"930. Art. 130. Stalking.
"931. Art. 131. Perjury.
"931a. Art. 131a. Subornation of perjury.
"931b. Art. 131b. Obstructing justice.
"931c. Art. 131c. Misprision of serious offense.
"931d. Art. 131d. Wrongful refusal to testify.
"931e. Art. 131e. Prevention of authorized seizure of property.
"931f. Art. 131f. Noncompliance with procedural rules.
"931g. Art. 131g. Wrongful interference with adverse administrative proceeding.
"932. Art. 132. Retaliation.
"933. Art. 133. Conduct unbecoming an officer and a gentleman.
"934. Art. 134. General article.".

TITLE LXI—MISCELLANEOUS PROVISIONS

SEC. 5401. TECHNICAL AMENDMENTS RELATING TO COURTS OF INQUIRY.

Section 935(c) of title 10, United States Code (article 135(c) of the Uniform Code of Military Justice), is amended—

(1) by striking ''(c) Any person'' and inserting ''(c)(1) Any person'';

(2) by designating the second and third sentences as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as so designated, by striking ''subject to this chapter or employed by the Department of Defense'' and inserting ''who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) employed by the Department of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, and''.

SEC. 5402. TECHNICAL AMENDMENT TO ARTICLE 136.

The heading of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by striking the last five words.

SEC. 5403. ARTICLES OF UNIFORM CODE OF MILITARY JUSTICE TO BE EXPLAINED TO OFFICERS UPON COMMISSIONING.

Section 937 of title 10, United States Code (article 137 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking ''(a)(1) The sections of this title (articles of the Uniform Code of Military Justice)'' and inserting ''(a) ENLISTED MEMBERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice)'';

(2) by striking subsection (b); and

(3) by adding after subsection (a) the following new subsections:

''(b) OFFICERS.—(1) The sections (articles) of this chapter (the Uniform Code of Military Justice) specified in paragraph (2) shall be carefully explained to each officer at the time of (or within six months after)—

''(A) the initial entrance of the officer on active duty as an officer; or

''(B) the initial commissioning of the officer in a reserve component.

''(2) This subsection applies with respect to the sections (articles) specified in subsection (a)(3) and such other sections (articles) as the Secretary concerned may prescribe by regulation.

"(c) TRAINING FOR CERTAIN OFFICERS.—Under regulations prescribed by the Secretary concerned, officers with the authority to convene courts-martial or to impose non-judicial punishment shall receive periodic training regarding the purposes and administration of this chapter. Under regulations prescribed by the Secretary of Defense, officers assigned to duty in a joint command or a combatant command, who have such authority, shall receive additional specialized training regarding the purposes and administration of this chapter with respect to joint commands and the combatant commands.

"(d) AVAILABILITY AND MAINTENANCE OF TEXT.—The text of this chapter (the Uniform Code of Military Justice) and the text of the regulations prescribed by the President under this chapter shall be—

"(1) made available to a member on active duty or to a member of a reserve component, upon request by the member, for the member's personal examination; and

"(2) maintained by the Secretary of Defense in electronic formats that are updated periodically and made available on the Internet.".

SEC. 5404. MILITARY JUSTICE CASE MANAGEMENT; DATA COLLECTION AND ACCESSIBILITY.

(a) IN GENERAL.—Subchapter XI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

"§ 940a. Art. 140a. Case management; data collection and accessibility

''The Secretary of Defense shall prescribe uniform standards and criteria for conduct of each of the following functions at all stages of the military justice system, including pretrial, trial, post-trial, and appellate processes, using, insofar as practicable, the best practices of Federal and State courts:

''(1) Collection and analysis of data concerning substantive offenses and procedural matters in a manner that facilitates case management and decision making within the military justice system, and that enhances the quality of periodic reviews under section 946 of this title (article 146).

''(2) Case processing and management.

''(3) Timely, efficient, and accurate production and distribution of records of trial within the military justice system.

''(4) Facilitation of access to docket information, filings, and records, taking into consideration

restrictions appropriate to judicial proceedings and military records.''.

