

June 21, 2016

Ordered to be printed as passed

114TH CONGRESS
2^D 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.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
 5 thorization Act for Fiscal Year 2017”.

6 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**
 7 **CONTENTS.**

8 (a) DIVISIONS.—This Act is organized into five divi-
 9 sions as follows:

10 (1) Division A—Department of Defense Au-
 11 thorizations.

12 (2) Division B—Military Construction Author-
 13 izations.

14 (3) Division C—Department of Energy Na-
 15 tional Security Authorizations.

16 (4) Division D—Funding Tables.

17 (5) Division E—Uniform Code of Military Jus-
 18 tice Reform.

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

Sec. 1. Short title.

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. 122. Littoral Combat Ship.
- Sec. 123. Certification on ship deliveries.
- Sec. 124. Limitation on the use of sole source shipbuilding contracts.
- 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. 144. Repeal of requirement to preserve F-117 aircraft in recallable condition.
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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.
- Sec. 217. Limitation on B-21 Engineering and Manufacturing Development program funds.
- 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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DIVISION E—UNIFORM CODE OF MILITARY JUSTICE REFORM

Sec. 5001. Short title.

TITLE LI—GENERAL PROVISIONS

Sec. 5101. Definitions.

Sec. 5102. Clarification of persons subject to UCMJ while on inactive-duty training.

Sec. 5103. Staff judge advocate disqualification due to prior involvement in case.

Sec. 5104. Conforming amendment relating to military magistrates.

Sec. 5105. Rights of victim.

TITLE LII—APPREHENSION AND RESTRAINT

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Sec. 5122. Modification of prohibition of confinement of members of the Armed Forces with enemy prisoners and certain others.

TITLE LIII—NON-JUDICIAL PUNISHMENT

Sec. 5141. Modification of confinement as non-judicial punishment.

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Sec. 5183. Number of court-martial members in capital cases.

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TITLE LVI—PRE-TRIAL PROCEDURE

Sec. 5201. Charges and specifications.

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Sec. 5204. Disposition guidance.

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Sec. 5221. Duties of assistant defense counsel.

Sec. 5222. Sessions.

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- Sec. 5225. Statute of limitations.
- Sec. 5226. Former jeopardy.
- Sec. 5227. Pleas of the accused.
- Sec. 5228. Subpoena and other process.
- Sec. 5229. Refusal of person not subject to UCMJ to appear, testify, or produce evidence.
- Sec. 5230. Contempt.
- Sec. 5231. Depositions.
- Sec. 5232. Admissibility of sworn testimony by audiotape or videotape from records of courts of inquiry.
- Sec. 5233. Conforming amendment relating to defense of lack of mental responsibility.
- Sec. 5234. Voting and rulings.
- Sec. 5235. Votes required for conviction, sentencing, and other matters.
- Sec. 5236. Findings and sentencing.
- Sec. 5237. Plea agreements.
- Sec. 5238. Record of trial.

TITLE LVIII—SENTENCES

- Sec. 5261. Sentencing.
- Sec. 5262. Effective date of sentences.
- Sec. 5263. Sentence of reduction in enlisted grade.
- Sec. 5264. Repeal of sentence reduction provision when interim guidance takes effect.

TITLE LIX—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

- Sec. 5281. Post-trial processing in general and special courts-martial.
- Sec. 5282. Limited authority to act on sentence in specified post-trial circumstances.
- Sec. 5283. Post-trial actions in summary courts-martial and certain general and special courts-martial.
- Sec. 5284. Entry of judgment.
- Sec. 5285. Waiver of right to appeal and withdrawal of appeal.
- Sec. 5286. Appeal by the United States.
- Sec. 5287. Rehearings.
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- Sec. 5289. Transmittal and review of records.
- Sec. 5290. Courts of Criminal Appeals.
- Sec. 5291. Review by Court of Appeals for the Armed Forces.
- Sec. 5292. Supreme Court review.
- Sec. 5293. Review by Judge Advocate General.
- Sec. 5294. Appellate defense counsel in death penalty cases.
- Sec. 5295. Authority for hearing on vacation of suspension of sentence to be conducted by qualified judge advocate.
- Sec. 5296. Extension of time for petition for new trial.
- Sec. 5297. Restoration.
- Sec. 5298. Leave requirements pending review of certain court-martial convictions.

TITLE LX—PUNITIVE ARTICLES

- Sec. 5301. Reorganization of punitive articles.

- Sec. 5302. Conviction of offense charged, lesser included offenses, and attempts.
- Sec. 5303. Soliciting commission of offenses.
- Sec. 5304. Malingering.
- Sec. 5305. Breach of medical quarantine.
- Sec. 5306. Missing movement; jumping from vessel.
- Sec. 5307. Offenses against correctional custody and restriction.
- Sec. 5308. Disrespect toward superior commissioned officer; assault of superior commissioned officer.
- Sec. 5309. Willfully disobeying superior commissioned officer.
- Sec. 5310. Prohibited activities with military recruit or trainee by person in position of special trust.
- Sec. 5311. Offenses by sentinel or lookout.
- Sec. 5312. Disrespect toward sentinel or lookout.
- Sec. 5313. Release of prisoner without authority; drinking with prisoner.
- Sec. 5314. Penalty for acting as a spy.
- Sec. 5315. Public records offenses.
- Sec. 5316. False or unauthorized pass offenses.
- Sec. 5317. Impersonation offenses.
- Sec. 5318. Insignia offenses.
- Sec. 5319. False official statements; false swearing.
- Sec. 5320. Parole violation.
- Sec. 5321. Wrongful taking, opening, etc. of mail matter.
- Sec. 5322. Improper hazarding of vessel or aircraft.
- Sec. 5323. Leaving scene of vehicle accident.
- Sec. 5324. Drunkenness and other incapacitation offenses.
- Sec. 5325. Lower blood alcohol content limits for conviction of drunken or reckless operation of vehicle, aircraft, or vessel.
- Sec. 5326. Endangerment offenses.
- Sec. 5327. Communicating threats.
- Sec. 5328. Technical amendment relating to murder.
- Sec. 5329. Child endangerment.
- Sec. 5330. Rape and sexual assault offenses.
- Sec. 5331. Deposit of obscene matter in the mail.
- Sec. 5332. Fraudulent use of credit cards, debit cards, and other access devices.
- Sec. 5333. False pretenses to obtain services.
- Sec. 5334. Robbery.
- Sec. 5335. Receiving stolen property.
- Sec. 5336. Offenses concerning Government computers.
- Sec. 5337. Bribery.
- Sec. 5338. Graft.
- Sec. 5339. Kidnapping.
- Sec. 5340. Arson; burning property with intent to defraud.
- Sec. 5341. Assault.
- Sec. 5342. Burglary and unlawful entry.
- Sec. 5343. Stalking.
- Sec. 5344. Subornation of perjury.
- Sec. 5345. Obstructing justice.
- Sec. 5346. Misprision of serious offense.
- Sec. 5347. Wrongful refusal to testify.
- Sec. 5348. Prevention of authorized seizure of property.
- Sec. 5349. Wrongful interference with adverse administrative proceeding.
- Sec. 5350. Retaliation.
- Sec. 5351. Extraterritorial application of certain offenses.

Sec. 5352. Table of sections.

TITLE LXI—MISCELLANEOUS PROVISIONS

Sec. 5401. Technical amendments relating to courts of inquiry.

Sec. 5402. Technical amendment to article 136.

Sec. 5403. Articles of Uniform Code of Military Justice to be explained to officers upon commissioning.

Sec. 5404. Military justice case management; data collection and accessibility.

TITLE LXII—MILITARY JUSTICE REVIEW PANEL AND ANNUAL REPORTS

Sec. 5421. Military Justice Review Panel.

Sec. 5422. Annual reports.

TITLE LXIII—CONFORMING AMENDMENTS AND EFFECTIVE DATES

Sec. 5441. Amendments to UCMJ subchapter tables of sections.

Sec. 5442. Effective dates.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

2 In this Act, the term “congressional defense commit-
3 tees” has the meaning given that term in section
4 101(a)(16) of title 10, United States Code.

5 SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

6 The budgetary effects of this Act, for the purposes
7 of complying with the Statutory Pay-As-You-Go Act of
8 2010, shall be determined by reference to the latest state-
9 ment titled “Budgetary Effects of PAYGO Legislation”
10 for this Act, jointly submitted for printing in the Congres-
11 sional Record by the Chairmen of the House and Senate
12 Budget Committees, provided that such statement has
13 been submitted prior to the vote on passage in the House
14 acting first on the conference report or amendment be-
15 tween the Houses.

1 **DIVISION A—DEPARTMENT OF**
2 **DEFENSE AUTHORIZATIONS**
3 **TITLE I—PROCUREMENT**
4 **Subtitle A—Authorization of**
5 **Appropriations**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **Subtitle B—Army Programs**

12 **SEC. 111. DISTRIBUTED COMMON GROUND SYSTEM-ARMY.**

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

20 (b) **FIELDING OF CAPABILITY.**—

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

1 (2) **COMMERCIALLY AVAILABLE EQUIPMENT.**—

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

5 (A) meets essential tactical operational re-
6 quirements for processing, analyzing and dis-
7 playing intelligence information;

8 (B) is substantially easier for personnel in
9 tactical units to use than the Distributed Com-
10 mon Ground System—Army; and

11 (C) requires less training than the Distrib-
12 uted Common Ground System—Army.

13 (3) **LIMITATION ON AWARD OF CONTRACT.**—

14 The Secretary may not award any contract for the
15 design, development, procurement, or operation and
16 maintenance of any data architecture, data integra-
17 tion, “cloud” capability, data analysis, or data vis-
18 ualization and workflow capabilities, including var-
19 ious warfighting function-related tools under or con-
20 tributing to any increment of the Distributed Com-
21 mon Ground System—Army, for tactical units de-
22 scribed in subsection (a) unless the contract—

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

1 (B) is awarded using procedures relating
2 to the acquisition of commercial items pursuant
3 to part 12 of the Federal Acquisition Regula-
4 tion (48 CFR 12.000 et seq.);

5 (C) includes firm fixed-price procedures;
6 and

7 (D) provides that the technology to be pro-
8 cured through the contract will—

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

11 (ii) achieve Initial Operating Capa-
12 bility (IOC) within nine months of the con-
13 tract award; and

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

17 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR UH-**
18 **60M/HH-60M BLACK HAWK HELICOPTERS.**

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

1 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
2 MENTS.—A contract entered into under subsection (a)
3 shall provide that any obligation of the United States to
4 make a payment under the contract for a fiscal year after
5 fiscal year 2017 is subject to the availability of appropria-
6 tions for that purpose for such later fiscal year.

7 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**
8 **64E APACHE HELICOPTERS.**

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

15 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
16 MENTS.—A contract entered into under subsection (a)
17 shall provide that any obligation of the United States to
18 make a payment under the contract for a fiscal year after
19 fiscal year 2017 is subject to the availability of appropria-
20 tions for that purpose for such later fiscal year.

1 **Subtitle C—Navy Programs**

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

5 (a) **AUTHORITY TO USE INCREMENTAL FUNDING.—**

6 The Secretary of the Navy may enter into and incremen-
7 tally fund a contract for detail design and construction
8 of the LHA Replacement ship designated LHA 8 and,
9 subject to subsection (b), funds for payments under the
10 contract may be provided from amounts authorized to be
11 appropriated for the Department of Defense for Ship-
12 building and Conversion, Navy, for fiscal years 2017 and
13 2018.

14 (b) **CONDITION FOR OUT-YEAR CONTRACT PAY-**

15 **MENTS.—**A contract entered into under subsection (a)
16 shall provide that any obligation of the United States to
17 make a payment under the contract for any subsequent
18 fiscal year is subject to the availability of appropriations
19 for that purpose for such subsequent fiscal year.

20 **SEC. 122. LITTORAL COMBAT SHIP.**

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

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

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

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

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

9 (i) currently projected versus origi-
10 nally estimated unit costs for each system
11 composing the mission package;

12 (ii) currently projected versus origi-
13 nally estimated development cost, procure-
14 ment cost, and 20-year sustainment cost
15 for each system composing the mission
16 package;

17 (iii) demonstrated versus required per-
18 formance for each system composing the
19 mission package and for the mission pack-
20 age as a whole; and

21 (iv) realized and potential cost, sched-
22 ule, or performance problems with such de-
23 velopment, production, or sustainment and
24 mitigation plans to address such problems.

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

6 (C) The planned initial operational capa-
7 bility (IOC) date and a description of the per-
8 formance level criteria that must be dem-
9 onstrated to declare IOC.

10 (D) A description of systems that reached
11 IOC in the preceding fiscal year and the per-
12 formance level demonstrated versus the per-
13 formance level required.

14 (E) The acquisition inventory objective list-
15 ed by system.

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

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

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

24 (1) IN GENERAL.—The Undersecretary of De-
25 fense for Acquisition, Technology, and Logistics

1 shall include with the justification materials sub-
2 mitted with the budget of the President under sec-
3 tion 1105(a) of title 31, United States Code, for fis-
4 cal year 2018 a certification on Littoral Combat
5 Ship mission packages.

6 (2) CERTIFICATION.—The certification required
7 under paragraph (1) shall include the current pro-
8 gram of record quantity for—

9 (A) surface warfare (SUW) mission pack-
10 ages;

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

13 (C) mine countermeasures (MCM) mission
14 packages.

15 (c) LIMITATION ON THE USE OF FUNDS TO REVISE
16 OR DEVIATE FROM THE LITTORAL COMBAT SHIP ACQUI-
17 SITION STRATEGY.—

18 (1) LIMITATION ON REVISIONS AND DEVI-
19 ATIONS.—Except as provided under paragraph (2),
20 none of the funds authorized to be appropriated by
21 this Act or otherwise made available for the Depart-
22 ment of Defense for fiscal year 2017 may be used
23 to revise or deviate from revision three of the Lit-
24 toral Combat Ship acquisition strategy.

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

6 (A) the rationale of the Secretary for
7 issuing such waiver to revise or deviate from re-
8 vision three of the Littoral Combat Ship acqui-
9 sition strategy;

10 (B) a determination that a proposed revi-
11 sion to, or deviation from, revision three of the
12 Littoral Combat Ship acquisition strategy is in
13 the national security interest;

14 (C) a description of the specific revisions
15 or deviations to the Littoral Combat Ship ac-
16 quisition strategy;

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

20 (E) Independent Cost Estimates prepared
21 by the Assistant Secretary of the Navy for Fi-
22 nancial Management and Comptroller, as well
23 as the Office of the Secretary of Defense, that
24 compare the cost of such revision or deviation

1 to revision three of the Littoral Combat Ship
2 acquisition strategy.

3 (d) DEFINITIONS.—In this section:

4 (1) LITTORAL COMBAT SHIP MISSION PACK-
5 AGE.—The term “Littoral Combat Ship mission
6 package” means a mission module combined with
7 the crew detachment and support aircraft.

8 (2) MISSION MODULE.—The term “mission
9 module” means the mission systems (such as vehi-
10 cles, communications, sensors, weapons systems)
11 combined with support equipment (such as support
12 containers and standard interfaces) and software
13 (including related to the mission package computing
14 environment and multiple vehicle communications
15 system).

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

21 **SEC. 123. CERTIFICATION ON SHIP DELIVERIES.**

22 (a) IN GENERAL.—The delivery of the USS JOHN
23 F. KENNEDY (CVN–79), the USS ZUMWALT (DDG–
24 1000), and any other new construction ship that employs

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

3 (b) CERTIFICATION REQUIREMENT.—Not later than
4 January 1, 2017, the Secretary of the Navy shall certify
5 that ship delivery dates have been adjusted in accordance
6 with subsection (a). The certification shall include the ship
7 hull numbers and delivery date adjustments. The adjust-
8 ments shall be reflected in the budget of the President
9 submitted under section 1105(a) of title 31, United States
10 Code, as well as Department of Defense Selected Acquisi-
11 tion Reports.

12 **SEC. 124. LIMITATION ON THE USE OF SOLE SOURCE SHIP-**
13 **BUILDING CONTRACTS.**

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

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

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

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

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

8 (3) will use a fixed-price contract;

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

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

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

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

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

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

3 (a) **LIMITATION ON FUNDS.**—None of the funds au-
4 thorized to be appropriated by this Act or otherwise made
5 available for fiscal year 2017 for research and develop-
6 ment, design, procurement, or advanced procurement of
7 materials for the Advanced Arresting Gear to be installed
8 on USS ENTERPRISE (CVN-80) may be obligated or
9 expended until the Secretary of Defense submits to the
10 congressional defense committees the report described
11 under section 2433a(c)(2) of title 10, United States Code,
12 for the Advanced Arresting Gear program.

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

20 **SEC. 126. LIMITATION ON PROCUREMENT OF USS JOHN F.**
21 **KENNEDY (CVN-79) AND USS ENTERPRISE**
22 **(CVN-80).**

23 (a) **LIMITATION.**—Of the funds authorized to be ap-
24 propriated by this Act or otherwise made available for fis-
25 cal year 2017 for advance procurement or procurement
26 of USS JOHN F. KENNEDY (CVN-79) or USS EN-

1 TERPRISE (CVN-80), not more than 25 percent may
2 be obligated or expended until the Secretary of the Navy
3 and the Chief of Naval Operations submit to the congres-
4 sional defense committees the report required under sub-
5 section (b).

6 (b) REPORT ON CVN-79 AND CVN-80.—Not later
7 than December 1, 2016, the Secretary of the Navy and
8 the Chief of Naval Operations shall submit to the congres-
9 sional defense committees a report on alternatives, includ-
10 ing de-scoping requirements if necessary, to achieve a
11 CVN-80 procurement end cost of \$12,000,000,000. In ad-
12 dition, the report shall describe all applicable CVN-80 al-
13 ternatives that could be applied to CVN-79 to enable an
14 \$11,000,000,000 procurement end cost.

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

16 (1) IN GENERAL.—The Secretary of the Navy
17 and the Chief of Naval Operations shall annually
18 submit, with the budget of the President submitted
19 to Congress under section 1105(a) of title 31,
20 United States Code, a progress report describing ef-
21 forts to attain the CVN-79 and CVN-80 procure-
22 ment end costs specified in subsection (b).

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

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

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

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

9 (D) A schedule including a spend plan with
10 phasing of key obligations and outlays, decision
11 points when savings could be realized, and key
12 events that must take place to execute initia-
13 tives and achieve savings.

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

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

19 (G) A description of incentives or rewards
20 provided or planned to be provided for meeting
21 the procurement end costs specified in sub-
22 section (b).

1 **SEC. 127. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **TACTICAL COMBAT TRAINING SYSTEM IN-**
3 **CREMENT II.**

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

13 **Subtitle D—Air Force Programs**

14 **SEC. 141. EXTENSION OF PROHIBITION ON AVAILABILITY**
15 **OF FUNDS FOR RETIREMENT OF A-10 AIR-**
16 **CRAFT.**

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

20 (1) in subsection (a)—

21 (A) by inserting “or any subsequent fiscal
22 year” after “fiscal year 2016”; and

23 (B) by inserting “until the Secretary of the
24 Air Force and Chief of Staff of the Air Force
25 submit to the congressional defense committees

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

3 (2) in subsection (b)(1)—

4 (A) by striking “during the period before
5 December 31, 2016,”; and

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

9 (3) in subsection (c)—

10 (A) by inserting “or any subsequent fiscal
11 year” after “fiscal year 2016”; and

12 (B) by inserting “or to reduce manning
13 levels to less than those commensurate with
14 other Air Force fighter operational, test, or
15 training units or divisions until the Secretary
16 and the Chief of Staff submit the report de-
17 scribed in subsection (f)(2)” before the period
18 at the end;

19 (4) in subsection (d)—

20 (A) by striking “during the period before
21 December 31, 2016,”; and

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

1 (5) by redesignating subsection (e) as sub-
2 section (g); and

3 (6) by inserting after subsection (d) the fol-
4 lowing new subsections:

5 “(e) COMPARISON TEST OF THE F-35A AND A-10C
6 AIRCRAFT.—The Director for Operational Test and Eval-
7 uation (DOT&E) shall ensure the initial operational test
8 and evaluation (IOT&E) of the F-35 aircraft includes a
9 realistic comparison and evaluation test examining the
10 abilities of the F-35A aircraft and A-10C aircraft in con-
11 ducting close air support, combat search and rescue, and
12 forward air controller (airborne) missions under a
13 tactically representative variety of combat conditions.

14 “(f) REPORTS REQUIRED.—

15 “(1) DIRECTOR OF OPERATIONAL TEST AND
16 EVALUATION.—The Director of Operational Test
17 and Evaluation shall submit to the congressional de-
18 fense committees a report that includes the following
19 elements:

20 “(A) The results and findings of the initial
21 operational test and evaluation of the F-35 air-
22 craft program.

23 “(B) The results and findings of the com-
24 parison test and evaluation required under sub-
25 section (e) that details the results of all see-

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

6 “(C) A detailed assessment of the F-35A
7 aircraft’s close air support, combat search and
8 rescue, and forward air controller (airborne) ca-
9 pabilities and whether the replacement of the
10 A-10C aircraft with the F-35A aircraft for
11 these missions would create a capability gap in
12 these missions.

13 “(2) SECRETARY OF THE AIR FORCE AND
14 CHIEF OF STAFF OF THE AIR FORCE.—

15 “(A) REPORT REQUIRED.—Not later than
16 180 days after the date of the submission of the
17 report under paragraph (1), the Secretary of
18 the Air Force and Chief of Staff of the Air
19 Force shall submit to the congressional defense
20 committees a report that includes—

21 “(i) the views of the Secretary and
22 Chief of Staff with respect to the results of
23 the initial operational test and evaluation
24 of the F-35 aircraft program as summa-
25 rized in the report under paragraph (1),

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

4 “(ii) a plan for addressing any defi-
5 ciencies and carrying out any corrective ac-
6 tions identified in such report; and

7 “(iii) short-term and long-term strate-
8 gies for preserving the capability of the Air
9 Force to conduct close air support, combat
10 search and rescue, and airborne forward
11 air controller missions.

12 “(B) REPORT BY COMPTROLLER GENERAL
13 OF THE UNITED STATES.—

14 “(i) IN GENERAL.—Not later than 90
15 days after the date that the Secretary of
16 the Air Force and Chief of Staff of the Air
17 Force submit the report required under
18 subparagraph (A), the Comptroller General
19 of the United States shall submit to the
20 congressional defense committees a report
21 on the report submitted under such sub-
22 paragraph.

23 “(ii) CONTENTS.—The report sub-
24 mitted under clause (i) shall include the
25 following:

1 “(I) An assessment of whether
2 the conclusions and assertions in-
3 cluded in the report submitted under
4 subparagraph (A) are comprehensive,
5 fully supported, and sufficiently de-
6 tailed.

7 “(II) An identification of any
8 shortcomings, limitations, or other re-
9 portable matters that affect the qual-
10 ity of the report’s findings or conclu-
11 sions.

12 “(3) FORM.—The reports submitted under
13 paragraph (1) and paragraph (2)(B) may be sub-
14 mitted in classified form, but shall contain unclassi-
15 fied summaries.”.