(b) IMPLEMENTATION.—

(1) IMPLEMENTATION.—The Secretary of Defense shall commence carrying out section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as added by subsection (a), by not later than two years after the date of the enactment of this Act.

(2) EFFECTIVE DATE OF STANDARDS AND CRITERIA.—The standards and criteria under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as so added, shall take effect on such date, not later than four years after the date of the enactment of this Act, as the Secretary shall provide in implementing such section (article).

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

SEC. 5421. MILITARY JUSTICE REVIEW PANEL.

Section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended to read as follows:

"§ 946. Art. 146. Military Justice Review Panel

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a panel to conduct independent periodic reviews and assessments of the operation of this chapter. The panel shall be known as the 'Military Justice Review Panel' (in this section referred to as the 'Panel').

"(b) MEMBERS.—

"(1) NUMBER OF MEMBERS.—The Panel shall be composed of thirteen members.

"(2) APPOINTMENT OF CERTAIN MEMBERS.—Each of the following shall appoint one member of the Panel:

"(A) The Secretary of Defense (in consultation with the Secretary of Homeland Security).

"(B) The Attorney General.

"(C) The Judge Advocates General of the Army, Navy, Air Force, and Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps.

"(3) APPOINTMENT OF REMAINING MEMBERS BY SECRETARY OF DEFENSE.—The Secretary of Defense shall appoint the remaining members of the Panel, taking into consideration recommendations made by each of the following:

"(A) The chairman and ranking minority member of the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

"(B) The Chief Justice of the United States.

"(C) The Chief Judge of the United States Court of Appeals for the Armed Forces.

"(c) QUALIFICATIONS OF MEMBERS.—The members of the Panel shall be appointed from among private United States citizens with expertise in criminal law, as well as appropriate and diverse experience in investigation, prosecution, defense, victim representation, or adjudication with respect to courts-martial, Federal civilian courts, or State courts.

"(d) CHAIR.—The Secretary of Defense shall select the chair of the Panel from among the members.

"(e) TERM; VACANCIES.—Each member shall be appointed for a term of eight years, and no member may serve more than one term. Any vacancy shall be filled in the same manner as the original appointment.

"(f) REVIEWS AND REPORTS.—

"(1) INITIAL REVIEW OF RECENT AMENDMENTS TO UCMJ.—During fiscal year 2020, the Panel shall conduct an initial review and assessment of the im-

plementation of the amendments made to this chapter during the preceding five years. In conducting the initial review and assessment, the Panel may review such other aspects of the operation of this chapter as the Panel considers appropriate.

"(2) PERIODIC COMPREHENSIVE REVIEWS.—During fiscal year 2024 and every eight years thereafter, the Panel shall conduct a comprehensive review and assessment of the operation of this chapter.

"(3) PERIODIC INTERIM REVIEWS.—During fiscal year 2028 and every eight years thereafter, the Panel shall conduct an interim review and assessment of such other aspects of the operation of this chapter as the Panel considers appropriate. In addition, at the request of the Secretary of Defense, the Panel may, at any time, review and assess other specific matters relating to the operation of this chapter.

"(4) REPORTS.—Not later than December 31 of each year during which the Panel conducts a review and assessment under this subsection, the Panel shall submit a report on the results, including the Panel's findings and recommendations, through the Secretary of Defense to the Committees on

Armed Services of the Senate and the House of Representatives.

"(g) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers appropriate to carry out its duties under this section.

"(h) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the chair of the Panel, a department or agency of the Federal Government shall provide information that the Panel considers necessary to carry out its duties under this section.

"(i) ADMINISTRATIVE MATTERS.—

"(1) MEMBERS TO SERVE WITHOUT PAY.—Members of the Panel shall serve without pay, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel.

"(2) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the Panel.

"(j) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.".

SEC. 5422. ANNUAL REPORTS.

Subchapter XII of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by adding at the end the following new section (article):

"§ 946. Art. 146a. Annual reports

"(a) COURT OF APPEALS FOR THE ARMED FORCES.—Not later than December 31 of each year, the Court of Appeals for the Armed Forces shall submit a report that, with respect to the previous fiscal year, provides information on the number and status of completed and pending cases before the Court, and such other matters as the Court considers appropriate regarding the operation of this chapter.

"(b) SERVICE REPORTS.—Not later than December 31 of each year, the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps shall each submit a report, with respect to the preceding fiscal year, containing the following:

"(1) Data on the number and status of pending cases.

"(2) Information on the appellate review process, including—

"(A) information on compliance with processing time goals;

"(B) descriptions of the circumstances surrounding cases in which general or special court-martial convictions were (i) reversed because of command influence or denial of the right to speedy review or (ii) otherwise remitted because of loss of records of trial or other administrative deficiencies; and

"(C) an analysis of each case in which a provision of this chapter was held unconstitutional.

"(3)(A) An explanation of measures implemented by the armed force concerned to ensure the ability of judge advocates—

"(i) to participate competently as trial counsel and defense counsel in cases under this chapter;

"(ii) to preside as military judges in cases under this chapter; and

"(iii) to perform the duties of Special Victims' Counsel, when so designated under section 1044e of this title.

"(B) The explanation under subparagraph (A) shall specifically identify the measures that focus on capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

"(4) The independent views of each Judge Advocate General and of the Staff Judge Advocate to the Commandant of the Marine Corps as to the sufficiency of resources available within the respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.

"(5) Such other matters regarding the operation of this chapter as may be appropriate.

"(c) SUBMISSION.—Each report under this section shall be submitted—

"(1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

"(2) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Homeland Security.".

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 5441. AMENDMENTS TO UCMJ SUBCHAPTER TABLES OF SECTIONS.

The tables of sections for the specified subchapters of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), are amended as follows:

(1) SUBCHAPTER II; APPREHENSION AND RESTRAINT.—The table of sections at the beginning of subchapter II is amended—

(A) by striking the item relating to section 810 (article 10) and inserting the following new item:

"810. Art. 10. Restraint of persons charged."; and

(B) by striking the item relating to section 812 (article 12) and inserting the following new item:

"812. Art. 12. Prohibition of confinement of members of the armed forces with enemy prisoners and certain others.".

(2) SUBCHAPTER V; COMPOSITION OF COURTS-MARTIAL.—The table of sections at the beginning of subchapter V is amended—

(A) by striking the item relating to section 825a (article 25a) and inserting the following new item:

"825. Art. 25a. Number of court-martial members in capital cases.";

(B) by inserting after the item relating to section 826 (article 26) the following new item:

"826a. Art. 26a. Military magistrates."; and

(C) by striking the item relating to section 829 (article 29) and inserting the following new item:

"829. Art. 29. Assembly and impaneling of members; detail of new members and military judges.".

(3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VI is amended—

(A) by inserting after the item relating to section 830 (article 30) the following new item:

"830. Art. 30a. Proceedings conducted before referral."; and

(B) by striking the items relating to sections 832 through 835 (articles 32 through 35) and inserting the following new items:

"832. Art. 32. Preliminary hearing required before referral to general court-martial.
"833. Art. 33. Disposition guidance.
"834. Art. 34. Advice to convening authority before referral for trial.
"835. Art. 35. Service of charges; commencement of trial.".

(4) SUBCHAPTER VII; TRIAL PROCEDURE.—The table of sections at the beginning of subchapter VII is amended—

(A) by striking the items relating to sections 846 through 848 (articles 46 through 48) and inserting the following new items:

"846. Art. 46. Opportunity to obtain witnesses and other evidence in trials by court-martial.
"847. Art. 47. Refusal of person not subject to chapter to appear, testify, or produce evidence.
"848. Art. 48. Contempt.";

(B) by striking the item relating to section 850 (article 50) and inserting the following new item:

"850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry."; and

(C) by striking the items relating to sections 852 and 853 (articles 52 and 53) and inserting the following new items:

"852. Art. 52. Votes required for conviction, sentencing, and other matters.
"853. Art. 53. Findings and sentencing.
"853a. Art. 53a. Plea agreements.".