16 **SEC. 142. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
17 **STRUCTION OF A-10 AIRCRAFT IN STORAGE**
18 **STATUS.**

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

1 tive inventory A–10 aircraft from being permanently re-
2 moved from flyable status due to unserviceable wings or
3 other components until the F–35 initial operational test
4 and evaluation is complete and the Secretary of the Air
5 Force and Chief of Staff of the Air Force submit the re-
6 port required under subsection (f)(2) of section 142 of the
7 National Defense Authorization Act for Fiscal Year 2016
8 (Public Law 114–92; 129 Stat. 755), as added by section
9 141 of this Act.

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

20 (c) PLAN TO PREVENT REMOVAL OF TOTAL ACTIVE
21 INVENTORY A–10 AIRCRAFT FROM FLYABLE STATUS.—
22 The Secretary of the Air Force shall submit with the
23 budget for the Department of Defense for fiscal year
24 2018, as submitted to Congress pursuant to section 1105
25 of title 31, United States Code, and shall implement, a

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

5 **SEC. 143. REPEAL OF THE REQUIREMENT TO PRESERVE**
6 **CERTAIN RETIRED C-5 AIRCRAFT.**

7 Section 141 of the National Defense Authorization
8 Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat.
9 1659) is amended—

10 (1) by striking subsection (d); and

11 (2) by redesignating subsection (e) as sub-
12 section (d).

13 **SEC. 144. REPEAL OF REQUIREMENT TO PRESERVE F-117**
14 **AIRCRAFT IN RECALLABLE CONDITION.**

15 Section 136 of the John Warner National Defense
16 Authorization Act for Fiscal Year 2007 (Public Law 109-
17 364; 120 Stat. 2114) is amended by striking subsection
18 (b).

19 **SEC. 145. LIMITATION ON AVAILABILITY OF FUNDS FOR EC-**
20 **130H COMPASS CALL RECAPITALIZATION**
21 **PROGRAM.**

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

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

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

7 None of the funds authorized to be appropriated by
8 this Act or otherwise made available for fiscal year 2017
9 or any other fiscal year for the Air Force may be made
10 available for the Air Force's Joint Surveillance Target At-
11 tack Radar System (JSTARS) recapitalization program
12 unless the contract for engineering and manufacturing de-
13 velopment uses a firm fixed-price contract structure.

14 **Subtitle E—Defense-wide, Joint**
15 **and Multiservice Matters**

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

19 (a) INDEPENDENT STUDY.—

20 (1) IN GENERAL.—The Secretary of Defense
21 shall obtain a study, to be performed by an organi-
22 zation or entity independent of the Department of
23 Defense selected by the Secretary for purposes of
24 this section, that determines the following:

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

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

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

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than April 14,
15 2017, the Secretary shall submit to the congress-
16 sional defense committees a comprehensive report on
17 the results of the study required by subsection (a),
18 including, at a minimum, the following:

19 (A) A detailed discussion of the specific as-
20 sumptions, observations, conclusions, and rec-
21 ommendations of the study.

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

24 (C) An overarching plan for fielding com-
25 plementary weapons systems to meet combatant

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

4 (i) long-range versus medium/short-
5 range intelligence, surveillance, and recon-
6 naissance (ISR)/strike platforms;

7 (ii) manned versus unmanned plat-
8 forms;

9 (iii) observability characteristics;

10 (iv) land-based versus sea-based capa-
11 bilities;

12 (v) advanced fourth-generation plat-
13 forms of proven design;

14 (vi) next generation air superiority ca-
15 pabilities; and

16 (vii) game-changing, advanced tech-
17 nology innovations.

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

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

1 (4) CONGRESSIONAL DEFENSE COMMITTEES
2 DEFINED.—In this subsection, the term “congres-
3 sional defense committees” has the meaning given
4 that term in section 101(a)(16) of title 10, United
5 States Code.

6 **SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR DE-**
7 **STRUCTION OF CERTAIN CLUSTER MUNI-**
8 **TIONS AND REPORT ON DEPARTMENT OF DE-**
9 **FENSE POLICY AND CLUSTER MUNITIONS.**

10 (a) LIMITATION.—Except as provided under sub-
11 section (b), none of the funds authorized to be appro-
12 priated by this Act or otherwise made available for fiscal
13 year 2017 for the Department of Defense may be obli-
14 gated or expended for the destruction of cluster munitions
15 before the date on which the Secretary of Defense submits
16 the report required by subsection (c).

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

21 (c) REPORT REQUIRED.—

22 (1) IN GENERAL.—Not later than March 1,
23 2017, the Secretary of Defense shall submit to Con-
24 gress a report that includes each of the following ele-
25 ments:

1 (A) A description of the policy of the De-
2 partment of Defense regarding the use of clus-
3 ter munitions, including methods for com-
4 manders to seek waivers to use such munitions.

5 (B) A 10-year projection of the require-
6 ments and inventory levels for all cluster muni-
7 tions that takes into account future production
8 of cluster munitions, any plans for demilitariza-
9 tion of such munitions, any plans for the re-
10 capitalization of such munitions, the age of the
11 munitions, storage and safety considerations,
12 and other factors that will impact the size of
13 the inventory.

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

18 (D) A 10-year projection for the cost to
19 develop and produce new cluster munitions
20 compliant with the 2008 Department of De-
21 fense Policy on Cluster Munitions and Unin-
22 tended Harm to Civilians that the Secretary de-
23 termines are necessary to meet the demands of
24 current operational plans.

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

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

8 (1) An accounting of all Government-owned,
9 Government-operated and contractor-owned, and
10 contractor-operated manned intelligence, surveil-
11 lance, and reconnaissance aircraft funded by the
12 United States Special Operations Command in fiscal
13 year 2016.

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

16 (3) An explanation of the plans of the Com-
17 mand with regard to the acquisition, sustainment, or
18 divestiture of Government-owned, Government-oper-
19 ated and contractor-owned, and contractor-operated
20 manned intelligence, surveillance, and reconnais-
21 sance aircraft over term of the future-years defense
22 program submitted to Congress in 2016.

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

1 veillance, and reconnaissance aircraft for the Com-
2 mand.

3 (5) Such other matters with respect to manned
4 intelligence, surveillance, and reconnaissance aircraft
5 for the Command as the Assistant Secretary con-
6 siders appropriate.

7 **TITLE II—RESEARCH, DEVELOP-**
8 **MENT, TEST, AND EVALUA-**
9 **TION**

10 **Subtitle A—Authorization of**
11 **Appropriations**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

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

17 **Subtitle B—Program Require-**
18 **ments, Restrictions, and Limita-**
19 **tions**

20 **SEC. 211. MODIFICATION OF MECHANISMS TO PROVIDE**
21 **FUNDS FOR DEFENSE LABORATORIES FOR**
22 **RESEARCH AND DEVELOPMENT OF TECH-**
23 **NOLOGIES FOR MILITARY MISSIONS.**

24 (a) AMOUNT AUTHORIZED UNDER CURRENT MECH-
25 ANISM.—Paragraph (1) of subsection (a) of section 219

1 of the Duncan Hunter National Defense Authorization
2 Act for Fiscal Year 2009 (10 U.S.C. 2358 note) is amend-
3 ed in the matter before subparagraph (A) by striking
4 “three percent” and inserting “four percent”.

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

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

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

20 “(C) Section 2802 of such title, with re-
21 spect to construction projects that exceed the
22 cost specified in subsection (a)(2) of section
23 2805 of such title for certain unspecified minor
24 military construction projects for laboratories.”.

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

3 **SEC. 212. MAKING PERMANENT AUTHORITY FOR DEFENSE**
4 **RESEARCH AND DEVELOPMENT RAPID INNO-**
5 **VATION PROGRAM.**

6 Section 1073 of the Ike Skelton National Defense
7 Authorization Act for Fiscal Year 2011 (Public Law 111–
8 383; 10 U.S.C. 2359 note) is amended—

9 (1) in subsection (d), by striking “for each of
10 fiscal years 2011 through 2023 may be used for any
11 such fiscal year” and inserting “for a fiscal year
12 may be used for such fiscal year”; and

13 (2) by striking subsection (f).

14 **SEC. 213. AUTHORIZATION FOR NATIONAL DEFENSE UNI-**
15 **VERSITY AND DEFENSE ACQUISITION UNI-**
16 **VERSITY TO ENTER INTO COOPERATIVE RE-**
17 **SEARCH AND DEVELOPMENT AGREEMENTS.**

18 (a) NATIONAL DEFENSE UNIVERSITY.—Section
19 2165 of title 10, United States Code, is amended by add-
20 ing at the end the following new subsection:

21 “(f) COOPERATIVE RESEARCH AND DEVELOPMENT
22 AGREEMENTS.—(1) In engaging in research and develop-
23 ment projects pursuant to subsection (a) of section 2358
24 of this title by a contract, cooperative agreement, or grant
25 pursuant to subsection (b)(1) of such section, the Sec-

1 retary may enter into such contract or cooperative agree-
2 ment or award such grant through the National Defense
3 University.

4 “(2) The National Defense University shall be consid-
5 ered a Government-operated Federal laboratory for pur-
6 poses of section 12 of the Stevenson-Wydler Technology
7 Innovation Act of 1980 (15 U.S.C. 3710a).”.

8 (b) DEFENSE ACQUISITION UNIVERSITY.—Section
9 1746 of title 10, United States Code, is amended by add-
10 ing at the end the following new subsection:

11 “(d) COOPERATIVE RESEARCH AND DEVELOPMENT
12 AGREEMENTS.—(1) In engaging in research and develop-
13 ment projects pursuant to subsection (a) of section 2358
14 of this title by a contract, cooperative agreement, or grant
15 pursuant to subsection (b)(1) of such section, the Sec-
16 retary may enter into such contract or cooperative agree-
17 ment or award such grant through the Defense Acquisi-
18 tion University.

19 “(2) The Defense Acquisition University shall be con-
20 sidered a Government-operated Federal laboratory for
21 purposes of section 12 of the Stevenson-Wydler Tech-
22 nology Innovation Act of 1980 (15 U.S.C. 3710a).”.

1 **SEC. 214. MANUFACTURING UNIVERSITIES GRANT PRO-**
2 **GRAM.**

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

5 **“§ 2196. Manufacturing engineering education: grant**
6 **program**

7 “(a) ESTABLISHMENT OF MANUFACTURING UNIVER-
8 SITIES GRANT PROGRAM.—(1) The Secretary of Defense
9 shall establish a program under which the Secretary
10 makes grants to support—

11 “(A) the enhancement of existing programs in
12 manufacturing engineering education to further a
13 mission of the department; or

14 “(B) the establishment of new programs in
15 manufacturing engineering education that meet such
16 requirements.

17 “(2) Grants under this section may be made to insti-
18 tutions of higher education or to consortia of such institu-
19 tions.

20 “(3) The Secretary shall establish the program in
21 consultation with the Secretary of Education, the Director
22 of the National Science Foundation, the Director of the
23 Office of Science and Technology Policy, and the secre-
24 taries of such other relevant Federal agencies as the Sec-
25 retary considers appropriate.

1 “(4) The Secretary shall ensure that the program is
2 coordinated with Department programs associated with
3 advanced manufacturing.

4 “(5) The program shall be known as the ‘Manufac-
5 turing Universities Grant Program’.

6 “(b) NEW PROGRAMS IN MANUFACTURING ENGI-
7 NEERING EDUCATION.—A program in manufacturing en-
8 gineering education to be established at an institution of
9 higher education may be considered to be a new program
10 for the purpose of subsection (a)(1)(B) regardless of
11 whether the program is to be conducted—

12 “(1) within an existing department in a school
13 of engineering of the institution;

14 “(2) within a manufacturing engineering de-
15 partment to be established separately from the exist-
16 ing departments within such school of engineering;
17 or

18 “(3) within a manufacturing engineering school
19 or center to be established separately from an exist-
20 ing school of engineering of such institution.

21 “(c) GEOGRAPHICAL DISTRIBUTION OF GRANTS.—In
22 awarding grants under this subsection, the Secretary
23 shall, to the maximum extent practicable, avoid geo-
24 graphical concentration of grant awards.

1 “(d) COVERED PROGRAMS.—(1) A program of engi-
2 neering education supported with a grant awarded pursu-
3 ant to this section shall meet the requirements of this sec-
4 tion.

5 “(2) Such a grant may be made for a program of
6 education to be conducted at the undergraduate level, at
7 the graduate level, or at both the undergraduate and grad-
8 uate levels.

9 “(e) COMPONENTS OF PROGRAM.—The program of
10 education for which such a grant is made shall be a con-
11 solidated and integrated multidisciplinary program of edu-
12 cation having each of the following components:

13 “(1) Multidisciplinary instruction that encom-
14 passes the total manufacturing engineering enter-
15 prise and that may include—

16 “(A) manufacturing engineering education
17 and training through classroom activities, lab-
18 oratory activities, thesis projects, individual or
19 team projects, and visits to industrial facilities,
20 consortia, or centers of excellence in the United
21 States and foreign countries;

22 “(B) faculty development programs;

23 “(C) recruitment of educators highly quali-
24 fied in manufacturing engineering;

1 “(D) presentation of seminars, workshops,
2 and training for the development of specific re-
3 search or education skills;

4 “(E) activities involving interaction be-
5 tween the institution of higher education con-
6 ducting the program and industry, including
7 programs for visiting scholars or industry ex-
8 ecutives;

9 “(F) development of new manufacturing
10 curriculum, course offerings, and education pro-
11 grams;

12 “(G) establishment of centers of excellence
13 in manufacturing workforce training;

14 “(H) establishment of joint programs with
15 defense laboratories and depots; and

16 “(I) expansion of advanced manufacturing
17 training and education for members of the
18 armed forces, veterans, Federal employees, and
19 others.

20 “(2) Opportunities for students to obtain work
21 experience in manufacturing through such activities
22 as internships, summer job placements, or coopera-
23 tive work-study programs.

24 “(3) Faculty and student research that is di-
25 rectly related to, and supportive of, the education of

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

3 “(A) the increased understanding of ad-
4 vanced manufacturing science and technology
5 that is derived from such research; and

6 “(B) the enhanced quality and effective-
7 ness of the instruction that result from that in-
8 creased understanding.

9 “(f) GRANT PROPOSALS.—The Secretary of Defense
10 shall solicit from institutions of higher education in the
11 United States (and from consortia of such institutions)
12 proposals for grants to be made pursuant to this section
13 for the support of programs of manufacturing engineering
14 education that are consistent with the purposes of this sec-
15 tion.

16 “(g) MERIT COMPETITION.—Applications for grants
17 shall be evaluated on the basis of merit pursuant to com-
18 petitive procedures prescribed by the Secretary.

19 “(h) SELECTION CRITERIA.—The Secretary may se-
20 lect a proposal for the award of a grant pursuant to this
21 section if the proposal, at a minimum, does each of the
22 following:

23 “(1) Contains innovative approaches for im-
24 proving engineering education in manufacturing
25 technology.

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

5 “(3) Provides for the conduct of research that
6 supports the instruction to be provided in the pro-
7 posed program and is likely to improve manufac-
8 turing engineering and technology.

9 “(4) Demonstrates a significant level of involve-
10 ment of United States industry in the proposed in-
11 structional and research activities.

12 “(5) Is likely to attract superior students.

13 “(6) Proposes to involve fully qualified faculty
14 personnel who are experienced in research and edu-
15 cation in areas associated with manufacturing engi-
16 neering and technology.

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

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

1 tive recruitment of students from among such per-
2 sons.

3 “(9) Trains college graduates, from engineering
4 or other science and technical fields, and other mem-
5 bers of the technical workforce, in advanced manu-
6 facturing and in relevant emerging technologies and
7 production processes.

8 “(i) FEDERAL SUPPORT.—The amount of financial
9 assistance furnished to an institution of higher education
10 under this section may not exceed 50 percent of the esti-
11 mated cost of carrying out the activities proposed to be
12 supported in part with such financial assistance for the
13 period for which the assistance is to be provided.

14 “(j) INSTITUTION OF HIGHER EDUCATION DE-
15 FINED.—In this section, the term ‘institution of higher
16 education’ has the meaning given such term in section
17 101(a) of the Higher Education Act of 1965 (20 U.S.C.
18 1001(a)).”.

19 **SEC. 215. INCREASED MICRO-PURCHASE THRESHOLD FOR**
20 **BASIC RESEARCH PROGRAMS AND ACTIVI-**
21 **TIES OF THE DEPARTMENT OF DEFENSE**
22 **SCIENCE AND TECHNOLOGY REINVENTION**
23 **LABORATORIES.**

24 (a) INCREASED MICRO-PURCHASE THRESHOLD.—

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

4 **“§ 2338. Micro-purchase threshold for basic research**
5 **programs and activities of the Depart-**
6 **ment of Defense science and technology**
7 **reinvention laboratories**

8 “Notwithstanding subsection (a) of section 1902 of
9 title 41, the micro-purchase threshold for the Department
10 of Defense for purposes of such section is \$10,000 for pur-
11 poses of basic research programs and for the activities of
12 the Department of Defense science and technology re-
13 invention laboratories.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of such chapter is amended
16 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.”.

17 (b) CONFORMING AMENDMENT.—Section 1902(a) of
18 title 41, United States Code, is amended by striking “For
19 purposes” and inserting “Except as provided in section
20 2338 of title 10, for purposes”.

21 **SEC. 216. DIRECTED ENERGY WEAPON SYSTEM PROGRAMS.**

22 (a) INCLUSION OF DIRECTED ENERGY WEAPON SYS-
23 TEM PROGRAMS IN THE RAPID ACQUISITION AUTHORITY
24 PROGRAM.—

1 (1) IN GENERAL.—Section 806(c)(1) of the Bob
2 Stump National Defense Authorization Act for Fis-
3 cal Year 2003 (Public Law 107–314; 10 U.S.C.
4 2302 note) is amended by adding at the end the fol-
5 lowing new subparagraph:

6 “(D)(i) In the case of any supplies and associ-
7 ated support services that, as determined in writing
8 by the Secretary of Defense without delegation, are
9 urgently needed to eliminate a deficiency in directed
10 energy weapon systems, the Secretary may use the
11 procedures developed under this section in order to
12 accomplish the rapid acquisition and deployment of
13 needed offensive or defensive directed energy weapon
14 systems capabilities, supplies, and associated support
15 services.

16 “(ii) For the purposes of directed energy weap-
17 on systems acquisition, the Secretary of Defense
18 shall consider use of the following procedures:

19 “(I) The rapid acquisition authority pro-
20 vided under this section.

21 “(II) Use of other transactions authority
22 provided under section 2371 of title 10, United
23 States Code.

24 “(III) The acquisition of commercial items
25 using simplified acquisition procedures.

1 “(IV) The authority for procurement for
2 experimental purposes provided under section
3 2373 of title 10, United States Code.

4 “(iii) In this subparagraph, the term ‘directed
5 energy weapon systems’ means military action in-
6 volving the use of directed energy to incapacitate,
7 damage, or destroy enemy equipment, facilities, or
8 personnel.”.

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

11 (A) in subsection (a), by striking “and
12 aeronautical supplies” and inserting “, aero-
13 nautical supplies, and directed energy weapon
14 systems”; and

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

17 “(c) DIRECTED ENERGY WEAPON SYSTEMS DE-
18 FINED.—In this section, the term ‘directed energy weapon
19 systems’ means military action involving the use of di-
20 rected energy to incapacitate, damage, or destroy enemy
21 equipment, facilities, or personnel.”.

22 (b) JOINT DIRECTED ENERGY PROGRAM OFFICE.—

23 (1) REDESIGNATION.—The High Energy Laser
24 Joint Technology Office of the Department of De-
25 fense is hereby redesignated as the “Joint Directed

1 Energy Program Office” (in this subsection referred
2 to as the “Office”).

3 (2) STRATEGIC PLAN FOR DEVELOPMENT AND
4 FIELDING OF DIRECTED ENERGY WEAPONS CAPA-
5 BILITIES.—In addition to the functions and duties of
6 the Office in effect on the day before the date of the
7 enactment of this Act, the Office shall develop a
8 strategic plan for development and fielding of di-
9 rected energy weapons capabilities for the Depart-
10 ment, in which the Office may define requirements
11 for directed energy capabilities that address the
12 highest priority warfighting capability gaps of the
13 Department.

14 (3) ACCELERATION OF DEVELOPMENT AND
15 FIELDING OF DIRECTED ENERGY WEAPONS CAPA-
16 BILITIES.—

17 (A) IN GENERAL.—To the degree prac-
18 ticable, the Office shall use the policies of the
19 Department that are revised pursuant to this
20 section and new acquisition and management
21 practices established pursuant to this section to
22 accelerate the development and fielding of di-
23 rected energy capabilities.

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

1 scribed in subparagraph (A) include engage-
2 ment with defense and private industries, re-
3 search universities, and unaffiliated, nonprofit
4 research institutions.

5 **SEC. 217. LIMITATION ON B-21 ENGINEERING AND MANU-**
6 **FACTURING DEVELOPMENT PROGRAM**
7 **FUNDS.**

8 None of the funds authorized to be appropriated by
9 this Act or otherwise made available for fiscal year 2017
10 may be made available for the B-21 Engineering and
11 Manufacturing Development (EMD) program until the
12 Air Force releases the value of the B-21 EMD contract
13 award made on October 27, 2015, to the congressional de-
14 fense committees.

15 **SEC. 218. PILOT PROGRAM ON DISCLOSURE OF CERTAIN**
16 **SENSITIVE INFORMATION TO CONTRACTORS**
17 **PERFORMING UNDER CONTRACTS WITH DE-**
18 **PARTMENT OF DEFENSE FEDERALLY FUND-**
19 **ED RESEARCH AND DEVELOPMENT CENTERS.**

20 (a) IN GENERAL.—The Secretary of Defense shall
21 carry out a pilot program to assess the feasibility and ad-
22 visability of permitting officers and employees of the De-
23 partment of Defense to disclose sensitive information to
24 federally funded research and development centers of the
25 Department for the sole purpose of the performance of

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

4 (b) FFRDCs.—The pilot program shall be carried
5 out with one or more federally funded research and devel-
6 opment centers of the Department selected by the Sec-
7 retary for participation in the pilot program.

8 (c) FFRDC PERSONNEL.—Sensitive information
9 may be disclosed to personnel of a contractor of a federally
10 funded research and development center under the pilot
11 program only if such personnel agree to be subject to, and
12 comply with, such ethics standards and requirements as
13 the Secretary shall specify for purposes of the pilot pro-
14 gram, including the Ethics in Government Act of 1978,
15 section 1905 of title 18, United States Code, and chapter
16 21 of title 41, United States Code.

17 (d) CONDITIONS ON DISCLOSURE.—Sensitive infor-
18 mation may be disclosed under the pilot program only if
19 the federally funded research and development center con-
20 cerned and any relevant contractors agree to and acknowl-
21 edge that—

22 (1) sensitive information furnished to the feder-
23 ally funded research and development center and
24 any relevant contractor under the pilot program will
25 be accessed and used only for the purposes stated in

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

3 (2) the federally funded research and develop-
4 ment center and any relevant contractor will take all
5 precautions necessary to prevent disclosure of the
6 sensitive information furnished to anyone not au-
7 thORIZED access to the information in order to per-
8 form the applicable contract;

9 (3) sensitive information furnished under the
10 pilot program shall not be used by the federally
11 funded research and development center and any rel-
12 evant contractor to compete against a third party
13 for a Government or non-Government contract, or to
14 support current or future research or technology de-
15 velopment activities performed by the federally fund-
16 ed research and development center or contractor;
17 and

18 (4) any personnel of a contractor of a federally
19 funded research and development center partici-
20 pating in the pilot program may not have access to
21 any trade secrets, or to any other nonpublic informa-
22 tion which is of value to the research and technology
23 development activities of the private-sector organiza-
24 tion from which such employee is assigned, unless
25 specifically authorized by this section or other law.

1 (e) DURATION.—The pilot program shall terminate
2 on the date that is three years after the date of the com-
3 mencement of the pilot program.

4 (f) ASSESSMENT.—Not later than two years after the
5 commencement of the pilot program, the Comptroller Gen-
6 eral of the United States shall submit to the Committees
7 on Armed Services of the Senate and the House of Rep-
8 resentatives a report on the pilot program, including an
9 assessment of the effectiveness of activities under the pilot
10 program in improving acquisition processes and the effec-
11 tiveness of protections of private-sector intellectual prop-
12 erty in the course of such activities.

13 (g) SENSITIVE INFORMATION DEFINED.—In this sec-
14 tion, the term “sensitive information” means confidential
15 commercial, financial, or proprietary information, tech-
16 nical data, contract performance, contract performance
17 evaluation, management, and administration data, or
18 other privileged information owned by other contractors
19 of the Department of Defense that is exempt from public
20 disclosure under section 552(b)(4) of title 5, United States
21 Code, or which would otherwise be prohibited from dislo-
22 sure under section 1832 or 1905 of title 18, United States
23 Code.

1 **SEC. 219. PILOT PROGRAM ON ENHANCED INTERACTION**
2 **BETWEEN THE DEFENSE ADVANCED RE-**
3 **SEARCH PROJECTS AGENCY AND THE SERV-**
4 **ICE ACADEMIES.**

5 (a) IN GENERAL.—The Secretary of Defense may
6 carry out a pilot program to assess the feasibility and ad-
7 visability of additional and enhanced interaction between
8 the Defense Advanced Research Projects Agency and the
9 service academies.

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

16 (1) Develop research partnerships with the
17 service academies for the purpose of utilizing the
18 technology transition networks service academies
19 maintain among their academic departments, resi-
20 dent research centers, and existing partnerships with
21 service laboratories and other Federal degree grant-
22 ing institutions.

23 (2) Utilize technology transition insight from
24 faculty-in-training who are enrolled at academic in-
25 stitutions conducting advanced research for the De-
26 partment.

1 (3) Include the service academies' faculty mem-
2 bers, cadets, and midshipmen as participants in
3 technology user evaluations.

4 (4) Provide sabbaticals and internships for fac-
5 ulty members, cadets, and midshipmen at the service
6 academies at research agencies, laboratories, and fa-
7 cilities of the Department and at university and in-
8 dustry research facilities.

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

11 (d) DEFINITIONS.—In this section:

12 (1) The term “faculty-in-training” means per-
13 sonnel attending graduate school programs at the
14 expense of the Armed Forces with follow-on assign-
15 ments as faculty at the service academies.

16 (2) The term “service academies” means the
17 following:

18 (A) The United States Military Academy

19 (B) The United States Naval Academy.

20 (C) Th United States Air Force Academy.

21 (D) The United States Coast Guard Acad-
22 emy

23 (E) The United States Merchant Marine
24 Academy.

1 **SEC. 220. MODIFICATION OF AUTHORITY FOR USE OF OP-**
2 **ERATION AND MAINTENANCE FUNDS FOR UN-**
3 **SPECIFIED MINOR CONSTRUCTION**
4 **PROJECTS CONSISTING OF LABORATORY RE-**
5 **VITALIZATION.**

6 (a) INCREASE IN AMOUNT AUTHORIZED.—Section
7 2805(d) of title 10, United States Code, is amended by
8 striking “\$4,000,000” each place it appears and inserting
9 “\$6,000,000”.

10 (b) EXTENSION OF SUNSET.—Paragraph (5) of such
11 section is amended by striking “2018” and inserting
12 “2025”.

13 **TITLE III—OPERATION AND**
14 **MAINTENANCE**

15 **Subtitle A—Authorization of**
16 **Appropriations**

17 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2017 for the use of the Armed Forces and other
20 activities and agencies of the Department of Defense for
21 expenses, not otherwise provided for, for operation and
22 maintenance, as specified in the funding table in section
23 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

1 achieve cost savings at military installations with
2 high energy costs.

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

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

10 (B) An assessment of current sources of
11 energy in areas with high energy costs and po-
12 tential future sources that are technologically
13 feasible, cost-effective, and mission-appropriate
14 for military installations.

15 (C) A comprehensive implementation strat-
16 egy to include required investment for feasible
17 energy efficiency options determined to be the
18 most beneficial and cost-effective, where appro-
19 priate, and consistent with Department of De-
20 fense priorities.

21 (D) An explanation on how military serv-
22 ices are working collaboratively in order to le-
23 verage lessons learned on potential energy effi-
24 ciency solutions.

1 (E) An assessment of extent of which ac-
2 tivities administered under the Federal Energy
3 Management Program could be used to assist
4 with the implementation strategy.

5 (F) An assessment of State and local part-
6 nership opportunities that could achieve effi-
7 ciency and cost savings, and any legislative au-
8 thorities required to carry out such partner-
9 ships or agreements.

10 (3) COORDINATION WITH STATE AND LOCAL
11 AND OTHER ENTITIES.—In preparing the report re-
12 quired under paragraph (1), the Under Secretary
13 may work in conjunction and coordinate with the
14 States containing areas of high energy costs, local
15 communities, and other Federal departments and
16 agencies.

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

1 **SEC. 304. UTILITY DATA MANAGEMENT FOR MILITARY FA-**
2 **CILITIES.**

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

8 (b) USE OF FUNDS.—The Secretary of Defense may
9 use funds authorized to be appropriated by this Act or
10 otherwise made available for fiscal year 2017 for operation
11 and maintenance, Navy, and available for enterprise infor-
12 mation to carry out the pilot program required under sub-
13 section (a).

14 **SEC. 305. LINEAR LED LAMPS.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense shall amend
17 section 2–4.1.1.2 of the Department of Defense’s Unified
18 Facilities Criteria 3–530–1 to provide that—

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

22 (2) for Army, Air Force, and Navy projects, lin-
23 ear LED lamps are allowed for light source retrofits.

1 **Subtitle C—Logistics and**
2 **Sustainment**

3 **SEC. 311. DEPLOYMENT PRIORITIZATION AND READINESS**
4 **OF ARMY UNITS.**

5 (a) DEPLOYMENT PRIORITIZATION AND READI-
6 NESS.—

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

10 **“§ 10102a. Deployment prioritization and readiness of**
11 **Army units**

12 “(a) DEPLOYMENT PRIORITIZATION.—The Secretary
13 of the Army shall maintain a system for identifying the
14 priority of deployment for units of all components of the
15 Army.

16 “(b) DEPLOYABILITY READINESS RATING.—The
17 Secretary shall maintain a readiness rating system for
18 units of all components of the Army that provides an accu-
19 rate assessment of the deployability of a unit and those
20 shortfalls of a unit that require the provision of additional
21 resources. The system shall ensure that—

22 “(1) the personnel readiness rating of a unit re-
23 flects—

24 “(A) both the percentage of the overall
25 personnel requirement of the unit that is

1 manned and deployable and the fill and
2 deployability rate for critical occupational spe-
3 cialties necessary for the unit to carry out its
4 back mission requirements; and

5 “(B) the number of personnel in the unit
6 who are qualified in their primary military oc-
7 cupational specialty; and

8 “(2) the equipment readiness assessment of a
9 unit—

10 “(A) documents all equipment required for
11 deployment;

12 “(B) reflects only that equipment that is
13 directly possessed by the unit;

14 “(C) specifies the effect of substitute
15 items; and

16 “(D) assesses the effect of missing compo-
17 nents and sets on the readiness of major equip-
18 ment items.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 1003 of such title
21 is amended by inserting after the item relating to
22 section 10102 the following new item:

 “10102a. Deployment prioritization and readiness of Army units.”.

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

1 of Public Law 102–484; 10 U.S.C. 10105 note) are re-
2 pealed.

3 **SEC. 312. REVISION OF GUIDANCE RELATED TO CORRO-**
4 **SION CONTROL AND PREVENTION EXECU-**
5 **TIVES.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the Under Secretary of Defense for Ac-
8 quisition, Technology, and Logistics, in coordination with
9 the Director of Corrosion Policy and Oversight, shall re-
10 vise corrosion-related guidance to clearly define the role
11 of the corrosion control and prevention executives of the
12 military departments in assisting the Office of Corrosion
13 Policy and Oversight in holding the appropriate project
14 management office in each military department account-
15 able for submitting the report required under section
16 903(b)(5) of the Duncan Hunter National Defense Au-
17 thorization Act for Fiscal Year 2009 (Public Law 110–
18 417; 10 U.S.C. 2228 note) with an expanded emphasis
19 on infrastructure, as required in the long-term strategy
20 of the Department of Defense under section 2228(d) of
21 title 10, United States Code.

1 **SEC. 313. REPAIR, RECAPITALIZATION, AND CERTIFI-**
 2 **CATION OF DRY DOCKS AT NAVAL SHIP-**
 3 **YARDS.**

4 Amounts authorized to be appropriated for fiscal year
 5 2017 by section 301 for operation and maintenance and
 6 available as foreign currency fluctuation savings as speci-
 7 fied in the funding table in section 4301 may be made
 8 available for the repair, recapitalization, and certification
 9 of dry docks at Naval shipyards.

10 **Subtitle D—Reports**

11 **SEC. 321. MODIFICATIONS TO QUARTERLY READINESS RE-**
 12 **PORT TO CONGRESS.**

13 (a) DEADLINE FOR REPORT.—Subsection (a) of sec-
 14 tion 482 of title 10, United States Code, is amended by
 15 striking “Not later than 45 days after the end of each
 16 calendar-year quarter” and inserting “Not later than 30
 17 days after the end of each calendar-year quarter”.

18 (b) ELIMINATION OF REPORTING REQUIREMENTS
 19 RELATED TO PREPOSITIONED STOCKS AND NATIONAL
 20 GUARD CIVIL SUPPORT MISSION READINESS.—Such sec-
 21 tion is further amended—

22 (1) in subsection (a), by striking “subsections
 23 (b), (d), (e), (f), (g), (h), and (i)” and inserting
 24 “subsections (b), (d), (e), (f), and (g)”;

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

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

4 (c) INCLUSION OF INFORMATION ON CANNIBALIZA-
5 TION RATES.—Such section, as amended by subsection
6 (b), is further amended by inserting after subsection (g),
7 as redesignated by paragraph (3) of such subsection (b),
8 the following new subsection:

9 “(h) CANNIBALIZATION RATES.—Each report under
10 this section shall include a separate unclassified report
11 containing the information collected pursuant to section
12 117(e)(7) of this title.”.

13 **SEC. 322. REPORT ON HH-60G SUSTAINMENT AND COMBAT**
14 **RESCUE HELICOPTER (CRH) PROGRAM.**

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

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

1 (1) A description of the Air Force’s moderniza-
2 tion plan for legacy HH–60G combat rescue heli-
3 copters.

4 (2) A description of the Air Force’s plan to
5 maintain the training pipeline for the HH–60G air-
6 crew and maintenance force required to maintain
7 full readiness through the end of fiscal year 2029.

8 (3) A description of the Air Force’s depot main-
9 tenance plan to ensure the legacy HH–60G fleet of
10 helicopters is maintained to meet readiness rates
11 through the end of fiscal year 2029.

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

15 **Subtitle E—Other Matters**

16 **SEC. 331. REPURPOSING AND REUSE OF SURPLUS MILI-** 17 **TARY FIREARMS.**

18 (a) ARMY TRANSFERS.—

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

1 Depot, Anniston, Alabama, that are no longer ac-
2 tively issued for military service.

3 (2) REPURPOSING AND REUSE.—The items
4 specified for transfer under paragraph (1) shall be
5 melted and repurposed for military use as deter-
6 mined by the Secretary of the Army, including—

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

9 (B) force protection barriers and security
10 bollards.

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

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

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

22 “(i) AUTHORIZED NAVY TRANSFERS.—

23 “(1) IN GENERAL.—Notwithstanding sub-
24 sections (a) and (b), the Secretary of the Navy may
25 transfer to the corporation, in accordance with the

1 procedures prescribed in this subchapter, M-1 Ga-
2 rand and caliber .22 rimfire rifles held within the in-
3 ventories of the United States Navy and the United
4 States Marine Corps and stored at Defense Dis-
5 tribution Depot, Anniston, Alabama, or Naval Sur-
6 face Warfare Center, Crane, Indiana, as of the date
7 of the enactment of the National Defense Authoriza-
8 tion Act for Fiscal Year 2017.

9 “(2) USE AS MARKSMANSHIP TROPHIES.—The
10 items specified for transfer under paragraph (1)
11 shall be used as awards for competitors in marks-
12 manship competitions held by the United States Ma-
13 rine Corps or the United States Navy and may not
14 be resold.”.

15 **SEC. 332. LIMITATION ON DEVELOPMENT AND FIELDING**
16 **OF NEW CAMOUFLAGE AND UTILITY UNI-**
17 **FORMS.**

18 No funds may be obligated or expended for the devel-
19 opment or fielding of new camouflage or utility uniforms
20 or families of uniforms until one year after the Secretary
21 of Defense notifies the congressional defense committees
22 of the proposed development or fielding.

1 **SEC. 333. HAZARD ASSESSMENTS RELATED TO NEW CON-**
2 **STRUCTION OF OBSTRUCTIONS ON MILITARY**
3 **INSTALLATIONS.**

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

8 (1) in subsection (e)—

9 (A) by redesignating paragraphs (2), (3),
10 and (4) as paragraph (3), (4), and (5), respec-
11 tively;

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

14 “(2) ELEMENTS OF HAZARD ASSESSMENT.—
15 Each hazard assessment shall, at a minimum, in-
16 clude—

17 “(A) an analysis of—

18 “(i) the electromagnetic interference
19 that the proposed project would cause for
20 any military installation, military-owned or
21 military-operated air traffic control radar
22 site, military training route or range, navi-
23 gation aid, and approach systems;

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

1 fects to instrument or visual flight oper-
2 ations; and

3 “(iii) what alterations could be made
4 to the proposed project, including its loca-
5 tion and physical proximity to the affected
6 military installation, military-owned or
7 military-operated air traffic control radar
8 site, military training route or range, or
9 navigation aid, to sufficiently mitigate any
10 adverse impacts described under clauses (i)
11 and (ii); and

12 “(B) a determination as to whether the
13 proposed project will have any adverse aero-
14 nautical effects, as described in clauses (i) and
15 (ii) of subparagraph (A), or other significant
16 military operational impacts.”;

17 (C) in paragraph (4), as redesignated by
18 subparagraph (A), by striking “paragraph (2)”
19 and inserting “paragraph (3)”; and

20 (D) in paragraph (5), as redesignated by
21 such subparagraph, by striking “paragraph
22 (2)” and inserting “paragraph (3)”; and

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

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

4 (A) maximize warfighting effectiveness and
5 synergies of the current and planned fourth and
6 fifth generation combat air forces through opti-
7 mized training and readiness; and

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

13 (2) to explore all available opportunities to chal-
14 lenge the combat air forces of the Air Force with
15 threat representative adversary-to-friendly aircraft
16 ratios, known and emerging adversary tactics, and
17 high fidelity replication of threat airborne and
18 ground capabilities; and

19 (3) to execute all means available to achieve
20 training and readiness goals and objectives of the
21 Air Force with demonstrated institutional commit-
22 ment to the adversary air training enterprise
23 through the application of Air Force policy and re-
24 sources, partnering with the other Armed Forces, al-

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

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

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

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

17 (a) STUDY.—The Secretary of the Air Force shall
18 commission an independent review and assessment of the
19 assumptions underlying the Air Force’s annual continu-
20 ation training requirements and the efficacy of the overall
21 Ready Aircrew Program in the management of Air Force’s
22 aircrew training requirements.

23 (b) REPORT.—

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

1 retary of the Air Force shall submit to the congres-
2 sional defense committees a report on the review
3 conducted.

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

7 (A) the total sorties required by each com-
8 bat aircraft and mission type to reach minimum
9 and optimum levels of proficiency;

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

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

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

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

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

1 (G) any other matters the Secretary deter-
2 mines are appropriate to ensure a comprehen-
3 sive review and assessment.

4 (c) COMPTROLLER GENERAL REVIEW.—

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

11 (A) the extent to which the Air Force's re-
12 port addressed the mandated reporting ele-
13 ments;

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

17 (C) the Air Force's actions planned to in-
18 corporate the report results into annual train-
19 ing documents; and

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

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

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

3 **SEC. 336. MITIGATION OF RISKS POSED BY CERTAIN WIN-**
4 **DOW COVERINGS WITH ACCESSIBLE CORDS**
5 **IN MILITARY HOUSING UNITS IN WHICH**
6 **CHILDREN RESIDE.**

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

13 (b) REQUIREMENT FOR HOUSING CONTRACTORS TO
14 PHASE OUT WINDOW COVERINGS WITH ACCESSIBLE
15 CORDS FROM MILITARY HOUSING UNITS.—The Secretary
16 of Defense shall require housing contractors to phase out
17 window coverings with accessible cords exceeding 8 inches
18 in length and window coverings with continuous loop/bead
19 cords that do not contain a cord tension device that pro-
20 hibits operation when not anchored to the wall from mili-
21 tary housing units within one year of the date of the enact-
22 ment of this Act.

23 **SEC. 337. TACTICAL EXPLOSIVE DETECTION DOGS.**

24 (a) INCLUSION IN DEFINITION OF MILITARY ANI-
25 MALS.—Section 2583(h) of title 10, United States Code,

1 is amended by adding at the end the following new para-
2 graph:

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

6 (b) REQUIRED CONTRACT CLAUSE.—

7 (1) CIVILIAN CONTRACTS.—

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

11 **“§ 4713. Contracts for provision of tactical explosive**
12 **detection dogs: requirement to transfer**
13 **animals to 341st Training Squadron after**
14 **service life**

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

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

1 “(1) the animal’s final United States Govern-
 2 ment-wide contractual obligation is with the Depart-
 3 ment of Defense, military service, or defense agency;
 4 and

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

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

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

12 (2) DEFENSE CONTACTS.—

13 (A) IN GENERAL.—Chapter 141 of title
 14 10, United States Code, is amended by adding
 15 at the end the following new section:

16 **“§ 2410r. Contracts for provision of tactical explosive**
 17 **detection dogs: requirement to transfer**
 18 **animals to 341st Training Squadron after**
 19 **service life**

20 “Each Department of Defense contract with a pro-
 21 vider of tactical explosive detection dogs (TEDDs) shall
 22 include a provision requiring the contractor to transfer the
 23 dog to the 341st Training Squadron after the animal’s
 24 service life, including for purposes of reclassification as a

1 military animal and placement for adoption in accordance
2 with section 2583 of this title.”.

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

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

7 **SEC. 338. STARBASE PROGRAM.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) The budget of the President for fiscal year
11 2017 requested no funding for the Department of
12 Defense STARBASE program.

13 (2) The purpose of the STARBASE program is
14 to improve the knowledge and skills of students in
15 kindergarten through 12th grade in science, tech-
16 nology, engineering, and mathematics (STEM) sub-
17 jects, to connect them to the military, and to moti-
18 vate them to explore science, technology, engineer-
19 ing, and mathematics and possible military careers
20 as they continue their education.

21 (3) The STARBASE program currently oper-
22 ates at 76 locations in 40 States and the District of
23 Columbia and Puerto Rico, primarily on military in-
24 stallations.

1 tablishing such policies, terms and conditions, the Sec-
2 retary shall take into account force protection require-
3 ments and ensure the protection and safety of members
4 of the Armed Forces, civilian employees of the Depart-
5 ment, and their families.

6 (b) ELEMENTS.—

7 (1) IN GENERAL.—The policies, terms, and con-
8 ditions established pursuant to this section shall—

9 (A) permit access to installations by driv-
10 ers of vehicles affiliated with transportation
11 network companies that have authorized access
12 to installations of the Department as of the
13 date of the enactment of this Act;

14 (B) permit access to installations by driv-
15 ers of vehicles affiliated with transportation
16 network companies that seek authorized access
17 to installations of the Department after the
18 date of the enactment of this Act, but only if
19 such drivers of vehicles agree to abide by such
20 terms and conditions;

21 (C) prohibits drivers of vehicles, and per-
22 sonnel, affiliated with transportation network
23 companies, from accessing sensitive areas of in-
24 stallations of the Department;

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

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

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

14 (ii) to provide, on demand, the infor-
15 mation described in clause (i) to personnel
16 and agencies of the Department.

17 (2) CONFIDENTIALITY OF INFORMATION PRO-
18 VIDED.—The terms and conditions shall provide for
19 the treatment of any information provided by a
20 transportation network company in accordance with
21 the requirements of paragraph (1)(E) as confidential
22 and proprietary information of the transportation
23 network company exempt from public disclosure pur-
24 suant to section 552 of title 5, United States Code
25 (commonly referred to as the “Freedom of Informa-

1 tion Act”). The Department shall not disclose such
2 information to any person or entity without the ex-
3 press written consent of the transportation network
4 company unless required by a court order.

5 (c) TRANSPORTATION NETWORK COMPANY DE-
6 FINED.—In this section, the term “transportation network
7 company” means a corporation, partnership, sole propri-
8 etorship, or other entity that uses a digital network to con-
9 nect riders to drivers affiliated with the entity in order
10 for a driver to provide transportation services to a rider.

11 **SEC. 340. WOMEN’S MILITARY SERVICE MEMORIALS AND**
12 **MUSEUMS.**

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

22 (b) OFFSET.—Of the funds authorized to be appro-
23 priated by section 301 for operation and maintenance,
24 Army, and available for the National Museum of the
25 United States Army, not more than \$5,000,000 shall be

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

3 **TITLE IV—MILITARY**
4 **PERSONNEL AUTHORIZATIONS**
5 **Subtitle A—Active Personnel**

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

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

- 9 (1) The Army, 460,000.
10 (2) The Navy, 322,900.
11 (3) The Marine Corps, 182,000.
12 (4) The Air Force, 317,000.

13 **Subtitle B—Reserve Forces**

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

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

- 18 (1) The Army National Guard of the United
19 States, 335,000.
20 (2) The Army Reserve, 195,000.
21 (3) The Navy Reserve, 58,000.
22 (4) The Marine Corps Reserve, 38,500.
23 (5) The Air National Guard of the United
24 States, 105,700.
25 (6) The Air Force Reserve, 69,000.