(5) SUBCHAPTER VIII; SENTENCES.—The table of sections at the beginning of subchapter VIII is amended—

(A) by striking the item relating to section 856 (article 56) and inserting the following new item:

"856. Art. 56. Sentencing."; and

(B) by striking the items relating to sections 856a and 857a (articles 56a and 57a).

(6) SUBCHAPTER IX; POST-TRIAL PROCEDURE.—The table of sections at the beginning of subchapter IX is amended—

(A) by striking the items relating to sections 860 and 61 (articles 60 and 61) and inserting the following new items:

"860. Art. 60. Post-trial processing in general and special courts-martial.
"860a. Art. 60a. Limited authority to act on sentence in specified post-trial circumstances.
"860b. Art. 60b. Post-trial actions in summary courts-martial and certain general and special courts-martial.
"860c. Art. 60c. Entry of judgment.
"861. Art. 61. Waiver of right to appeal; withdrawal of appeal.";

(B) by striking the items relating to sections 864 through 866 (articles 64 through 66) and inserting the following new items:

"864. Art. 64. Judge advocate review of finding of guilty in summary court-martial.
"865. Art. 65. Transmittal and review of records.
"866. Art. 66. Courts of Criminal Appeals.";

(C) by striking the item relating to section 869 (article 69) and inserting the following new item:

"869. Art. 69. Review by Judge Advocate General."; and

(D) by striking the item relating to section 871 (article 71).

(7) SUBCHAPTER XI; MISCELLANEOUS PROVISIONS.—The table of sections at the beginning of subchapter XI is amended—

(A) by striking the item relating to section 936 (article 136) and inserting the following new item:

"936. Art. 136. Authority to administer oaths."; and

(B) by inserting after the item relating to section 940 (article 140) the following new item:

"940a. Art. 140a. Case management; data collection and accessibility.".

(8) SUBCHAPTER XII; UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—The table of sections at the beginning of subchapter XII is amended by striking the item relating to section 946 (article 146) and inserting the following new items:

"946. Art. 146. Military Justice Review Panel.
"946a. Art. 146a. Annual reports.".

SEC. 5442. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this division, the amendments made by this division shall take effect on the date designated by the President, which date shall be not later than the first day of the first calendar month that begins two years after the date of the enactment of this Act.

(b) IMPLEMENTING REGULATIONS.—The President shall prescribe regulations implementing this division and the amendments made by this division by not later than

one year after the date of the enactment of this Act, except as otherwise provided in this division.

(c) APPLICABILITY.—

(1) IN GENERAL.—Subject to the provisions of this division and the amendments made by this division, the President shall prescribe in regulations whether, and to what extent, the amendments made by this division shall apply to a case in which one or more actions under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), have been taken before the effective date of such amendments.

(2) INAPPLICABILITY TO CASES IN WHICH CHARGES ALREADY REFERRED TO TRIAL ON EFFECTIVE DATE.—Except as otherwise provided by this division or the amendments made by this division, the amendments made by this division shall not apply to any case in which charges are referred to trial by court-martial before the effective date of such amendments. Proceedings in any such case shall be held in the same manner and with the same effect as if such amendments had not been enacted.

(3) PUNITIVE ARTICLE AMENDMENTS.—

(A) IN GENERAL.—The amendments made by title LX shall not apply to any offense com-

mitted before the effective date of such amendments.

(B) CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to invalidate the prosecution of any offense committed before the effective date of such amendments.

(4) SENTENCING AMENDMENTS.—The regulations prescribing the authorized punishments for any offense committed before the effective date of the amendments made by title LVIII shall apply the authorized punishments for the offense, as in effect at the time the offense is committed.

Passed the Senate June 14, 2016.

Attest:

Secretary.

114th CONGRESS
2d Session

S. 2943

AN ACT

To authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.