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

2 (b) END STRENGTH REDUCTIONS.—The end
3 strengths prescribed by subsection (a) for the Selected Re-
4 serve of any reserve component shall be proportionately
5 reduced by—

6 (1) the total authorized strength of units orga-
7 nized to serve as units of the Selected Reserve of
8 such component which are on active duty (other
9 than for training) at the end of the fiscal year; and

10 (2) the total number of individual members not
11 in units organized to serve as units of the Selected
12 Reserve of such component who are on active duty
13 (other than for training or for unsatisfactory partici-
14 pation in training) without their consent at the end
15 of the fiscal year.

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

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

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 2017, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:

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

12 (2) The Army Reserve, 16,261.

13 (3) The Navy Reserve, 9,955.

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

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

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

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

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

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

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

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

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

5 (b) VARIANCE.—Notwithstanding subsection (d) of
6 section 115 of title 10, United States Code, the end
7 strength prescribed by subsection (a) for a reserve compo-
8 nent specified in that subsection may be varied in the
9 same manner as is provided for the variance of end
10 strengths in subsections (f)(1) and (g)(1)(B) of such sec-
11 tion as if such end strength prescribed by subsection (a)
12 were an end strength for personnel otherwise described by
13 such subsection (f)(1) or (g)(1)(B), as applicable.

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

16 (a) LIMITATIONS.—

17 (1) NATIONAL GUARD.—Within the limitation
18 provided in section 10217(c)(2) of title 10, United
19 States Code, the number of non-dual status techni-
20 cians employed by the National Guard as of Sep-
21 tember 30, 2017, may not exceed the following:

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

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

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

4 (3) AIR FORCE RESERVE.—The number of non-
5 dual status technicians employed by the Air Force
6 Reserve as of September 30, 2017, may not exceed
7 90.

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

12 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
13 **THORIZED TO BE ON ACTIVE DUTY FOR**
14 **OPERATIONAL SUPPORT.**

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

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

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

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

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

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

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

4 **SEC. 416. TECHNICAL CORRECTIONS TO ANNUAL AUTHOR-**
5 **IZATION FOR PERSONNEL STRENGTHS.**

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

8 (1) in subsection (b)(1)—

9 (A) in subparagraph (B), by striking
10 “502(f)(2)” and inserting “502(f)(1)(B)”; and

11 (B) in subparagraph (C), by striking
12 “502(f)(2)” and inserting “502(f)(1)(B)”; and

13 (2) in subsection (i)(7), by striking “502(f)(1)”
14 and inserting “502(f)(1)(A)”.

15 **Subtitle C—Authorization of**
16 **Appropriations**

17 **SEC. 421. MILITARY PERSONNEL.**

18 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
19 are hereby authorized to be appropriated for fiscal year
20 2017 for the use of the Armed Forces and other activities
21 and agencies of the Department of Defense for expenses,
22 not otherwise provided for, for military personnel, as spec-
23 ified in the funding table in section 4401.

24 (b) **CONSTRUCTION OF AUTHORIZATION.**—The au-
25 thorization of appropriations in subsection (a) supersedes

1 any other authorization of appropriations (definite or in-
 2 definite) for such purpose for fiscal year 2017.

3 **TITLE V—MILITARY PERSONNEL**
 4 **POLICY**
 5 **Subtitle A—Officer Personnel**
 6 **Policy**

7 **SEC. 501. REFORM OF DISTRIBUTION AND AUTHORIZED**
 8 **STRENGTH OF GENERAL AND FLAG OFFI-**
 9 **CERS.**

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

12 (1) REFORM.—Chapter 32 of title 10, United
 13 States Code, is amended by inserting after section
 14 525 the following new section:

15 **“§ 525a. Distribution of commissioned officers on ac-**
 16 **tive duty in general officer grades and**
 17 **flag officer grades after December 31,**
 18 **2017**

19 “(a) IN GENERAL.—For purposes of the applicable
 20 limitation in section 526a(a) of this title on general and
 21 flag officers on active duty, no appointment of an officer
 22 on the active duty list may be made after December 31,
 23 2017, as follows:

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

1 “(A) 4 officers in the grade of general;

2 “(B) 23 officers in a grade above the grade
3 of major general; or

4 “(C) 62 officers in the grade of major gen-
5 eral.

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

8 “(A) 4 officers in the grade of general;

9 “(B) 20 officers in a grade above the grade
10 of major general; or

11 “(C) 52 officers in the grade of major gen-
12 eral.

13 “(3) In the Navy, if that appointment would re-
14 sult in more than—

15 “(A) 4 officers in the grade of admiral;

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

18 “(C) 42 officers in the grade of rear admi-
19 ral.

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

22 “(A) 2 officers in the grade of general;

23 “(B) 9 officers in a grade above the grade
24 of major general; or

1 “(C) 16 officers in the grade of major gen-
2 eral.

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

6 “(1) An officer released from a joint duty as-
7 signment, but only during the 60-day period begin-
8 ning on the date the officer departs the joint duty
9 assignment, except that the Secretary of Defense
10 may authorize the Secretary of a military depart-
11 ment to extend the 60-day period by an additional
12 120 days, but no more than three officers from each
13 armed forces may be on active duty who are ex-
14 cluded under this paragraph.

15 “(2) The number of officers required to serve in
16 joint duty assignments as authorized by the Sec-
17 retary of Defense under section 526a(b) of this title
18 for each armed force.

19 “(c) APPOINTMENTS IN CONNECTION WITH OFFSET-
20 TING REDUCTIONS.—

21 “(1) IN GENERAL.—Subject to paragraph (3),
22 the President—

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

1 applicable numbers determined under this sec-
2 tion if each such appointment is made in con-
3 junction with an offsetting reduction under
4 paragraph (2); and

5 “(B) may make appointments in the Navy
6 in the grades of vice admiral and admiral in ex-
7 cess of the applicable numbers determined
8 under this section if each such appointment is
9 made in conjunction with an offsetting reduc-
10 tion under paragraph (2).

11 “(2) OFFSETTING REDUCTION.—For each ap-
12 pointment made under the authority of paragraph
13 (1) in the Army, Air Force, or Marine Corps in the
14 grade of lieutenant general or general, or in the
15 Navy in the grade of vice admiral or admiral, the
16 number of appointments that may be made in the
17 equivalent grade in one of the other armed forces
18 (other than the Coast Guard) shall be reduced by
19 one. When such an appointment is made, the Presi-
20 dent shall specify the armed force in which the re-
21 duction required by this paragraph is to be made.

22 “(3) LIMITATIONS.—

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

1 by reason of appointment made under the au-
2 thority of paragraph (1) may not exceed 1.

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

9 “(4) TERMINATION.—Upon the termination of
10 the appointment of an officer in the grade of lieuten-
11 ant general or vice admiral or general or admiral
12 that was made in connection with an increase under
13 paragraph (1) in the number of officers that may be
14 serving on active duty in that armed force in that
15 grade, the reduction made under paragraph (2) in
16 the number of appointments permitted in such grade
17 in another armed force by reason of that increase
18 shall no longer be in effect.

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

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

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

6 “(1) An officer of that armed force in the grade
7 of brigadier general or above or, in the case of the
8 Navy, in the grade of rear admiral (lower half) or
9 above, who is on leave pending the retirement, sepa-
10 ration, or release of that officer from active duty,
11 but only during the 60-day period beginning on the
12 date of the commencement of such leave of such offi-
13 cer.

14 “(2) At the discretion of the Secretary of De-
15 fense, an officer of that armed force who has been
16 relieved from a position designated under section
17 601(a) of this title or by law to carry one of the
18 grades specified in such section, but only during the
19 60-day period beginning on the date on which the
20 assignment of the officer to the first position is ter-
21 minated or until the officer is assigned to a second
22 such position, whichever occurs first.

23 “(f) EXCLUSION FOR RESERVE OFFICERS ON CER-
24 TAIN ACTIVE DUTY.—

1 “(1) IN GENERAL.—The limitations of this sec-
2 tion do not apply to a reserve component general or
3 flag officer who is on active duty for a period in ex-
4 cess of 365 days, but not to exceed three years, ex-
5 cept that the number of officers from each reserve
6 component who are covered by this subsection and
7 are not serving in a position that is a joint duty as-
8 signment for purposes of chapter 38 of this title may
9 not exceed 5 per component, unless authorized by
10 the Secretary of Defense.

11 “(2) NOTICE TO CONGRESS.—Not later than 30
12 days after authorizing a number of reserve compo-
13 nent general or flag officers in excess of the number
14 specified in paragraph (1), the Secretary of Defense
15 shall notify the Committees on Armed Services of
16 the Senate and the House of Representatives of such
17 authorization, and shall include with such notice a
18 statement of the reason for such authorization.”.

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

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

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

3 (b) AUTHORIZED STRENGTHS OF GENERAL AND
4 FLAG OFFICERS ON ACTIVE DUTY AFTER DECEMBER 31,
5 2017.—

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

9 “§ 526a. Authorized strength after December 31, 2017:
10 **general and flag officers on active duty**

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

16 “(1) For the Army, 173.

17 “(2) For the Navy, 121.

18 “(3) For the Air Force, 148.

19 “(4) For the Marine Corps, 47.

20 “(b) LIMITED EXCLUSION FOR JOINT DUTY RE-
21 QUIREMENTS.—

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

1 from the limitations in subsection (a). The Secretary
2 shall allocate those exclusions to the armed forces
3 based on the number of general or flag officers re-
4 quired from each armed force for assignment to
5 these designated positions.

6 “(2) MINIMUM NUMBER.—Unless the Secretary
7 of Defense determines that a lower number is in the
8 best interest of the Department of Defense, the min-
9 imum number of officers serving in positions des-
10 igned under paragraph (1) for each armed force
11 shall be as follows:

12 “(A) For the Army, 63.

13 “(B) For the Navy, 45.

14 “(C) For the Air Force, 54.

15 “(D) For the Marine Corps, 15.

16 “(3) DISTRIBUTION ACROSS PARTICULAR
17 GRADES.—The number excluded under paragraph
18 (1) and serving in positions designated under that
19 paragraph—

20 “(A) in the grade of general or admiral
21 may not exceed the aggregate number of offi-
22 cers serving as Chairman of the Joint Chiefs of
23 Staff, Vice Chairman of the Joint Chiefs of
24 Staff, Chief of Staff of the Army, Chief of
25 Naval Operations, Chief of Staff of the Air

1 Force, Commandant of the Marine Corps, com-
2 mander of any unified or specified combatant
3 commands, Commander, United States Forces
4 Korea, two additional officers in the grade of
5 general or admiral arising from the limitation
6 after the date of the enactment of the National
7 Defense Authorization Act for Fiscal Year 2017
8 on the number unified combatant commands
9 pursuant to section 161(b) of this title, and one
10 additional officer in the grade of general or ad-
11 miral designated by the President and ap-
12 pointed by and with the advice and consent of
13 the Senate;

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

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

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

24 “(5) POSITIONS HELD BY RESERVE OFFI-
25 CERS.—

1 “(A) IN GENERAL.—The Chairman of the
2 Joint Chiefs of Staff may designate up to 11
3 general and flag officer positions in the unified
4 and specified combatant commands, and up to
5 three general and flag officer positions on the
6 Joint Staff, as positions to be held only by re-
7 serve component officers who are in a general
8 or flag officer grade below lieutenant general or
9 vice admiral. Each position so designated shall
10 be considered to be a joint duty assignment po-
11 sition for purposes of chapter 38 of this title.

12 “(B) EXCEPTION FROM LIMITATION.—Ex-
13 cept as provided in subparagraph (E), a reserve
14 component officer serving in a position des-
15 ignated under subparagraph (A) while on active
16 duty under a call or order to active duty that
17 does not specify a period of 180 days or less
18 shall not be counted for the purposes of the lim-
19 itations under subsection (a) and under section
20 525a of this title if the officer was selected for
21 service in that position in accordance with the
22 procedures specified in subparagraph (C).

23 “(C) PROCEDURES GENERALLY.—When-
24 ever a vacancy occurs, or is anticipated to

1 occur, in a position designated under subpara-
2 graph (A)—

3 “(i) the Secretary of Defense shall re-
4 quire the Secretary of the Army to submit
5 the name of at least one Army reserve
6 component officer, the Secretary of the
7 Navy to submit the name of at least one
8 Navy Reserve officer and the name of at
9 least one Marine Corps Reserve officer,
10 and the Secretary of the Air Force to sub-
11 mit the name of at least one Air Force re-
12 serve component officer for consideration
13 by the Secretary for assignment to that po-
14 sition; and

15 “(ii) the Chairman of the Joint Chiefs
16 of Staff may submit to the Secretary of
17 Defense the name of one or more officers
18 (in addition to the officers whose names
19 are submitted pursuant to clause (i)) for
20 consideration by the Secretary for assign-
21 ment to that position.

22 “(D) PERFORMANCE EVALUATION OF REC-
23 OMMENDED OFFICERS.—Whenever the Secre-
24 taries of the military departments are required
25 to submit the names of officers under subpara-

1 graph (C)(i), the Chairman of the Joint Chiefs
2 of Staff shall submit to the Secretary of De-
3 fense the Chairman's evaluation of the perform-
4 ance of each officer whose name is submitted
5 under that subparagraph (and of any officer
6 whose name the Chairman submits to the Sec-
7 retary under subparagraph (C)(ii) for consider-
8 ation for the same vacancy).

9 “(E) INAPPLICABILITY OF EXCEPTION.—

10 Subparagraph (B) does not apply in the case of
11 an officer serving in a position designated
12 under subparagraph (A) if the Secretary of De-
13 fense, when considering officers for assignment
14 to fill the vacancy in that position which was
15 filled by that officer, did not have a rec-
16 ommendation for that assignment from each
17 Secretary of a military department who (pursu-
18 ant to subparagraph (C)) was required to make
19 such a recommendation.

20 “(c) EXCLUSION OF CERTAIN RESERVE OFFICERS.—

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

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

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

17 “(3) LIMITED NUMBER ON ACTIVE DUTY FOR
18 MORE THAN 365 DAYS.—The limitations of this sec-
19 tion do not apply to a reserve component general or
20 flag officer who is on active duty for a period in ex-
21 cess of 365 days but not to exceed three years, ex-
22 cept that the number of such officers from each re-
23 serve component who are covered by this paragraph
24 and not serving in a position that is a joint duty as-
25 signment for purposes of chapter 38 of this title may

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

3 “(d) EXCLUSION OF CERTAIN OFFICERS PENDING
4 SEPARATION OR RETIREMENT OR BETWEEN SENIOR PO-
5 SITIONS.—The limitations of this section do not apply to
6 a general or flag officer who is covered by an exception
7 under section 525a(e) of this title.

8 “(e) TEMPORARY EXCLUSION FOR ASSIGNMENT TO
9 CERTAIN TEMPORARY BILLETS.—

10 “(1) IN GENERAL.—The limitations in sub-
11 section (a) and in section 525a(a) of this title do not
12 apply to a general or flag officer assigned to a tem-
13 porary joint duty assignment designated by the Sec-
14 retary of Defense.

15 “(2) DURATION OF EXCLUSION.—A general or
16 flag officer assigned to a temporary joint duty as-
17 signment as described in paragraph (1) may not be
18 excluded under this subsection from the limitations
19 in subsection (a) for a period of longer than one
20 year.

21 “(f) EXCLUSION OF OFFICERS DEPARTING FROM
22 JOINT DUTY ASSIGNMENTS.—The limitations in sub-
23 section (a) do not apply to an officer released from a joint
24 duty assignment, but only during the 60-day period begin-
25 ning on the date the officer departs the joint duty assign-

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

7 “(g) ACTIVE-DUTY BASELINE.—

8 “(1) NOTICE AND WAIT REQUIREMENTS.—If
9 the Secretary of a military department proposes an
10 action that would increase above the baseline the
11 number of general officers or flag officers of an
12 armed force under the jurisdiction of that Secretary
13 who would be on active duty and would count
14 against the statutory limit applicable to that armed
15 force under subsection (a), the action shall not take
16 effect until after the end of the 60-calendar day pe-
17 riod beginning on the date on which the Secretary
18 provides notice of the proposed action, including the
19 rationale for the action, to the Committees on
20 Armed Services of the Senate and the House of Rep-
21 resentatives.

22 “(2) BASELINE DEFINED.—In paragraph (1),
23 the term ‘baseline’ for an armed force means the
24 lower of—

1 “(A) the statutory limit of general officers
2 or flag officers of that armed force under sub-
3 section (a); or

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

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

18 “(h) JOINT DUTY ASSIGNMENT BASELINE.—

19 “(1) NOTICE AND WAIT REQUIREMENT.—If the
20 Secretary of Defense, the Secretary of a military de-
21 partment, or the Chairman of the Joint Chiefs of
22 Staff proposes an action that would increase above
23 the baseline the number of general officers and flag
24 officers of the armed forces in joint duty assign-
25 ments who count against the statutory limit under

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

8 “(2) BASELINE DEFINED.—In paragraph (1),
9 the term ‘baseline’ means the lower of—

10 “(A) the statutory limit on general officer
11 and flag officer positions that are joint duty as-
12 signments under subsection (b)(1); or

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

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

1 “(i) ANNUAL REPORT.—Not later than March 1 each
2 year, the Secretary of Defense shall submit to the Com-
3 mittees on Armed Services of the Senate and the House
4 of Representatives a report specifying the following:

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

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

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

16 “(k) CESSATION OF APPLICABILITY.—The provisions
17 of this section shall not apply to number of general officers
18 and flag officers in the armed forces after December 31,
19 2017. For provisions applicable to the number of such offi-
20 cers after that date, see section 526a of this title”.

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

23 (1) REFORM.—Chapter 1201 of title 10, United
24 States Code, is amended by inserting after section
25 12004 the following new section:

1 **“§ 12004a. Strength in grade after December 31, 2017:**
2 **reserve general and flag officers in an ac-**
3 **tive status**

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

9 “(1) In the Army, 155.

10 “(2) In the Air Force, 117.

11 “(3) In the Navy, 36.

12 “(4) In the Marine Corps, 7.

13 “(b) AGGREGATE NUMBER OF CERTAIN NATIONAL
14 GUARD OFFICERS.—

15 “(1) IN GENERAL.—The aggregate number of
16 general officers described in paragraph (2) serving
17 on active duty after December 31, 2017, may not
18 exceed the number equal to 75 percent of the aggre-
19 gate number of such officers who were serving on
20 active duty as of December 31, 2015.

21 “(2) COVERED GENERAL OFFICERS.—The gen-
22 eral officers described in this paragraph are the fol-
23 lowing:

24 “(A) General officers of the National
25 Guard of the States and territories.

1 “(B) General officers serving in the Na-
2 tional Guard Bureau

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

6 “(1) Officers serving as adjutants general or as-
7 sistant adjutants general of a State.

8 “(2) Except as provided in subsection (b), offi-
9 cers serving in the National Guard Bureau.

10 “(3) Officers counted under section 526a of this
11 title.

12 “(4) Officers serving in a joint duty assignment
13 for purposes of chapter 38 of this title, except that
14 the number of officers who may be excluded under
15 this paragraph may not exceed the number equal to
16 20 percent of the number of officers authorized for
17 the armed force concerned by subsection (a).

18 “(d) EXCLUSION OF CERTAIN NAVY OFFICERS.—

19 “(1) IN GENERAL.—The following Navy reserve
20 officers shall not be counted for purposes of this sec-
21 tion:

22 “(A) Officers counted under section 526a
23 of this title.

24 “(B) Officers serving in a joint duty as-
25 signment for purposes of chapter 38 of this

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

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

10 “(e) EXCLUSION OF CERTAIN MARINE CORPS OFFI-
11 CERS.—The following Marine Corps reserve officers shall
12 not be counted for purposes of this section:

13 “(1) Officers counted under section 526a of this
14 title.

15 “(2) Officers serving in a joint duty assignment
16 for purposes of chapter 38 of this title, except that
17 the number of officers who may be excluded under
18 this paragraph may not exceed the number equal to
19 20 percent of the number of officers authorized for
20 the Marine Corps in subsection (a).

21 “(f) EXCLUSION OF OFFICERS DEPARTING FROM
22 JOINT DUTY ASSIGNMENTS.—The limitations in sub-
23 section (a) do not apply to an officer released from a joint
24 duty assignment or other non-joint active duty assign-
25 ment, but only during the 60-day period beginning on the

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

8 “(g) PRESERVATION OF GRADE.—

9 “(1) ARMY AND AIR FORCE OFFICERS.—A re-
10 serve general officer of the Army or Air Force may
11 not be reduced in grade because of a reduction in
12 the number of general officers authorized under sub-
13 section (a).

14 “(2) NAVY AND MARINE CORPS OFFICERS.—An
15 officer of the Navy Reserve or the Marine Corps Re-
16 serve may not be reduced in permanent grade be-
17 cause of a reduction in the number authorized by
18 this section for the officer’s grade.”.

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

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

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

3 (d) CLERICAL AMENDMENTS.—

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

7 (A) by inserting after the item relating to
8 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.”.

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

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

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

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

15 **SEC. 502. REPEAL OF STATUTORY SPECIFICATION OF GEN-**
16 **ERAL OR FLAG OFFICER GRADE FOR VAR-**
17 **IOUS POSITIONS IN THE ARMED FORCES.**

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

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

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 5 of such title is
3 amended by striking the item relating to section
4 155a.

5 (b) LEGAL COUNSEL TO CJCS.—Section 156 of title
6 10, United States Code, is amended—

7 (1) by striking subsection (c); and

8 (2) by redesignating subsection (d) as sub-
9 section (c).

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

14 (d) DIRECTOR OF MISSILE DEFENSE AGENCY.—

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

17 (2) CLERICAL AMENDMENT.—The table of sec-
18 tions at the beginning of chapter 8 of such title is
19 amended by striking the item relating to section
20 203.

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

1 (f) SENIOR MEMBERS OF MILITARY STAFF COM-
2 MITTEE OF UN.—Section 711 of title 10, United States
3 Code, is amended by striking the second sentence.

4 (g) CHIEF OF STAFF TO PRESIDENT.—

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

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 41 of such title is
9 amended by striking the item relating to section
10 720.

11 (h) ATTENDING PHYSICIAN TO CONGRESS.—

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

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 41 of such title is
16 amended by striking the item relating to section
17 722.

18 (i) PHYSICIAN TO WHITE HOUSE.—

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

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 43 of such title is
23 amended by striking the item relating to section
24 744.

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

4 (k) CHIEFS OF BRANCHES OF THE ARMY.—Section
5 3036(b) of title 10, United States Code, is amended in
6 the flush matter following paragraph (2)—

7 (1) by striking the first sentence; and

8 (2) in the second sentence, by striking “, and
9 while so serving, has the grade of lieutenant gen-
10 eral”.

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

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

16 (1) in the subsection heading, by striking “;
17 GRADE”;

18 (2) by striking “(1)”; and

19 (3) by striking paragraph (2).

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

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

24 (2) CLERICAL AMENDMENT.—The table of sec-
25 tions at the beginning of chapter 305 of such title

1 is amended by striking the item relating to section
2 3039.

3 (o) CHIEF OF ARMY NURSE CORPS.—Section
4 3069(b) of title 10, United States Code, is amended by
5 striking the second sentence.

6 (p) ASSISTANT CHIEFS OF ARMY MEDICAL SPE-
7 CIALIST CORPS.—

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

10 (A) in subsection (a), by striking “and as-
11 sistant chiefs”;

12 (B) by striking subsection (c); and

13 (C) by redesignating subsection (d) as sub-
14 section (e).

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

17 **“§ 3070. Army Medical Specialist Corps: organization;
18 Chief”.**

19 (3) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 307 of such title
21 is amended by striking the item relating to section
22 3070 and inserting the following new item:

“3070. Army Medical Specialist Corps: organization; Chief.”.

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

1 (1) by striking paragraph (3); and

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

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

5 (1) IN GENERAL.—Section 3084 of title 10,
6 United States Code, is amended by striking the sec-
7 ond sentence.

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

10 **“§ 3084. Chief of Veterinary Corps”.**

11 (3) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 307 is amended by
13 striking the item relating to section 3084 and insert-
14 ing the following new item:

“3084. Chief of Veterinary Corps.”.

15 (s) ARMY AIDES.—

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

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 343 of such title
20 is amended by striking the item relating to section
21 3543.

22 (t) PRINCIPAL MILITARY DEPUTY TO ASSISTANT
23 SECRETARY OF THE NAVY FOR RD&A.—Section
24 5016(b)(4)(B) of title 10, United States Code, is amended
25 by striking “a vice admiral of the Navy or a lieutenant

1 general of the Marine Corps” and inserting “an officer
2 of the Navy or the Marine Corps”.

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

5 (1) by striking “(1)”; and

6 (2) by striking paragraph (2).

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

10 (w) DIRECTOR FOR EXPEDITIONARY WARFARE.—
11 Section 5038 of title 10, United States Code, is amend-
12 ed—

13 (1) by striking subsection (b); and

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

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

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

22 (z) BUREAU CHIEFS OF THE NAVY.—

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

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of chapter 513 of such title
 3 is amended by striking the item relating to section
 4 5133.

5 (aa) CHIEF OF DENTAL CORPS OF THE NAVY.—Sec-
 6 tion 5138 of title 10, United States Code, is amended—

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

9 (2) in subsection (c), by striking the first sen-
 10 tence.

11 (bb) BUREAU OF NAVAL PERSONNEL.—

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

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

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

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

20 “**§ 5141. Chief of Naval Personnel; Deputy Chief of**
 21 **Naval Personnel”.**

22 (3) CLERICAL AMENDMENT.—The table of sec-
 23 tions at the beginning of chapter 513 of such title
 24 is amended by striking the item relating to section
 25 5141 and inserting the following new item:

“5141. Chief of Naval Personnel; Deputy Chief of Naval Personnel.”.

1 (cc) CHIEF OF CHAPLAINS OF THE NAVY.—Section
2 5142 of title 10, United States Code, is amended by strik-
3 ing subsection (e).

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

6 (1) in the subsection heading, by striking “;
7 GRADE”;

8 (2) by striking “(1)”;

9 (3) by striking paragraph (2).

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

12 (1) in the subsection heading, by striking “;
13 GRADE”;

14 (2) by striking “(1)”;

15 (3) by striking paragraph (2).

16 (ff) JUDGE ADVOCATE GENERAL OF THE NAVY.—
17 Section 5148(b) of title 10, United States Code, is amend-
18 ed by striking the last sentence.

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

22 (1) in subsection (a)(1)—

23 (A) in the first sentence, by striking “, by
24 and with the advice and consent of the Sen-
25 ate,”; and

1 (B) by striking the second sentence;

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

3 (3) by redesignating subsection (d) as sub-
4 section (b).

5 (hh) CHIEFS OF STAFF CORPS OF THE NAVY.—Sec-
6 tion 5150 of title 10, United States Code, is amended—

7 (1) in subsection (b)(2), by striking “Subject to
8 subsection (c), the Secretary” and inserting “The
9 Secretary”; and

10 (2) by striking subsection (c).

11 (ii) PRINCIPAL MILITARY DEPUTY TO ASSISTANT
12 SECRETARY OF THE AIR FORCE FOR ACQUISITION.—Sec-
13 tion 8016(b)(4)(B) of title 10, United States Code, is
14 amended by striking “a lieutenant general” and inserting
15 “an officer”.

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

19 (kk) JUDGE ADVOCATE GENERAL AND DEPUTY
20 JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Sec-
21 tion 8037 of title 10, United States Code, is amended—

22 (1) in subsection (a), by striking the last sen-
23 tence; and

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

1 (ll) CHIEF OF THE AIR FORCE RESERVE.—Section
2 8038(c) of title 10, United States Code, is amended—

- 3 (1) in the subsection heading, by striking “;
4 GRADE”;
5 (2) by striking “(1)”;
6 (3) by striking paragraph (2).

7 (mm) CHIEF OF CHAPLAINS OF THE AIR FORCE.—
8 Section 8039 of title 10, United States Code, is amend-
9 ed—

- 10 (1) in subsection (a)(1)—
11 (A) by striking subparagraph (A); and
12 (B) by redesignating subparagraphs (B)
13 and (C) as subparagraphs (A) and (B), respec-
14 tively; and
15 (2) by striking subsection (c).

16 (nn) CHIEF OF AIR FORCE NURSES.—

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

- 19 (A) in subsection (a)—
20 (i) in the subsection heading, by strik-
21 ing “POSITIONS OF CHIEF AND ASSISTANT
22 CHIEF” and inserting “POSITION OF
23 CHIEF”; and
24 (ii) by striking “and assistant chief”;

1 (B) in subsection (b), by striking the sec-
2 ond sentence; and

3 (C) by striking subsection (c).

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

6 **“§ 8069. Air Force nurses: Chief; appointment”.**

7 (3) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 807 of such title
9 is amended by striking the item relating to section
10 8069 and inserting the following new item:

“8069. Air Force nurses: Chief; appointment.”.

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

15 (pp) AIR FORCE AIDES.—

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

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 843 is amended by
20 striking the item relating to section 8543.

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

1 (rr) VICE CHIEF OF THE NATIONAL GUARD BU-
 2 REAU.—Section 10505(a) of title 10, United States Code,
 3 is amended—

4 (1) in subsection (a)(1)—

5 (A) in subparagraph (C), by adding “and”
 6 at the end;

7 (B) in subparagraph (D), by striking “;
 8 and” at the end and inserting a period; and

9 (C) by striking subparagraph (E); and

10 (2) by striking subsection (c).

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

14 (1) by striking “general”; and

15 (2) by striking “, and shall hold the grade of
 16 lieutenant general while so serving.”.

17 **SEC. 503. TEMPORARY SUSPENSION OF OFFICER GRADE**
 18 **STRENGTH TABLES.**

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

21 (1) in paragraphs (1) and (2), by inserting
 22 “paragraph (4) and” after “Except as provided in”;
 23 and

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

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

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

6 (1) in paragraphs (1) and (2), by striking “Of
7 the” and inserting “Except as provided in paragraph
8 (3), of the”; and

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

11 “(3) The limitations in paragraphs (1) and (2) shall
12 not apply with respect to fiscal years 2017 through
13 2021.”.

14 **SEC. 504. ENHANCED AUTHORITY FOR SERVICE CREDIT**
15 **FOR EXPERIENCE OR ADVANCED EDUCATION**
16 **UPON ORIGINAL APPOINTMENT AS A COM-**
17 **MISSIONED OFFICER.**

18 (a) SERVICE CREDIT SUFFICIENT FOR APPOINT-
19 MENT AS REGULAR COLONEL OR NAVY CAPTAIN.—Sub-
20 section (b)(2) of section 533 of title 10, United States
21 Code, is amended—

22 (1) by striking “in the case of a medical and
23 dental officer”;

24 (2) by striking “major” and inserting “colonel”;
25 and

1 (3) by striking “lieutenant commander” and in-
2 serting “captain”.

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

6 (1) RESTATEMENT AND MODIFICATION.—Sub-
7 section (b)(1) of such section is amended by adding
8 at the end the following new subparagraph:

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

16 “(I) Special experience or training in a
17 particular cyberspace-related field if such expe-
18 rience or training is directly related to the oper-
19 ational needs of the armed force concerned.

20 “(II) Any period of advanced education in
21 a cyberspace-related field beyond the bacca-
22 laureate degree level if such advanced education
23 is directly related to the operational needs of
24 the armed force concerned.

1 “(ii) Constructive service credited an officer
2 under this subparagraph shall not exceed one year
3 for each year of special experience, training, or ad-
4 vanced education.

5 “(iii) Constructive service credited an officer
6 under this subparagraph is in addition to any service
7 credited the officer under subsection (a), and shall
8 be credited at the time of the original appointment
9 of the officer.”.

10 (2) REPEAL OF SUPERSEDED AUTHORITY.—
11 Such section is further amended by striking sub-
12 section (g).

13 (c) TECHNICAL AMENDMENT.—Subsection (c) of
14 such section is amended by inserting “, (e),” after “sub-
15 section (b)”.

16 **SEC. 505. AUTHORITY OF PROMOTION BOARDS TO REC-**
17 **COMMEND OFFICERS OF PARTICULAR MERIT**
18 **BE PLACED AT THE TOP OF THE PROMOTION**
19 **LIST.**

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

1 “(g)(1) In selecting the officers to be recommended
2 for promotion, a selection board may, when authorized by
3 the Secretary of the military department concerned, rec-
4 ommend officers of particular merit, from among those of-
5 ficers selected for promotion, to be placed at the top of
6 the promotion list promulgated by the Secretary under
7 section 624(a)(1) of this title.

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

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

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

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

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

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

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

14 (1) by redesignating paragraph (3) as para-
15 graph (4); and

16 (2) by inserting after paragraph (2) the fol-
17 lowing new paragraph (3):

18 “(3) Paragraph (1) does not apply when the Senate
19 is not able to obtain information necessary to give its ad-
20 vice and consent to the appointment concerned because
21 that information is under the control of a department or
22 agency of the Federal Government other than the Depart-
23 ment of Defense.”.

1 **SEC. 507. LENGTH OF JOINT DUTY ASSIGNMENTS.**

2 (a) IN GENERAL.—Subsection (a) of section 664 of
3 title 10, United States Code, is amended by striking “as-
4 signment—” and all that follows and inserting “assign-
5 ment shall be not less than two years.”.

6 (b) REPEAL OF AUTHORITY FOR SHORTER LENGTH
7 FOR OFFICERS INITIALLY ASSIGNED TO CRITICAL OCCU-
8 PATIONAL SPECIALTIES.—Such section is further amend-
9 ed by striking subsection (c).

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

12 (1) in the matter preceding paragraph (1), by
13 striking “the standards prescribed in subsection (a)”
14 and inserting “the requirement in subsection (a)”;

15 (2) in paragraph (1)(D), by striking “assign-
16 ment—” and all that follows and inserting “assign-
17 ment as prescribed by the Secretary of Defense in
18 regulations.”;

19 (3) by striking paragraph (2);

20 (4) by redesignating paragraph (3) as para-
21 graph (2); and

22 (5) in paragraph (2), as redesignated by para-
23 graph (4) of this subsection, by striking “the appli-
24 cable standard prescribed in subsection (a)” and in-
25 serting “the requirement in subsection (a)”.

1 (d) REPEAL OF AVERAGE TOUR LENGTH REQUIRE-
2 MENTS.—Such section is further amended by striking sub-
3 section (e).

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

6 (1) in paragraph (1), by striking “standards
7 prescribed in subsection (a)” and inserting “the re-
8 quirement in subsection (a)”;

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

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

12 (4) in paragraph (4), as redesignated by para-
13 graph (3) of this subsection, by striking “, but not
14 less than two years”.

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

17 (1) by striking “(1)”;

18 (2) by striking “accord” and inserting “award”;

19 and

20 (3) by striking paragraph (2).

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

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

1 (2) in paragraph (2) of subsection (c), as so re-
2 designated and amended, by striking “subsection
3 (f)(3)” and inserting “subsection (d)(2)”.

4 (3) paragraph (2) of subsection (d), as so re-
5 designated and amended, by striking “subsection
6 (g)” and inserting “subsection (e)”;

7 (4) in subsection (e), as so redesignated and
8 amended, by striking “subsection (f)(3)” and insert-
9 ing “subsection (d)(2)”; and

10 (5) in subsection (f), as so redesignated and
11 amended, by striking “paragraphs (1), (2), and (4)
12 of subsection (f)” and inserting “subsection (d)(1)”.

13 **SEC. 508. MODIFICATION OF DEFINITIONS RELATING TO**
14 **JOINT OFFICER MANAGEMENT.**

15 (a) **JOINT MATTERS.**—Subsection (a) of section 668
16 of title 10, United States Code, is amended—

17 (1) by striking paragraph (1), by striking “mat-
18 ters related to” and all that follows and inserting
19 “matters related to—

20 “(A) developing or achieving strategic ob-
21 jectives through the synchronization, coordina-
22 tion, and organization of integrated forces in
23 operations conducted across domains such as
24 land, sea, or air, in space, or in the information
25 environment, including matters relating to—

1 “(i) national military strategy;

2 “(ii) strategic planning and contin-
3 gency planning;

4 “(iii) command and control, intel-
5 ligence, fires, movement and maneuver,
6 protection, or sustainment of operations
7 under unified command;

8 “(iv) national security planning with
9 other departments and agencies of the
10 United States; or

11 “(v) combined operations with mili-
12 tary forces of allied nations; or

13 “(B) acquisition matters conducted by
14 members of the armed forces and covered by
15 chapter 87 of this title involved in developing,
16 testing, contracting, producing, or fielding of
17 multi-service programs or systems;

18 “(C) homeland security matters conducted
19 in close coordination with Federal, State, or
20 local agencies in support of natural disasters or
21 emergencies; or

22 “(D) other matters designated in regula-
23 tions by the Secretary of Defense in consulta-
24 tion with the Chairman of the Joint Chiefs of
25 Staff.”; and

1 (2) in paragraph (2)—

2 (A) in the matter preceding subparagraph

3 (A)—

4 (i) by striking “‘integrated military
5 forces’” and inserting “‘integrated
6 forces’”; and

7 (ii) by striking “the planning or exe-
8 cution (or both) of operations involving”
9 and inserting “participants from”; and

10 (B) in subparagraph (B), by adding at the
11 end the following new clause:

12 “(iv) State and local governments,
13 when in support of natural disasters or
14 emergencies, including planning activities
15 relating thereto.”.

16 (b) JOINT DUTY ASSIGNMENT.—Subsection
17 (b)(1)(A) of such section is amended by inserting “prepon-
18 derance of the officer’s duties are involved in joint matters
19 in which the” after “in which the”.

20 (c) REPEAL OF DEFINITION OF CRITICAL OCCUPA-
21 TIONAL SPECIALTY.—Such section is further amended by
22 striking subsection (d).

1 **SEC. 509. CONTINUATION OF CERTAIN OFFICERS ON AC-**
 2 **TIVE DUTY WITHOUT REGARD TO REQUIRE-**
 3 **MENT FOR RETIREMENT FOR YEARS OF**
 4 **SERVICE.**

5 (a) AUTHORITY FOR CONTINUATION ON ACTIVE
 6 DUTY.—

7 (1) IN GENERAL.—Subchapter IV of chapter 36
 8 of title 10, United States Code, is amended by in-
 9 serting after section 637 the following new section:

10 **“§ 637a. Continuation on active duty: officers in cer-**
 11 **tain military specialties and career**
 12 **tracks**

13 “(a) IN GENERAL.—The Secretary of the military de-
 14 partment concerned may authorize an officer in a grade
 15 above grade O–4 to remain on active duty after the date
 16 otherwise provided for the retirement of the officer in sec-
 17 tion 633, 634, 635, or 636 of this title, as applicable, if
 18 the officer has a military occupational specialty, rating,
 19 or specialty code in a military specialty designated pursu-
 20 ant to subsection (b).

21 “(b) MILITARY SPECIALTIES.—Each Secretary of a
 22 military department shall designate the military specialties
 23 in which a military occupational specialty, rating, or spe-
 24 cialty code, as applicable, assigned to members of the
 25 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).

1 **SEC. 510. EXTENSION OF FORCE MANAGEMENT AUTHORI-**
 2 **TIES ALLOWING ENHANCED FLEXIBILITY**
 3 **FOR OFFICER PERSONNEL MANAGEMENT.**

4 (a) TEMPORARY EARLY RETIREMENT AUTHORITY.—
 5 Section 4403(i) of the National Defense Authorization Act
 6 for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended
 7 by striking “December 31, 2018” and inserting “Decem-
 8 ber 31, 2025”.

9 (b) CONTINUATION ON ACTIVE DUTY.—Section
 10 638a(a)(2) of title 10, United States Code, is amended
 11 by striking “December 31, 2018” and inserting “Decem-
 12 ber 31, 2025”.

13 (c) VOLUNTARY SEPARATION PAY.—Section
 14 1175a(k)(1) of such title is amended by striking “Decem-
 15 ber 31, 2018” and inserting “December 31, 2025”.

16 (d) SERVICE-IN-GRADE WAIVERS.—Section
 17 1370(a)(2)(F) of such title is amended by striking “2018”
 18 and inserting “2025”.

19 **Subtitle B—Reserve Component**
 20 **Management**

21 **SEC. 521. AUTHORITY FOR TEMPORARY WAIVER OF LIMITA-**
 22 **TION ON TERM OF SERVICE OF VICE CHIEF**
 23 **OF THE NATIONAL GUARD BUREAU.**

24 Section 10505(a)(4) of title 10, United States Code,
 25 is amended by striking “paragraph (3)(B) for a limited

1 period of time” and inserting “paragraph (3) for not more
2 than 90 days”.

3 **SEC. 522. AUTHORITY TO DESIGNATE CERTAIN RESERVE**
4 **OFFICERS AS NOT TO BE CONSIDERED FOR**
5 **SELECTION FOR PROMOTION.**

6 Section 14301 of title 10, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(j) CERTAIN OFFICERS NOT TO BE CONSIDERED
10 FOR SELECTION FOR PROMOTION.—The Secretary of the
11 military department concerned may provide that an officer
12 who is in an active status, but is in a duty status in which
13 the only points the officer accrues under section
14 12732(a)(2) of this title are pursuant to subparagraph
15 (C)(i) of that section (relating to membership in a reserve
16 component), shall not be considered for selection for pro-
17 motion at any time the officer otherwise would be so con-
18 sidered. Any such officer may remain on the reserve ac-
19 tive-status list.”.

20 **SEC. 523. RIGHTS AND PROTECTIONS AVAILABLE TO MILI-**
21 **TARY TECHNICIANS.**

22 Section 709(f) of title 32, United States Code, is
23 amended—

24 (1) in paragraph (4), by striking “; and” and
25 inserting the following: “when the appeal concerns

1 activity occurring while the member is in a military
 2 status, or concerns fitness for duty in the reserve
 3 components;”;

4 (2) by redesignating paragraph (5) as para-
 5 graph (6); and

6 (3) by inserting after paragraph (4) the fol-
 7 lowing new paragraph (5):

8 “(5) with respect to an appeal concerning any
 9 activity not covered by paragraph (4), the provisions
 10 of section 717 of the Civil Rights Act of 1991 (42
 11 U.S.C. 2000e–16) shall apply; and”.

12 **SEC. 524. EXTENSION OF SUICIDE PREVENTION AND RESIL-**
 13 **IENCE PROGRAMS FOR THE NATIONAL**
 14 **GUARD AND RESERVES.**

15 Section 10219(g) of title 10, United States Code, is
 16 amended by striking “October 1, 2017” and inserting
 17 “October 1, 2022”.

18 **SEC. 525. INAPPLICABILITY OF CERTAIN LAWS TO NA-**
 19 **TIONAL GUARD TECHNICIANS PERFORMING**
 20 **ACTIVE GUARD AND RESERVE DUTY.**

21 Section 709(g) of title 32, United States Code, is
 22 amended—

23 (1) by inserting “(1)” after “(g)”; and

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

1 “(2) In addition to the sections referred to in para-
 2 graph (1), section 6323(a)(1) of title 5 also does not apply
 3 to a person employed under this section who is performing
 4 active Guard and Reserve duty (as that term is defined
 5 in section 101(d)(6) of title 10).”.

6 **Subtitle C—General Service**
 7 **Authorities**

8 **SEC. 531. RESPONSIBILITY OF CHIEFS OF STAFF OF THE**
 9 **ARMED FORCES FOR STANDARDS AND QUALI-**
 10 **FICATIONS FOR MILITARY SPECIALTIES**
 11 **WITHIN THE ARMED FORCES.**

12 (a) IN GENERAL.—Except as provided in subsection
 13 (d), responsibility within an Armed Force for establishing,
 14 approving, and modifying the criteria, standards, and
 15 qualifications for military speciality codes within that
 16 Armed Force shall be vested solely in the Chief of Staff
 17 of that Armed Force.

18 (b) MILITARY SPECIALTY CODES.—For purposes of
 19 this section, a military specialty code is as follows:

20 (1) A Military Occupational Speciality Code
 21 (MOS) and any other military specialty or military
 22 occupational specialty of the Army, in the case of
 23 the Army.

24 (2) A Naval Enlisted Code (NEC), Unrestricted
 25 Duty code, Restricted Duty code, Restricted Line

1 duty code, Staff Corps code, Limited Duty code,
2 Warrant Officer code, and any other military spe-
3 cialty or military occupational specialty of the Navy,
4 in the case of the Navy.

5 (3) An Air Force Specialty Code (AFSC) and
6 any other military specialty or military occupational
7 specialty of the Air Force, in the case of the Air
8 Force.

9 (4) A Military Occupational Speciality Code
10 (MOS) and any other military specialty or military
11 occupational specialty of the Marine Corps, in the
12 case of the Marine Corps.

13 (c) CHIEF OF STAFF FOR MARINE CORPS.—For pur-
14 poses of this section, the Commandant of the Marine
15 Corps shall be deemed to be the Chief of Staff of the Ma-
16 rine Corps.

17 (d) GENDER INTEGRATION.—Nothing in this section
18 shall be construed to terminate, alter, or revise the author-
19 ity of the Secretary of Defense to establish, approve, mod-
20 ify, or otherwise regulate gender-based criteria, standards,
21 and qualifications for military specialties within the
22 Armed Forces.

23 **SEC. 532. LEAVE MATTERS.**

24 (a) PRIMARY AND SECONDARY CAREGIVER LEAVE.—
25 Section 701 of title 10, United States Code, is amended—

1 (1) by striking subsections (i) and (j); and

2 (2) by inserting after subsection (h) the fol-
3 lowing new subsections (i) and (j):

4 “(i)(1) Under regulations prescribed by the Secretary
5 of Defense, a member of the armed forces described in
6 paragraph (2) who is the primary caregiver in the case
7 of the birth of a child or the adoption of a child is allowed
8 up to 6 weeks of leave to be used in connection with such
9 event.

10 “(2) A member described in this paragraph is a mem-
11 ber as follows:

12 “(A) A member on active duty.

13 “(B) A member of a reserve component per-
14 forming active Guard and Reserve duty.

15 “(C) A member of a reserve component subject
16 to an active duty recall or mobilization order in ex-
17 cess of 12 months.

18 “(3) The Secretary shall prescribe in the regulations
19 referred to in paragraph (1) a definition of the term ‘pri-
20 mary caregiver’ for purposes of this subsection.

21 “(4) The taking of leave by a member under this sub-
22 section in connection with the birth of a child shall be
23 treated as commencing at the conclusion of any period of
24 medical convalescent leave resulting from childbirth. Any
25 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

1 “(B) to incur a reduction in the member’s leave
2 account by one week for every week of leave taken
3 under paragraph (1).

4 “(9)(A) Leave authorized by this subsection is in ad-
5 dition to any other leave provided under other provisions
6 of this section.

7 “(B) Medical convalescent leave under paragraph (4)
8 is in addition to any other leave provided under other pro-
9 visions of this subsection.

10 “(10)(A) Subject to subparagraph (B), a member
11 taking leave under paragraph (1) during a period of obli-
12 gated service shall not be eligible for terminal leave, or
13 to sell back leave, at the end such period of obligated serv-
14 ice.

15 “(B) Under the regulations for purposes of this sub-
16 section, the Secretary concerned may waive, whether in
17 whole or in part, the applicability of subparagraph (A) to
18 a member who reenlists at the end of the member’s period
19 of obligated service described in that subparagraph if the
20 Secretary determines that the waiver is in the interests
21 of the armed force concerned.

22 “(j)(1) Under regulations prescribed by the Secretary
23 of Defense, a member of the armed forces described in
24 subsection (i)(2) who is the secondary caregiver in the case
25 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-

1 expressly authorized by an Act enacted after the date of the
 2 enactment of the National Defense Authorization Act for
 3 Fiscal Year 2017.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
 5 tions at the beginning of chapter 40 of such title is
 6 amended by inserting after the item relating to sec-
 7 tion 704 the following new item:

“704a. Administration of leave: prohibition on authorizing, granting, or assign-
 ing leave not expressly authorized by law.”.

8 **SEC. 533. TRANSFER OF PROVISION RELATING TO EX-**
 9 **PENSES INCURRED IN CONNECTION WITH**
 10 **LEAVE CANCELED DUE TO CONTINGENCY OP-**
 11 **ERATIONS.**

12 (a) ENACTMENT IN TITLE 10, UNITED STATES
 13 CODE, OF AUTHORITY FOR REIMBURSEMENT OF EX-
 14 PENSES.—Chapter 40 of title 10, United States Code, is
 15 amended by inserting after section 709 the following new
 16 section:

17 **“§ 709a. Expenses incurred in connection with leave**
 18 **canceled due to contingency operations:**
 19 **reimbursement**

20 “(a) AUTHORIZATION TO REIMBURSE.—The Sec-
 21 retary concerned may reimburse a member of the armed
 22 forces under the jurisdiction of the Secretary for travel
 23 and related expenses (to the extent not otherwise reim-

1 bursable under law) incurred by the member as a result
2 of the cancellation of previously approved leave when—

3 “(1) the leave is canceled in connection with the
4 members’s participation in a contingency operation;
5 and

6 “(2) the cancellation occurs within 48 hours of
7 the time the leave would have commenced.

8 “(b) REGULATIONS.—The Secretary of Defense and,
9 in the case of the Coast Guard when it is not operating
10 as a service in the Navy, the Secretary of Homeland Secu-
11 rity shall prescribe regulations to establish the criteria for
12 the applicability of subsection (a).

13 “(c) CONCLUSIVENESS OF SETTLEMENT.—The set-
14 tlement of an application for reimbursement under sub-
15 section (a) is final and conclusive.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 40 of such title is amended
18 by inserting after the item relating to section 709 the fol-
19 lowing new item:

“709a. Expenses incurred in connection with leave canceled due to contingency
operations: reimbursement.”.

20 (c) REPEAL OF SUPERSEDED AUTHORITY.—Section
21 453 of title 37, United States Code, is amended by strik-
22 ing subsection (g).

1 **SEC. 534. REDUCTION OF TENURE ON THE TEMPORARY**
2 **DISABILITY RETIRED LIST.**

3 (a) REDUCTION OF TENURE.—Section 1210 of title
4 10, United States Code, is amended—

5 (1) in subsection (b), by striking “five years”
6 and inserting “three years”; and

7 (2) in subsection (h), by striking “five years”
8 and inserting “three years”.

9 (b) APPLICABILITY.—The amendments made by sub-
10 section (a) shall take effect on January 1, 2017, and shall
11 apply to members of the Armed Forces whose names are
12 placed on the temporary disability retired list on or after
13 that date.

14 **SEC. 535. PROHIBITION ON ENFORCEMENT OF MILITARY**
15 **COMMISSION RULINGS PREVENTING MEM-**
16 **BERS OF THE ARMED FORCES FROM CAR-**
17 **RYING OUT OTHERWISE LAWFUL DUTIES**
18 **BASED ON MEMBER GENDER.**

19 (a) PROHIBITION.—No order, ruling, finding, or
20 other determination of a military commission may be con-
21 strued or implemented to prohibit or restrict a member
22 of the Armed Forces from carrying out duties otherwise
23 lawfully assigned to such member to the extent that the
24 basis for such prohibition or restriction is the gender of
25 such member.

1 (b) APPLICABILITY TO PRIOR ORDERS, ETC.—In the
 2 case of an order, ruling, finding, or other determination
 3 described in subsection (a) that was issued before the date
 4 of the enactment of this Act in a military commission and
 5 is still effective as of the date of the enactment of this
 6 Act, such order, ruling, finding, or determination shall be
 7 deemed to be vacated and null and void only to the extent
 8 of any prohibition or restriction on the duties of members
 9 of the Armed Forces that is based on the gender of mem-
 10 bers.

11 (c) MILITARY COMMISSION DEFINED.—In this sec-
 12 tion, the term “military commission” means a military
 13 commission established under chapter 47A of title 10,
 14 United States Code, and any military commission other-
 15 wise established or convened by law.

16 **SEC. 536. BOARD FOR THE CORRECTION OF MILITARY**
 17 **RECORDS AND DISCHARGE REVIEW BOARD**
 18 **MATTERS.**

19 (a) BCMR MATTERS.—

20 (1) COMPOSITION OF BOARDS IN CERTAIN
 21 CLAIMS.—Subsection (a) of section 1552 of title 10,
 22 United States Code, is amended—

23 (A) by redesignating paragraphs (3) and
 24 (4) as paragraphs (4) and (5), respectively; and

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

3 “(3)(A) In the case of a claim of a claimant described
4 in section 1553(d)(1) of this title with respect to a dis-
5 charge or dismissal described in such section, the board
6 established under this subsection shall include a clinical
7 psychologist or psychiatrist, or a physician described in
8 such section.

9 “(B) In the case of a claim of a claimant described
10 in section 1553(e) of this title with respect to a discharge
11 or dismissal described in such section, the board estab-
12 lished under this subsection shall include a clinical psy-
13 chologist or psychiatrist, or physician described in such
14 section.”.

15 (2) INFORMATION THROUGH THE INTERNET.—

16 Such section is further amended—

17 (A) by redesignating subsection (h) as sub-
18 section (i); and

19 (B) by inserting after subsection (g) the
20 following new subsection (h):

21 “(h) Each board established under this section shall
22 make available to the public each calender quarter, on an
23 Internet website of the military department concerned or
24 the Department of Homeland Security, as applicable, that
25 is available to the public the following:

1 “(1) The number of claims considered by such
2 board during the calendar quarter preceding the cal-
3 ender quarter in which such information is made
4 available, including cases in which a mental health
5 condition of the claimant, including post-traumatic
6 stress disorder or traumatic brain injury, is alleged
7 to have contributed, whether in whole or part, to the
8 original characterization of the discharge or release
9 of the claimant.

10 “(2) The factor or factors alleged to have con-
11 tributed, whether in whole or part, to the original
12 characterization of discharge or release of claimants,
13 including, specifically, whether such factor or factors
14 included conditions such as post-traumatic stress
15 disorder, traumatic brain injury, or other conditions.

16 “(3) The periods of military service of claim-
17 ants in the claims covered by paragraph (1).

18 “(4) The number of military records corrected
19 pursuant to the consideration described in para-
20 graph (1) to upgrade the characterization of dis-
21 charge or release of claimants.”.

22 (b) INFORMATION ON DRBS THROUGH THE INTER-
23 NET.—Section 1553 of such title is amended by adding
24 at the end the following new subsection:

1 “(f) Each board established under this section shall
2 make available to the public each calender quarter, on an
3 Internet website of the military department concerned or
4 the Department of Homeland Security, as applicable, that
5 is available to the public the following:

6 “(1) The number of motions or requests for re-
7 view considered by such board during the calendar
8 quarter preceding the calender quarter in which such
9 information is made available, including cases in
10 which a mental health condition of the former mem-
11 ber, including post-traumatic stress disorder or trau-
12 matic brain injury, is alleged to have contributed,
13 whether in whole or part, to the original character-
14 ization of the discharge or dismissal of the former
15 member.

16 “(2) The factor or factors alleged to have con-
17 tributed, whether in whole or part, to the original
18 characterization of discharge or release of individ-
19 uals covered by such motions or requests, including,
20 specifically, whether such factor or factors included
21 conditions such as post-traumatic stress disorder,
22 traumatic brain injury, or other conditions.

23 “(3) The periods of military service of former
24 members in the motions and requests for review cov-
25 ered by paragraph (1).

1 “(4) The number of discharges or dismissals
2 corrected pursuant to the consideration described in
3 paragraph (1) to upgrade the characterization of
4 discharge or dismissal of former members.”.

5 **SEC. 536A. TREATMENT BY DISCHARGE REVIEW BOARDS**
6 **OF CLAIMS ASSERTING POST-TRAUMATIC**
7 **STRESS DISORDER OR TRAUMATIC BRAIN IN-**
8 **JURY IN CONNECTION WITH COMBAT OR SEX-**
9 **UAL TRAUMA AS A BASIS FOR REVIEW OF**
10 **DISCHARGE.**

11 Section 1553(d) of title 10, United States Code, is
12 amended by adding at the end the following new para-
13 graph:

14 “(3)(A) In addition to the requirements of paragraph
15 (1) and (2), in the case of a former member described
16 in subparagraph (B), the Board shall—

17 “(i) review medical evidence of the Secretary of
18 Veterans Affairs or a civilian health care provider
19 that is presented by the former member; and

20 “(ii) review the case with liberal consideration
21 to the former member that post-traumatic stress dis-
22 order or traumatic brain injury potentially contrib-
23 uted to the circumstances resulting in the discharge
24 of a lesser characterization.

1 “(B) A former member described in this subpara-
2 graph is a former member described in paragraph (1) or
3 a former member whose application for relief is based in
4 whole or in part on matters relating to post-traumatic
5 stress disorder or traumatic brain injury as supporting ra-
6 tionale, or as justification for priority consideration, whose
7 post-traumatic stress disorder or traumatic brain injury
8 is related to combat or military sexual trauma, as deter-
9 mined by the Secretary concerned.”.

10 **SEC. 537. RECONCILIATION OF CONTRADICTION PROVI-**
11 **SIONS RELATING TO QUALIFICATIONS FOR**
12 **ENLISTMENT IN THE RESERVE COMPONENTS**
13 **OF THE ARMED FORCES.**

14 Section 12102(b) of title 10, United States Code, is
15 amended by striking paragraphs (1) and (2) and inserting
16 the following new paragraphs:

17 “(1) that person has met the requirements es-
18 tablished in section 504(b)(1) of this title; or

19 “(2) that person is authorized to enlist by the
20 Secretary concerned under section 504(b)(2) of this
21 title.”.

1 **Subtitle D—Military Justice and**
2 **Legal Assistance Matters**

3 **PART I—RETALIATION**

4 **SEC. 541. REPORT TO COMPLAINANTS OF RESOLUTION OF**
5 **INVESTIGATIONS INTO RETALIATION.**

6 (a) REPORT REQUIRED.—

7 (1) IN GENERAL.—Under regulations prescribed
8 by the Secretary of Defense, the results of an inves-
9 tigation by an office, element, or personnel of the
10 Department of Defense or the Armed Forces of a
11 complaint by a member of the Armed Forces of re-
12 taliation shall be reported to the member, including
13 whether the complaint was substantiated, unsubstan-
14 tiated, or dismissed.

15 (2) MEMBERS OF COAST GUARD.—The Sec-
16 retary of Homeland Security shall provide in a simi-
17 lar manner for reports on the results of investiga-
18 tions by offices, elements, or personnel of the De-
19 partment of Homeland Security or the Coast Guard
20 of such complaints made by members of the Coast
21 Guard when it is not operating as a service in the
22 Navy.

23 (b) RETALIATION DEFINED.—In this section, the
24 term “retaliation” has the meaning given the term by the
25 Secretary of Defense in the strategy required by section

1 539 of the National Defense Authorization Act of Fiscal
2 Year 2016 (Public Law 114–92; 129 Stat. 818) or a sub-
3 sequent meaning specified by the Secretary.

4 **SEC. 542. TRAINING FOR DEPARTMENT OF DEFENSE PER-**
5 **SONNEL ON SEXUAL ASSAULT TRAUMA IN IN-**
6 **DIVIDUALS CLAIMING RETALIATION IN CON-**
7 **NECTION WITH REPORTS OF SEXUAL AS-**
8 **SAULT IN THE ARMED FORCES.**

9 (a) IN GENERAL.—The Secretary of Defense shall
10 ensure that the personnel of the Department of Defense
11 specified in subsection (b) who investigate claims of retal-
12 iation in connection with reports of sexual assault in the
13 Armed Forces receive training on the nature and con-
14 sequences of sexual assault trauma. The training shall in-
15 clude such elements as the Secretary shall specify for pur-
16 poses of this section.

17 (b) PERSONNEL.—The personnel of the Department
18 of Defense specified in this subsection are the following:

19 (1) Personnel of military criminal investigation
20 services.

21 (2) Personnel of Inspectors General offices.

22 (3) Personnel of any command of the Armed
23 Forces who are assignable by the commander of
24 such command to investigate claims of retaliation
25 made by or against members of such command.

1 (c) RETALIATION DEFINED.—In this section, the
 2 term “retaliation” has the meaning given the term by the
 3 Secretary of Defense in the strategy required by section
 4 539 of the National Defense Authorization Act of Fiscal
 5 Year 2016 (Public Law 114–92; 129 Stat. 818) or a sub-
 6 sequent meaning specified by the Secretary.

7 **SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL AS-**
 8 **SAULT PREVENTION AND RESPONSE EF-**
 9 **FORTS OF THE ARMED FORCES OF INFORMA-**
 10 **TION ON COMPLAINTS OF RETALIATION IN**
 11 **CONNECTION WITH REPORTS OF SEXUAL AS-**
 12 **SAULT IN THE ARMED FORCES.**

13 Section 1631(b) of the Ike Skelton National Defense
 14 Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561
 15 note) is amended by adding at the end the following new
 16 paragraph:

17 “(12) Information on each claim of retaliation
 18 in connection with a report of sexual assault in the
 19 Armed Forces made by or against a member of such
 20 Armed Force as follows:

21 “(A) A narrative description of each com-
 22 plaint.

23 “(B) The nature of such complaint, includ-
 24 ing whether the complainant claims professional
 25 or social retaliation.

1 “(C) The gender of the complainant.

2 “(D) The gender of the individual claimed
3 to have committed the retaliation.

4 “(E) The nature of the relationship be-
5 tween the complainant and the individual
6 claimed to have committed the retaliation.

7 “(F) The nature of the relationship, if any,
8 between the individual alleged to have com-
9 mitted the sexual assault concerned and the in-
10 dividual claimed to have committed the retalia-
11 tion.

12 “(G) The official or office that received the
13 complaint.

14 “(H) The organization that investigated or
15 is investigating the complaint.

16 “(I) The current status of the investiga-
17 tion.

18 “(J) If the investigation is complete, a de-
19 scription of the results of the investigation, in-
20 cluding whether the results of the investigation
21 were provided to the complainant.

22 “(K) If the investigation determined that
23 retaliation occurred, whether the retaliation was
24 an offense under chapter 47 of title 10, United

1 States Code (the Uniform Code of Military Jus-
2 tice).”.

3 **SEC. 544. METRICS FOR EVALUATING THE EFFORTS OF THE**
4 **ARMED FORCES TO PREVENT AND RESPOND**
5 **TO RETALIATION IN CONNECTION WITH RE-**
6 **PORTS OF SEXUAL ASSAULT IN THE ARMED**
7 **FORCES.**

8 (a) METRICS REQUIRED.—The Sexual Assault Pre-
9 vention and Response Office of the Department of Defense
10 shall establish and issue to the military departments
11 metrics to be used to evaluate the efforts of the Armed
12 Forces to prevent and respond to retaliation in connection
13 with reports of sexual assault in the Armed Forces.

14 (b) BEST PRACTICES.—For purposes of enhancing
15 and achieving uniformity in the efforts of the Armed
16 Forces to prevent and respond to retaliation in connection
17 with reports of sexual assault in the Armed Forces, the
18 Sexual Assault Prevention and Response Office shall iden-
19 tify and issue to the military departments best practices
20 to be used in the prevention of and response to retaliation
21 in connection with such reports.

1 **PART II—OTHER MILITARY JUSTICE MATTERS**

2 **SEC. 546. DISCRETIONARY AUTHORITY FOR MILITARY**
3 **JUDGES TO DESIGNATE AN INDIVIDUAL TO**
4 **ASSUME THE RIGHTS OF THE VICTIM OF AN**
5 **OFFENSE UNDER THE UNIFORM CODE OF**
6 **MILITARY JUSTICE WHEN THE VICTIM IS A**
7 **MINOR, INCOMPETENT, INCAPACITATED, OR**
8 **DECEASED.**

9 Section 806b(c) of title 10, United States Code (arti-
10 cle 6b(c) of the Uniform Code of Military Justice), is
11 amended by striking “shall designate” and inserting “may
12 designate”.

13 **SEC. 547. APPELLATE STANDING OF VICTIMS IN ENFORC-**
14 **ING RIGHTS OF VICTIMS UNDER THE UNI-**
15 **FORM CODE OF MILITARY JUSTICE.**

16 (a) VICTIM AS REAL PARTY IN INTEREST DURING
17 APPELLATE REVIEW.—Section 806b of title 10, United
18 States Code (article 6b of the Uniform Code of Military
19 Justice), is amended by adding at the end the following
20 new subsection:

21 “(f) VICTIM AS REAL PARTY IN INTEREST DURING
22 APPELLATE REVIEW.—(1) If counsel for the accused or
23 the Government files appellate pleadings under section
24 866 or 867 of this title (article 66 or 67), the victim of
25 an offense under this chapter may file pleadings as a real
26 party in interest when the victim’s rights under the rules

1 specified in paragraph (2) are implicated. The victim’s
2 right to file pleadings as a real party in interest includes
3 the right to do so through counsel, including through a
4 Special Victims’ Counsel under section 1044e of this title.

5 “(2) Paragraph (1) applies with respect to the protec-
6 tions afforded by the following:

7 “(A) Military Rule of Evidence 412, relating to
8 the admission of evidence regarding a victim’s sexual
9 background.

10 “(B) Military Rule of Evidence 513, relating to
11 the psychotherapist-patient privilege.

12 “(C) Military Rule of Evidence 514, relating to
13 the victim advocate-victim privilege.

14 “(3) In this subsection, the term ‘victim of an offense
15 under this chapter’ means an individual who has suffered
16 direct physical, emotional, or pecuniary harm as a result
17 of the commission of an offense under this chapter (the
18 Uniform Code of Military Justice) and for which there was
19 a guilty finding that is the subject of appeal under section
20 866 or 867 of this title (article 66 or 67).”.

21 (b) NOTICE OF APPELLATE AND POST-TRIAL MAT-
22 TERS.—Subparagraph (C) of subsection (a)(2) of such sec-
23 tion (article) is amended to read as follows:

1 “(C) A court-martial and any appellate
2 matters, including post-trial review, relating to
3 the offense.”.

4 **SEC. 548. EFFECTIVE PROSECUTION AND DEFENSE IN**
5 **COURTS-MARTIAL.**

6 (a) PROGRAM FOR EFFECTIVE PROSECUTION AND
7 DEFENSE.—Each Secretary concerned shall carry out a
8 program to ensure that—

9 (1) trial counsel and defense counsel detailed to
10 prosecute or defend a court-martial have sufficient
11 experience and knowledge to effectively prosecute or
12 defend the case; or

13 (2) there is adequate supervision and oversight
14 of the trial counsel and the defense counsel so de-
15 tailed to ensure effective prosecution and defense in
16 the court-martial.

17 (b) SKILL IDENTIFIERS.—

18 (1) IN GENERAL.—Each Secretary concerned
19 shall establish and use a system of skill identifiers
20 for purposes of identifying judge advocates with skill
21 and experience in military justice proceedings in
22 order to ensure that judge advocates with skills iden-
23 tified through such skill identifiers are assigned to
24 supervise and oversee less experienced judge advo-
25 cates in the prosecution and defense in courts-mar-

1 tial when required under a program carried out pur-
2 suant to subsection (a).

3 (2) USE OF CIVILIAN EMPLOYEES.—In addition
4 to judge advocates assignable pursuant to paragraph
5 (1), a Secretary concerned may assign the function
6 of supervising and overseeing prosecution or defense
7 in courts-martial as described in that paragraph to
8 civilian employees of the military department con-
9 cerned or the Department of Homeland Security, as
10 applicable, who have extensive litigation expertise.

11 (3) STATUS AS SUPERVISOR.—A judge advocate
12 or civilian employee assigned to supervise and over-
13 see the prosecution or defense in a court-martial
14 pursuant to this subsection is not required to be de-
15 tailed to the case, but must be reasonably available
16 for consultation during court-martial proceedings.

17 (c) DEFINITIONS.—In this section

18 (1) The term “judge advocate” has the mean-
19 ing given that term in section 801(13) of title 10,
20 United States Code (article 1(13) of the Uniform
21 Code of Military Justice).

22 (2) The term “Secretary concerned” means the
23 following:

1 (A) The Secretary of the Army, with re-
2 spect to judge advocates and courts-martial of
3 the Army.

4 (B) The Secretary of the Navy, with re-
5 spect to judge advocates and courts-martial of
6 the Navy and the Marine Corps.

7 (C) The Secretary of the Air Force, with
8 respect to judge advocates and courts-martial of
9 the Air Force.

10 (D) The Secretary of Homeland Security
11 with respect to judge advocates of the Coast
12 Guard and courts-martial of the Coast Guard
13 when it is not operating as a service in the
14 Navy.

15 **SEC. 549. PILOT PROGRAMS ON MILITARY JUSTICE CAREER**

16 **TRACK FOR JUDGE ADVOCATES.**

17 (a) **PILOT PROGRAMS REQUIRED.**—Each Secretary
18 of each military department shall carry out a pilot pro-
19 gram to assess the feasibility and advisability of a military
20 justice career track for judge advocates in the Armed
21 Forces under the jurisdiction of the Secretary.

22 (b) **DURATION.**—Each pilot program under this sec-
23 tion shall be for a period of five years.

24 (c) **ELEMENTS.**—Each pilot program under this sec-
25 tion shall include the following:

1 (1) A military justice career track for judge ad-
2 vocates that leads to judge advocates with military
3 justice expertise in the grade of colonel, or in the
4 grade of captain in the case of judge advocates of
5 the Navy, to prosecute and defend complex cases in
6 military courts-martial.

7 (2) The use of the suspension of limitations on
8 the number of certain commissioned officers on ac-
9 tive duty under section 523(a) of title 10, United
10 States Code, by reason of paragraph (4) of that sec-
11 tion (as added by section 503 of this Act), to in-
12 crease the number of authorized commissioned offi-
13 cers in pay grades O-4 through O-6 in order to ac-
14 commodate the increased numbers of judge advo-
15 cates in such grades required in connection with the
16 pilot program.

17 (3) The use of skill identifiers to identify judge
18 advocates for participation in the pilot program from
19 among judge advocates having appropriate skill and
20 experience in military justice matters.

21 (4) Guidance for promotion boards considering
22 the selection for promotion of officers participating
23 in the pilot program in order to ensure that judge
24 advocates who are participating in the pilot program
25 have the same opportunity for promotion as all other

1 judge advocate officers being considered for pro-
2 motion by such boards.

3 (5) Such other matters as the Secretary of the
4 military department concerned considers appro-
5 priate.

6 (d) REPORT.—Not later than four years after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall submit to the Committees on Armed Services of the
9 Senate and the House of Representatives a report on the
10 pilot programs under this section. The report shall include
11 the following:

12 (1) A description and assessment of each pilot
13 program.

14 (2) Such recommendations as the Secretary
15 considers appropriate in light of the pilot programs,
16 including whether any pilot program should be ex-
17 tended or made permanent.

18 **SEC. 550. MODIFICATION OF DEFINITION OF SEXUAL HAR-**
19 **ASSMENT FOR PURPOSES OF INVESTIGA-**
20 **TIONS OF COMPLAINTS OF HARASSMENT BY**
21 **COMMANDING OFFICERS.**

22 (a) IN GENERAL.—Section 1561(i) of title 10, United
23 States Code, is amended—

24 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “(constituting a form of sex
3 discrimination)”; and

4 (B) in subparagraph (B), by striking “the
5 work environment” and inserting “the environ-
6 ment”; and

7 (2) in paragraph (3), by striking “in the work-
8 place”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 subsection (a) shall take effect on the date of the enact-
11 ment of this Act, and shall apply with respect to com-
12 plaints described in section 1561 of title 10, United States
13 Code, that are first received by a commanding officer or
14 officer in charge on or after that date.

15 **SEC. 551. EXTENSION AND CLARIFICATION OF ANNUAL RE-**
16 **PORTS REGARDING SEXUAL ASSAULT IN-**
17 **VOLVING MEMBERS OF THE ARMED FORCES.**

18 (a) EXTENSION.—Subsection (a) of section 1631 of
19 the Ike Skelton National Defense Authorization Act for
20 Fiscal Year 2011 (10 U.S.C. 1561 note) is amended by
21 striking “2017” and inserting “2025”.

22 (b) SCOPE OF REPORTING REQUIREMENT.—Such
23 section is further amended—

24 (1) by redesignating subsections (c) and (d) as
25 subsections (d) and (e), respectively; and

1 (2) by inserting after subsection (b) the fol-
2 lowing new subsection (c):

3 “(c) **SEXUAL ASSAULTS COVERED BY REPORTING**
4 **REQUIREMENT.**—The sexual assaults contained in a re-
5 port under subsection (a) pursuant to paragraphs (1) and
6 (2) of subsection (b) shall include all reported sexual as-
7 saults, regardless of the age of the offender or victim or
8 the relationship status between the offender and victim,
9 including, at a minimum, all sexual assault reports re-
10 ceived by the Sexual Assault Prevention and Response
11 Program, or equivalent, and the Family Advocacy Pro-
12 gram, or equivalent, of each Armed Force.”.

13 (c) **REPORTING DEADLINES.**—

14 (1) **MILITARY DEPARTMENT REPORTS TO SEC-**
15 **RETARY OF DEFENSE.**—Subsection (a) of such sec-
16 tion, as amended by subsection (a) of this section,
17 is further amended by striking “and each March 1,
18 thereafter through March 1,” and inserting “each
19 March 1 thereafter through March 1, 2016, and
20 each February 1 thereafter though February 1,”.

21 (2) **SECRETARY OF DEFENSE REPORTS TO CON-**
22 **GRESS.**—Subsection (e) of such section, as redesign-
23 nated by subsection (b)(1) of this section, is amend-
24 ed by striking “April 30” and inserting “March 31”.

1 **SEC. 552. EXPANSION OF AUTHORITY TO EXECUTE CER-**
2 **TAIN MILITARY INSTRUMENTS.**

3 (a) **EXPANSION OF AUTHORITY TO EXECUTE MILI-**
4 **TARY TESTAMENTARY INSTRUMENTS.—**

5 (1) **IN GENERAL.**—Paragraph (2) of section
6 1044d(c) of title 10, United States Code, is amended
7 to read as follows:

8 “(2) the execution of the instrument is nota-
9 rized by—

10 “(A) a military legal assistance counsel;

11 “(B) a person who is authorized to act as
12 a notary under section 1044a of this title
13 who—

14 “(i) is not an attorney; and

15 “(ii) is supervised by a military legal
16 assistance counsel; or

17 “(C) a State-licensed notary employed by a
18 military department or the Coast Guard who is
19 supervised by a military legal assistance coun-
20 sel;”.

21 (2) **CLARIFICATION.**—Paragraph (3) of such
22 section is amended by striking “presiding attorney”
23 and inserting “person notarizing the instrument in
24 accordance with paragraph (2)”.

25 (b) **EXPANSION OF AUTHORITY TO NOTARIZE DOCU-**
26 **MENTS TO CIVILIANS SERVING IN MILITARY LEGAL AS-**

1 SISTANCE OFFICES.—Section 1044a(b) of such title is
2 amended by adding at the end the following new para-
3 graph:

4 “(6) All civilian paralegals serving at military
5 legal assistance offices, supervised by a military legal
6 assistance counsel (as defined in section 1044d(g) of
7 this title).”.

8 **SEC. 553. UNITED STATES COURT OF APPEALS FOR THE**
9 **ARMED FORCES.**

10 (a) **MODIFICATION OF TERM OF TWO JUDGES OF**
11 **THE COURT TO RESTORE ROTATION OF JUDGES.—**

12 (1) **MODIFICATION OF TERM OF OFFICE.—**Not-
13 withstanding section 942(b)(2) of title 10, United
14 States Code (article 142(b)(2) of the Uniform Code
15 of Military Justice)—

16 (A) the term of Judge Scott W. Stucky as
17 a judge of the United States Court of Appeals
18 for the Armed Forces shall expire on July 31,
19 2022; and

20 (B) the term of Judge Margaret A. Ryan
21 as a judge of the United States Court of Ap-
22 peals for the Armed Forces shall expire on July
23 31, 2020.

24 (2) **SAVING PROVISION.—**No person mentioned
25 in paragraph (1), and no survivor of any such per-

1 son, shall be deprived of any annuity provided by
2 section 945 of title 10, United States Code (article
3 145 of the Uniform Code of Military Justice), or
4 under the applicable provisions of title 5, United
5 States Code, by reason of that paragraph.

6 (b) MODIFICATION OF DAILY RATE OF COMPENSA-
7 TION FOR SENIOR JUDGES PERFORMING JUDICIAL DU-
8 TIES WITH THE COURT.—Section 942(e)(2) of such title
9 (article 142(e)(2) of the Uniform Code of Military Justice)
10 is amended by striking “equal to” and all that follows and
11 inserting “equal to the difference between—

12 “(A) the daily equivalent of the annual rate of
13 pay provided for a judge of the court; and

14 “(B) the daily equivalent of the annuity of the
15 judge under section 945 of this title (article 145),
16 the applicable provisions of title 5, or any other re-
17 tirement system for employees of the Federal Gov-
18 ernment under which the senior judge receives an
19 annuity.”.

20 (c) CLARIFICATION OF AUTHORITY OF JUDGES OF
21 THE COURT TO ADMINISTER OATHS AND ACKNOWLEDG-
22 MENTS.—Subsection (c) of section 936 of such title (arti-
23 cle 136 of the Uniform Code of Military Justice) is amend-
24 ed to read as follows:

1 “(c) Each judge and senior judge of the United
2 States Court of Appeals for the Armed Forces shall have
3 the powers relating to oaths, affirmations, and acknowl-
4 edgments provided to justices and judges of the United
5 States by section 459 of title 28.”.

6 (d) REPEAL OF REQUIREMENT RELATING TO POLIT-
7 ICAL PARTY STATUS OF JUDGES OF THE COURT.—Sec-
8 tion 942(b)(3) of such title (article 142(b)(3) of the Uni-
9 form Code of Military Justice) is amended by striking
10 “Not more than three of the judges of the court may be
11 appointed from the same political party, and no” and by
12 inserting “No”.

13 (e) REPEAL OF DUAL COMPENSATION PROVISION
14 RELATING TO JUDGES OF THE COURT.—Section 945 of
15 such title (article 145 of the Uniform Code of Military
16 Justice) is amended—

17 (1) in subsection (d), by striking “subsection
18 (g)(1)(B)” and inserting “subsection (f)(1)(B)”;

19 (2) by striking subsection (f); and

20 (3) by redesignating subsections (g), (h), and
21 (i) as subsections (f), (g), and (h), respectively.

1 **SEC. 554. MEDICAL EXAMINATION BEFORE ADMINISTRA-**
 2 **TIVE SEPARATION FOR MEMBERS WITH**
 3 **POST-TRAUMATIC STRESS DISORDER OR**
 4 **TRAUMATIC BRAIN INJURY IN CONNECTION**
 5 **WITH SEXUAL ASSAULT.**

6 Section 1177(a)(1) of title 10, United States Code,
 7 is amended—

8 (1) by inserting “, or sexually assaulted,” after
 9 “deployed overseas in support of a contingency oper-
 10 ation”; and

11 (2) by inserting “or based on such sexual as-
 12 sault,” after “while deployed.”.

13 **Subtitle E—Member Education,**
 14 **Training, and Transition**

15 **SEC. 561. LIMITATION ON TUITION ASSISTANCE FOR OFF-**
 16 **DUTY TRAINING OR EDUCATION.**

17 Section 2007(a) of title 10, United States Code, is
 18 amended by inserting “, but only if the Secretary deter-
 19 mines that such education or training is likely to con-
 20 tribute to the member’s professional development” after
 21 “during the member’s off-duty periods”.

22 **SEC. 562. MODIFICATION OF PROGRAM TO ASSIST MEM-**
 23 **BERS OF THE ARMED FORCES IN OBTAINING**
 24 **PROFESSIONAL CREDENTIALS.**

25 (a) SCOPE OF PROGRAM.—Subsection (a)(1) of sec-
 26 tion 2015 of title 10, United States Code, is amended by

1 striking “incident to the performance of their military du-
2 ties”.

3 (b) QUALITY ASSURANCE OF CERTIFICATION PRO-
4 GRAMS AND STANDARDS.—Subsection (c) of such section
5 is amended—

6 (1) in paragraph (1), by striking “is accredited
7 by an accreditation body that” and all that follows
8 and inserting “meets one of the requirements speci-
9 fied in paragraph (2).”; and

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

12 “(2) The requirements for a credentialing program
13 specified in this paragraph are that the credentialing pro-
14 gram—

15 “(A) is accredited by a nationally-recognized
16 third-party personnel certification program
17 accreditor;

18 “(B)(i) is sought or accepted by employers
19 within the industry or sector involved as a recog-
20 nized, preferred, or required credential for recruit-
21 ment, screening, hiring, retention, or advancement
22 purposes; and

23 “(ii) where appropriate, is endorsed by a na-
24 tionally-recognized trade association or organization

1 representing a significant part of the industry or
2 sector;

3 “(C) grants licenses that are recognized by the
4 Federal Government or a State government; or

5 “(D) meets credential standards of a Federal
6 agency.”.

7 **SEC. 563. ACCESS TO DEPARTMENT OF DEFENSE INSTALLA-**
8 **TIONS OF INSTITUTIONS OF HIGHER EDU-**
9 **CATION PROVIDING CERTAIN ADVISING AND**
10 **STUDENT SUPPORT SERVICES.**

11 (a) IN GENERAL.—Chapter 101 of title 10, United
12 States Code, is amended by inserting after section 2012
13 the following new section:

14 **“§ 2012a. Access to Department of Defense installa-**
15 **tions: institutions of higher education**
16 **providing certain advising and student**
17 **support services**

18 “(a) ACCESS.—

19 “(1) ACCESS TO BE PERMITTED.—The Sec-
20 retary of Defense shall grant access to Department
21 of Defense installations to any institution of higher
22 education that—

23 “(A) has entered into a Voluntary Edu-
24 cation Partnership Memorandum of Under-
25 standing with the Department for the purpose

1 of providing at the installation concerned timely
2 face-to-face student advising and related sup-
3 port services to members of the armed forces
4 and other persons who are eligible for assist-
5 ance under Department of Defense educational
6 assistance programs and authorities; and

7 “(B) has been approved to provide such
8 advising and support services by the educational
9 service office of the installation concerned.

10 “(2) SCOPE OF ACCESS.—Access shall be grant-
11 ed under paragraph (1) in a nondiscriminatory man-
12 ner to any institution covered by that paragraph re-
13 gardless of the particular learning modality offered
14 by that institution.

15 “(b) REGULATIONS.—The Secretary shall prescribe
16 in regulations the time and place of access required pursu-
17 ant to subsection (a). The regulations shall provide the
18 following:

19 “(1) The opportunity for institutions of higher
20 education to receive regular and recurring access at
21 times and places that ensure maximum opportunity
22 for students to obtain advising and support services
23 described in subsection (a).

1 “(2) Access in a degree in proportion to the
2 number of students enrolled by each institution of
3 higher education.

4 “(c) DEFINITIONS.—In this section:

5 “(1) The term ‘Department of Defense edu-
6 cational assistance programs and authorities’ has
7 the meaning given the term ‘Department of Defense
8 educational assistance programs and authorities cov-
9 ered by this section’ in section 2006a(c)(1) of this
10 title.

11 “(2) The term ‘institution of higher education’
12 has the meaning given that term in section
13 2006a(c)(2) of this title.

14 “(3) The term ‘Voluntary Education Partner-
15 ship Memorandum of Understanding’ has the mean-
16 ing given that term in Department of Defense In-
17 struction 1322.25, entitled ‘Voluntary Education
18 Programs’, or any successor Department of Defense
19 Instruction.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 101 of such title is amended
22 by inserting after the item relating to section 2012 the
23 following new item:

“2012a. Access to Department of Defense installations: institutions of higher
education providing certain advising and student support serv-
ices.”.

1 **SEC. 564. PRIORITY PROCESSING OF APPLICATIONS FOR**
2 **TRANSPORTATION WORKER IDENTIFICATION**
3 **CREDENTIALS FOR MEMBERS UNDERGOING**
4 **DISCHARGE OR RELEASE FROM THE ARMED**
5 **FORCES.**

6 (a) PRIORITY PROCESSING.—The Secretary of De-
7 fense shall consult with the Secretary of Homeland Secu-
8 rity to afford a priority in the processing of applications
9 for a Transportation Worker Identification Credential
10 (TWIC) to applications submitted by members of the
11 Armed Forces who are undergoing separation, discharge,
12 or release from the Armed Forces under honorable condi-
13 tions, with such priority to provide for the review and ad-
14 judication of such an application by not later than 14 days
15 after submittal, unless an appeal or waiver applies or fur-
16 ther application documentation is necessary. The priority
17 shall be so afforded commencing not later than 180 days
18 after the date of the enactment of this Act to members
19 who undergo separation, discharge, or release from the
20 Armed Forces after the date on which the priority so com-
21 mences being afforded.

22 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
23 retary of Defense and the Secretary of Homeland Security
24 shall enter into a memorandum of understanding in con-
25 nection with achieving the requirement in subsection (a).

1 (c) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary of Defense and
3 the Secretary of Homeland Security shall jointly submit
4 to the appropriate committees of Congress a report on the
5 implementation of the requirements of this section. The
6 report shall set forth the following:

7 (1) The memorandum of understanding re-
8 quired pursuant to subsection (b).

9 (2) A description of the number of individuals
10 who applied for, and the number of individuals who
11 have been issued, a Transportation Worker Identifi-
12 cation Credential pursuant to the memorandum of
13 understanding as of the date of the report.

14 (3) If any applications for a Transportation
15 Worker Identification Credential covered by para-
16 graph (2) were not reviewed and adjudicated within
17 the deadline specified in subsection (a), a description
18 of the reasons for the failure and of the actions
19 being taken to assure that future applications for a
20 Credential are reviewed and adjudicated within the
21 deadline.

22 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
23 FINED.—In this section, the term “appropriate commit-
24 tees of Congress” means—

1 (b) LOCAL EDUCATIONAL AGENCY DEFINED.—In
2 this section, the term “local educational agency” has the
3 meaning given that term in section 7013(9) of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 7713(9)).

6 **SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
7 **ABILITIES.**

8 Of the amount authorized to be appropriated for fis-
9 cal year 2017 pursuant to section 301 and available for
10 operation and maintenance for Defense-wide activities as
11 specified in the funding table in section 4301, \$5,000,000
12 shall be available for payments under section 363 of the
13 Floyd D. Spence National Defense Authorization Act for
14 Fiscal Year 2001 (as enacted into law by Public Law 106–
15 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

16 **SEC. 573. IMPACT AID AMENDMENTS.**

17 (a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL
18 EDUCATIONAL AGENCIES.—

19 (1) AMENDMENT.—Subclause (I) of section
20 7003(b)(2)(B)(i) of the Elementary and Secondary
21 Education Act of 1965 (20 U.S.C.
22 7703(b)(2)(B)(i)(I)), as amended by sections 7001
23 and 7004(2)(B) of the Every Student Succeeds Act
24 (Public Law 114–95; 129 Stat. 2074, 2077), is fur-
25 ther amended to read as follows:

1 “(I) is a local educational agen-
2 cy—

3 “(aa) whose boundaries are
4 the same as a Federal military
5 installation; or

6 “(bb)(AA) whose boundaries
7 are the same as an island prop-
8 erty designated by the Secretary
9 of the Interior to be property
10 that is held in trust by the Fed-
11 eral Government; and

12 “(BB) that has no taxing
13 authority;”.

14 (2) EFFECTIVE DATE.—The amendment made
15 by paragraph (1) shall take effect with respect to
16 appropriations for use under title VII of the Elemen-
17 tary and Secondary Education Act of 1965, as
18 amended by the Every Student Succeeds Act (Public
19 Law 114–95; 129 Stat. 1802), beginning with fiscal
20 year 2017 and as if enacted as part of title VII of
21 the Every Student Succeeds Act.

22 (b) SPECIAL RULE REGARDING THE PER-PUPIL EX-
23 PENDITURE REQUIREMENT.—

24 (1) REFERENCES.—Except as otherwise ex-
25 pressly provided, any reference in this subsection to

1 a section or other provision of title VII of the Ele-
2 mentary and Secondary Education Act of 1965 shall
3 be considered to be a reference to the section or
4 other provision of such title VII as amended by the
5 Every Student Succeeds Act (Public Law 114–95;
6 129 Stat. 1802).

7 (2) IN GENERAL.—Notwithstanding section
8 5(d) of the Every Student Succeeds Act (Public Law
9 114–95; 129 Stat. 1806) or section 7003(b)(2) of
10 the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7703(b)(2)), with respect to any
12 application submitted under section 7005 of such
13 Act (20 U.S.C. 7705) for eligibility consideration
14 under subclause (II) or (V) of section
15 7003(b)(2)(B)(i) of such Act for fiscal year 2017,
16 2018, or 2019, the Secretary of Education shall de-
17 termine that a local educational agency meets the
18 per-pupil expenditure requirement for purposes of
19 such subclause (II) or (V), as applicable, only if—

20 (A) in the case of a local educational agen-
21 cy that received a basic support payment for
22 fiscal year 2001 under section 8003(b)(2)(B) of
23 the Elementary and Secondary Education Act
24 of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such
25 section was in effect for such fiscal year), the

1 agency, for the year for which the application is
2 submitted, has a per-pupil expenditure that is
3 less than the average per-pupil expenditure of
4 the State in which the agency is located or the
5 average per-pupil expenditure of all States
6 (whichever average per-pupil expenditure is
7 greater), except that a local educational agency
8 with a total student enrollment of less than 350
9 students shall be deemed to have satisfied such
10 per-pupil expenditure requirement; or

11 (B) in the case of a local educational agen-
12 cy that did not receive a basic support payment
13 for fiscal year 2015 under such section
14 8003(b)(2)(B), as so in effect, the agency, for
15 the year for which the application is sub-
16 mitted—

17 (i) has a total student enrollment of
18 350 or more students and a per-pupil ex-
19 penditure that is less than the average per-
20 pupil expenditure of the State in which the
21 agency is located; or

22 (ii) has a total student enrollment of
23 less than 350 students and a per-pupil ex-
24 penditure that is less than the average per-
25 pupil expenditure of a comparable local

1 educational agency or 3 comparable local
 2 educational agencies (whichever average
 3 per-pupil expenditure is greater), in the
 4 State in which the agency is located.

5 (c) PAYMENTS FOR ELIGIBLE FEDERALLY CON-
 6 NECTED CHILDREN.—

7 (1) AMENDMENTS.—Section 7003(b)(2) of the
 8 Elementary and Secondary Education Act of 1965
 9 (20 U.S.C. 7703(b)(2)), as amended by subsection
 10 (a) and sections 7001 and 7004 of the Every Stu-
 11 dent Succeeds Act (Public Law 114–95; 129 Stat.
 12 2074, 2077), is further amended—

13 (A) in subclause (IV) of subparagraph

14 (B)(i)—

15 (i) in the matter preceding item (aa),
 16 by inserting “received a payment for fiscal
 17 year 2015 under section 8003(b)(2)(E) (as
 18 such section was in effect for such fiscal
 19 year) and” before “has”;

20 (ii) in item (aa), by striking “50” and
 21 inserting “35”; and

22 (iii) by striking item (bb) and insert-
 23 ing the following:

24 “(bb)(AA) not less than
 25 3,500 of such children are chil-

1 dren described in subparagraphs
2 (A) and (B) of subsection (a)(1);
3 or
4 “(BB) not less than 7,000
5 of such children are children de-
6 scribed in subparagraph (D) of
7 subsection (a)(1);” and
8 (B) in subparagraph (D)—
9 (i) in clause (i)—
10 (I) in subclause (I), by striking
11 “clause (ii)” and inserting “clauses
12 (ii), (iii), and (iv);” and
13 (II) in subclause (II)—
14 (aa) by inserting “received a
15 payment for fiscal year 2015
16 under section 8003(b)(2)(E) (as
17 such section was in effect for
18 such fiscal year) and” after
19 “agency that”;
20 (bb) by striking “50 per-
21 cent” and inserting “35 per-
22 cent”;
23 (cc) by striking “subsection
24 (a)(1) and not less than 5,000”

1 and inserting the following: “sub-
2 section (a)(1) and—
3 “(aa) not less than 3,500”;
4 and
5 (dd) by striking “subsection
6 (a)(1).” and inserting the fol-
7 lowing: “subsection (a)(1); or
8 “(bb) not less than 7,000 of
9 such children are children de-
10 scribed in subparagraph (D) of
11 subsection (a)(1).”;
12 (ii) in clause (ii), by striking “shall be
13 1.35.” and inserting the following: “shall
14 be—
15 “(I) for fiscal year 2016, 1.35;
16 “(II) for each of fiscal years
17 2017 and 2018, 1.38;
18 “(III) for fiscal year 2019, 1.40;
19 “(IV) for fiscal year 2020, 1.42;
20 and
21 “(V) for fiscal year 2021 and
22 each fiscal year thereafter, 1.45.”;
23 and
24 (iii) by adding at the end the fol-
25 lowing:

1 “(iii) FACTOR FOR CHILDREN WHO
2 LIVE OFF BASE.—For purposes of calcu-
3 lating the maximum amount described in
4 clause (i), the factor used in determining
5 the weighted student units under sub-
6 section (a)(2) with respect to children de-
7 scribed in subsection (a)(1)(D) shall be—
8 “(I) for fiscal year 2016, .20;
9 “(II) for each of fiscal years
10 2017 and 2018, .22;
11 “(III) for each of fiscal years
12 2019 and 2020, .25; and
13 “(IV) for fiscal year 2021 and
14 each fiscal year thereafter—
15 “(aa) .30 with respect to
16 each of the first 7,000 children;
17 and
18 “(bb) .25 with respect to the
19 number of children that exceeds
20 7,000.
21 “(iv) SPECIAL RULE.—Notwith-
22 standing clauses (ii) and (iii), for fiscal
23 year 2020 or any succeeding fiscal year, if
24 the number of students who are children
25 described in subparagraphs (A) and (B) of

1 subsection (a)(1) for a local educational
2 agency subject to this subparagraph ex-
3 ceeds 7,000 for such year or the number of
4 students who are children described in sub-
5 section (a)(1)(D) for such local educational
6 agency exceeds 12,750 for such year,
7 then—

8 “(I) the factor used, for the fiscal
9 year for which the determination is
10 being made, to determine the weight-
11 ed student units under subsection
12 (a)(2) with respect to children de-
13 scribed in subparagraphs (A) and (B)
14 of subsection (a)(1) shall be 1.40; and

15 “(II) the factor used, for such
16 fiscal year, to determine the weighted
17 student units under subsection (a)(2)
18 with respect to children described in
19 subsection (a)(1)(D) shall be .20.”.

20 (2) EFFECTIVE DATE.—The amendments made
21 by paragraph (1) shall take effect with respect to
22 appropriations for use under title VII of the Elemen-
23 tary and Secondary Education Act of 1965 begin-
24 ning with fiscal year 2017 and as if enacted as part

1 of title VII of the Every Student Succeeds Act (Pub-
2 lic Law 114–95; 129 Stat. 2074).

3 (3) SPECIAL RULES.—

4 (A) APPLICABILITY FOR FISCAL YEAR
5 2016.—Notwithstanding any other provision of
6 law, in making basic support payments under
7 section 8003(b)(2) of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C.
9 7703(b)(2)) for fiscal year 2016, the Secretary
10 of Education shall carry out subparagraphs
11 (B)(i) and (E) of such section as if the amend-
12 ments made to subparagraphs (B)(i)(IV) and
13 (D) of section 7003(b)(2) of such Act (as
14 amended and redesignated by this subsection
15 and the Every Student Succeeds Act (Public
16 Law 114–95; 129 Stat. 1802)) had also been
17 made to the corresponding provisions of section
18 8003(b)(2) of the Elementary and Secondary
19 Education Act of 1965, as in effect on the day
20 before the date of enactment of the Every Stu-
21 dent Succeeds Act.

22 (B) LOSS OF ELIGIBILITY.—For fiscal year
23 2016 or any succeeding fiscal year, if a local
24 educational agency is eligible for a basic sup-
25 port payment under subclause (IV) of section

1 7003(b)(2)(B)(i) of the Elementary and Sec-
2 ondary Education Act of 1965 (as amended by
3 this section and the Every Student Succeeds
4 Act (Public Law 114–95; 129 Stat. 1802)) or
5 through a corresponding provision under sub-
6 paragraph (A), such local educational agency
7 shall be ineligible to apply for a payment for
8 such fiscal year under any other subclause of
9 such section (or, for fiscal year 2016, any other
10 item of section 8003(b)(2)(B)(i)(II) of the Ele-
11 mentary and Secondary Education Act of
12 1965).

13 (C) PAYMENT AMOUNTS.—If, before the
14 date of enactment of this Act, a local edu-
15 cational agency receives 1 or more payments
16 under section 8003(b)(2)(E) of the Elementary
17 and Secondary Education Act of 1965 (20
18 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the
19 sum of which is greater than the amount the
20 Secretary of Education determines the local
21 educational agency is entitled to receive under
22 such section in accordance with subparagraph
23 (A)—

1 (i) the Secretary shall allow the local
2 educational agency to retain the larger
3 amount; and

4 (ii) such local educational agency shall
5 not be eligible to receive any additional
6 payment under such section for fiscal year
7 2016.

8 **SEC. 574. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO THE TRANSITION AND SUPPORT OF**
10 **MILITARY DEPENDENT STUDENTS TO LOCAL**
11 **EDUCATIONAL AGENCIES.**

12 (a) EXTENSION.—Section 547(e)(3) of the John
13 Warner National Defense Authorization Act for Fiscal
14 Year 2007 (20 U.S.C. 7703b note) is amended by striking
15 “September 30, 2016” and inserting “September 30,
16 2017”.

17 (b) INFORMATION TO BE INCLUDED WITH FUTURE
18 REQUESTS FOR EXTENSION.—The budget justification
19 materials that accompany any budget of the President for
20 a fiscal year after fiscal year 2017 (as submitted to Con-
21 gress pursuant to section 1105 of title 31, United States
22 Code) that includes a request for the extension of section
23 547(e) of the John Warner National Defense Authoriza-
24 tion Act for Fiscal Year 2007 shall include the following:

1 (1) A full accounting of the expenditure of
2 funds pursuant to such section 547(e) during the
3 last fiscal year ending before the date of the sub-
4 mittal of the budget.

5 (2) An assessment of the impact of the expendi-
6 ture of such funds on the quality of opportunities for
7 elementary and secondary education made available
8 for military dependent students.

9 **SEC. 575. COMPTROLLER GENERAL OF THE UNITED**
10 **STATES ANALYSIS OF UNSATISFACTORY CON-**
11 **DITIONS AND OVERCROWDING AT PUBLIC**
12 **SCHOOLS ON MILITARY INSTALLATIONS.**

13 (a) IN GENERAL.—The Comptroller General of the
14 United States shall conduct an analysis of the condition
15 and capacity of public schools on military installations.
16 The analysis shall include schools that were omitted from
17 the July 2011 Department of Defense analysis of such
18 schools.

19 (b) REPORT.—Not later than one year after the date
20 of the enactment of this Act, the Comptroller General shall
21 submit to Congress a report setting forth the analysis re-
22 quired by subsection (a). The report shall include the fol-
23 lowing:

24 (1) The Numerical Condition Index and Condi-
25 tion Rating of each public school on a military in-

1 stallation, with a ranking of such schools based on
2 the severity of unsafe conditions and facility defi-
3 ciencies.

4 (2) The Percentage Over or Under Capacity
5 and the Capacity Rating for each school.

6 (3) An identification and assessment of the
7 schools likely to become overcrowded, or face condi-
8 tion deficiencies, during the five-year period begin-
9 ning on the date of the report, based on anticipated
10 changes in the force structure or deteriorating condi-
11 tions.

12 (4) A ranking of schools nationwide based on
13 severity of unsatisfactory conditions and on over-
14 crowding.

15 (5) Such other information as the Comptroller
16 General considers appropriate to establish priorities
17 for the renovation, repair, or revitalization of schools
18 in order to address unsatisfactory conditions and
19 overcrowding.

20 **SEC. 576. ENHANCED FLEXIBILITY IN PROVISION OF RELO-**
21 **CATION ASSISTANCE TO MEMBERS OF THE**
22 **ARMED FORCES AND THEIR FAMILIES.**

23 (a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of
24 subsection (c) of section 1056 of title 10, United States
25 Code, is amended by striking the second, third, and fourth

1 sentences and inserting the following new sentence: “Such
2 relocation assistance programs shall ensure that members
3 of the armed forces and their families are provided reloca-
4 tion assistance regardless of geographic location.”.

5 (b) **COMPUTERIZED INFORMATION SYSTEM.**—Such
6 subsection is further amended—

7 (1) in paragraph (2)—

8 (A) by striking “available through each
9 military” and inserting “a”; and

10 (B) by striking “all other military reloca-
11 tion assistance programs” and inserting “the
12 relocation assistance programs”; and

13 (2) in paragraph (3)—

14 (A) by striking “Duties of each military re-
15 location assistance program shall include assist-
16 ing” and inserting “Assistance shall be provided
17 to”; and

18 (B) by striking “the program” and insert-
19 ing “a relocation assistance program”.

20 (c) **DISCHARGE THROUGH PROGRAM MANAGER.**—

21 Subsection (d) of such section is amended to read as fol-
22 lows:

23 “(d) **PROGRAM MANAGER.**—The Secretary of De-
24 fense shall establish the position of Program Manager of
25 Military Relocation Assistance in the office of the Assist-

1 ant Secretary of Defense for Manpower and Reserve Af-
2 fairs. The Program Manager shall oversee the develop-
3 ment and implementation of relocation assistance under
4 this section.”.

5 **SEC. 577. REPORTING ON ALLEGATIONS OF CHILD ABUSE**
6 **IN MILITARY FAMILIES AND HOMES.**

7 (a) REPORTS TO FAMILY ADVOCACY PROGRAM OF-
8 FICES.—

9 (1) IN GENERAL.—The following information
10 shall be reported immediately to the Family Advo-
11 cacy Program office at the military installation to
12 which the member of the Armed Forces concerned is
13 assigned:

14 (A) Credible information (which may in-
15 clude a reasonable belief), obtained by any indi-
16 vidual within the chain of command of the
17 member, that a child in the family or home of
18 the member has suffered an incident of child
19 abuse.

20 (B) Information, learned by a member of
21 the Armed Forces engaged in a profession or
22 activity described in subsection (b) of section
23 226 of the Victims of Child Abuse Act of 1990
24 (42 U.S.C. 13031) for members of the Armed
25 Forces and their dependents, that gives reason

1 to suspect that a child in the family or home of
2 the member has suffered an incident of child
3 abuse.

4 (2) REGULATIONS.—The Secretary of Defense
5 and the Secretary of Homeland Security (with re-
6 spect to the Navy when it is not operating as a serv-
7 ice in the Navy) shall jointly prescribe regulations to
8 carry out this subsection.

9 (3) CHILD ABUSE DEFINED.—In this sub-
10 section, the term “child abuse” has the meaning
11 given that term in subsection (c) of section 226 of
12 the Victims of Child Abuse Act of 1990.

13 (b) REPORTS TO STATE CHILD WELFARE SERV-
14 ICES.—Section 226 of the Victims of Child Abuse Act of
15 1990 (title II of Public Law 101–647; 104 Stat. 4806;
16 42 U.S.C. 13031) is amended—

17 (1) in subsection (a), by inserting “ and to the
18 agency or agencies provided for in subsection (e), if
19 applicable” before the period;

20 (2) by redesignating subsections (e) and (f) as
21 subsections (f) and (g), respectively; and

22 (3) by inserting after subsection (d) the fol-
23 lowing new subsection (e):

1 “(e) REPORTERS AND RECIPIENT OF REPORT IN-
2 VOLVING CHILDREN AND HOMES OF MEMBERS OF THE
3 ARMED FORCES.—

4 “(1) RECIPIENTS OF REPORTS.—In the case of
5 an incident described in subsection (a) involving a
6 child in the family or home of member of the Armed
7 Forces (regardless of whether the incident occurred
8 on or off a military installation), the report required
9 by subsection (a) shall be made to the appropriate
10 child welfare services agency or agencies of the State
11 in which the child resides. The Attorney General, the
12 Secretary of Defense, and the Secretary of Home-
13 land Security (with respect to the Navy when it is
14 not operating as a service in the Navy) shall jointly,
15 in consultation with the chief executive officers of
16 the States, designate the child welfare service agen-
17 cies of the States that are appropriate recipients of
18 reports pursuant to this subsection. Any report on
19 an incident pursuant to this subsection is in addition
20 to any other report on the incident pursuant to this
21 section.

22 “(2) MAKERS OF REPORTS.—For purposes of
23 the making of reports under this section pursuant to
24 this subsection, the persons engaged in professions
25 and activities described in subsection (b) shall in-

1 include members of the Armed Forces who are en-
2 gaged in such professions and activities for members
3 of the Armed Forces and their dependents.”.

4 **SEC. 578. BACKGROUND CHECKS FOR EMPLOYEES OF**
5 **AGENCIES AND SCHOOLS PROVIDING ELE-**
6 **MENTARY AND SECONDARY EDUCATION FOR**
7 **DEPARTMENT OF DEFENSE DEPENDENTS.**

8 (a) **BACKGROUND CHECKS.**—Commencing not later
9 than two years after the date of the enactment of this Act,
10 each covered local educational agency and each Depart-
11 ment of Defense domestic dependent elementary and sec-
12 ondary school established pursuant to section 2164 of title
13 10, United States Code, shall have in effect policies and
14 procedures that—

15 (1) require that a criminal background check be
16 conducted for each school employee of the agency or
17 school, respectively, that includes—

18 (A) a search of the State criminal registry
19 or repository of the State in which the school
20 employee resides;

21 (B) a search of State-based child abuse
22 and neglect registries and databases of the
23 State in which the school employee resides;

1 (C) a Federal Bureau of Investigation fin-
2 gerprint check using the Integrated Automated
3 Fingerprint Identification System; and

4 (D) a search of the National Sex Offender
5 Registry established under section 119 of the
6 Adam Walsh Child Protection and Safety Act of
7 2006 (42 U.S.C. 16919);

8 (2) prohibit the employment of a school em-
9 ployee as a school employee at the agency or school,
10 respectively, if such employee—

11 (A) refuses to consent to a criminal back-
12 ground check under paragraph (1);

13 (B) makes a false statement in connection
14 with such criminal background check;

15 (C) has been convicted of a felony con-
16 sisting of—

17 (i) murder;

18 (ii) child abuse or neglect;

19 (iii) a crime against children, includ-
20 ing child pornography;

21 (iv) spousal abuse;

22 (v) a crime involving rape or sexual
23 assault;

24 (vi) kidnapping;

25 (vii) arson; or

1 (viii) physical assault, battery, or a
2 drug-related offense, committed on or after
3 the date that is five years before the date
4 of such employee's criminal background
5 check under paragraph (1); or

6 (D) has been convicted of any other crime
7 that is a violent or sexual crime against a
8 minor;

9 (3) require that each criminal background
10 check conducted under paragraph (1) be periodically
11 repeated or updated in accordance with policies es-
12 tablished by the covered local educational agency or
13 the Department of Defense (in the case of a Depart-
14 ment of Defense domestic dependent elementary and
15 secondary school established pursuant to section
16 2164 of title 10, United States Code);

17 (4) upon request, provide each school employee
18 who has had a criminal background check under
19 paragraph (1) with a copy of the results of the
20 criminal background check;

21 (5) provide for a timely process, by which a
22 school employee of the school or agency may appeal,
23 but which does not permit the employee to be em-
24 ployed as a school employee during such appeal, the
25 results of a criminal background check conducted

1 under paragraph (1) which prohibit the employee
2 from being employed as a school employee under
3 paragraph (2) to—

4 (A) challenge the accuracy or completeness
5 of the information produced by such criminal
6 background check; and

7 (B) establish or reestablish eligibility to be
8 hired or reinstated as a school employee by
9 demonstrating that the information is materi-
10 ally inaccurate or incomplete, and has been cor-
11 rected; and

12 (6) allow the covered local educational agency
13 or school, as the case may be, to share the results
14 of a school employee's criminal background check re-
15 cently conducted under paragraph (1) with another
16 local educational agency that is considering such
17 school employee for employment as a school em-
18 ployee.

19 (b) FEES FOR BACKGROUND CHECKS.—The Attor-
20 ney General, attorney general of a State, or other State
21 law enforcement official may charge reasonable fees for
22 conducting a criminal background check under subsection
23 (a)(1), but such fees shall not exceed the actual costs for
24 the processing and administration of the criminal back-
25 ground check.

1 (c) DEFINITIONS.—In this section:

2 (1) COVERED LOCAL EDUCATIONAL AGENCY.—

3 The term “covered local educational agency” means
4 a local educational agency that receives funds—

5 (A) under subsection (b) or (d) of section
6 8003, or section 8007, of the Elementary and
7 Secondary Education Act of 1965 (20 U.S.C.
8 7703, 7707), as such sections are in effect be-
9 fore the effective date for title VII of the Every
10 Student Succeeds Act (Public Law 114–95); or

11 (B) under subsection (b) or (d) of section
12 7003, or section 7007, of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C.
14 7703, 7707), beginning on the effective date of
15 such title VII.

16 (2) SCHOOL EMPLOYEE.—The term “school em-
17 ployee” means—

18 (A) a person who—

19 (i) is an employee of, or is seeking
20 employment with—

21 (I) a covered local educational
22 agency; or

23 (II) a Department of Defense do-
24 mestic dependent elementary and sec-
25 ondary school established pursuant to

1 section 2164 of title 10, United States
2 Code, such elementary and secondary
3 school; and

4 (ii) as a result of such employment,
5 has (or will have) a job duty that results
6 in unsupervised access to elementary
7 school or secondary school students; or

8 (B)(i) any person, or an employee of any
9 person, who has a contract or agreement to
10 provide services to a covered local educational
11 agency or a Department of Defense domestic
12 dependent elementary and secondary school es-
13 tablished pursuant to section 2164 of title 10,
14 United States Code; and

15 (ii) such person or employee, as a result of
16 such contract or agreement, has a job duty that
17 results in unsupervised access to elementary
18 school or secondary school students.

19 **SEC. 579. SUPPORT FOR PROGRAMS PROVIDING CAMP EX-**
20 **PERIENCE FOR CHILDREN OF MILITARY FAM-**
21 **ILIES.**

22 (a) IN GENERAL.—The Secretary of Defense may
23 provide financial or non-monetary support to qualified
24 nonprofit organizations in order to assist such organiza-
25 tions in carrying out programs to support the attendance

1 at a camp or camp-like setting of children of military fami-
2 lies.

3 (b) REPORTS TO DOD.—Each organization that re-
4 ceives support from the Secretary pursuant to subsection
5 (a) shall submit to the Secretary a report on the use of
6 such support containing such information as the Secretary
7 considers appropriate.

8 **SEC. 580. COMPTROLLER GENERAL OF THE UNITED**
9 **STATES REPORT ON EXCEPTIONAL FAMILY**
10 **MEMBER PROGRAMS.**

11 (a) REPORT REQUIRED.—Not later than 180 days
12 after the date of the enactment of this Act, the Comp-
13 troller General of the United States shall submit to the
14 Committees on Armed Services of the Senate and the
15 House of Representatives a report on the effectiveness of
16 each Exceptional Family Member Program (EFMP) of
17 the Armed Forces.

18 (b) ELEMENTS.—The report under subsection (a)
19 shall include the following:

20 (1) A description of the differences between the
21 Exceptional Family Member Programs of the Armed
22 Forces.

23 (2) A description and assessment of the manner
24 in which Exceptional Family Member Programs are
25 implemented on joint bases and installations.

1 (3) An assessment whether all children of mem-
2 bers of each Armed Forces are screened for potential
3 coverage under the Exceptional Family Member Pro-
4 gram.

5 (4) An assessment of the degree to which condi-
6 tions of children of members of the Armed Forces
7 who qualify for coverage under an Exceptional Fam-
8 ily Member Program are taken into account in mak-
9 ing assignments of military personnel.

10 (5) An assessment of the degree to which med-
11 ical and educational services are available to address
12 the conditions identified by the screening described
13 in (3) in children of members of the Armed Forces
14 who qualify for coverage under an Exceptional Fam-
15 ily Member Program.

16 (6) An assessment whether the Department of
17 Defense has implemented specific directives for pro-
18 viding family support and enhanced case manage-
19 ment services, such as special needs navigators, to
20 families with special needs children.

21 (7) An assessment whether the Department has
22 conducted periodic reviews of best practices in the
23 United States for the provision of medical and edu-
24 cational services to children with special needs.

1 (8) An assessment whether the Department has
2 established an advisory panel on community support
3 for military families with special needs.

4 (9) An assessment of the uniform policy for the
5 Department regarding families with special needs re-
6 quired by section 1781c(e) of title 10, United States
7 Code.

8 (10) An assessment of the implementation of
9 the uniform policy described in paragraph (9).

10 (11) An assessment of the implementation by
11 each Armed Force of the recommendations in the
12 Government Accountability Report entitled “Military
13 Dependent Students, Better Oversight Needed to
14 Improve Services for Children with Special Needs”
15 (GAO–12–680).

16 **SEC. 581. REPEAL OF ADVISORY COUNCIL ON DEPEND-**
17 **ENTS’ EDUCATION.**

18 Section 1411 of the Defense Dependents’ Education
19 Act of 1978 (20 U.S.C. 929) is repealed.

1 **Subtitle G—Decorations and**
2 **Awards**

3 **SEC. 586. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
4 **HONOR TO CHARLES S. KETTLES FOR ACTS**
5 **OF VALOR DURING THE VIETNAM WAR.**

6 (a) AUTHORIZATION.—Notwithstanding the time lim-
7 itations specified in section 3744 of title 10, United States
8 Code, or any other time limitation with respect to the
9 awarding of certain medals to persons who served in the
10 Armed Forces, the President may award the Medal of
11 Honor under section 3741 of such title to Charles S. Ket-
12 tles for the acts of valor during the Vietnam War de-
13 scribed in subsection (b).

14 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
15 referred to in subsection (a) are the actions of Charles
16 S. Kettles during combat operations on May 15, 1967,
17 while serving as Flight Commander, 176th Aviation Com-
18 pany, 14th Aviation Battalion, Task Force Oregon, Re-
19 public of Vietnam, for which he was previously awarded
20 the Distinguished Service Cross.

21 **SEC. 587. AUTHORIZATION FOR AWARD OF THE MEDAL OF**
22 **HONOR TO GARY M. ROSE FOR ACTS OF**
23 **VALOR DURING THE VIETNAM WAR.**

24 (a) AUTHORIZATION.—Notwithstanding the time lim-
25 itations specified in section 3744 of title 10, United States

1 Code, or any other time limitation with respect to the
2 awarding of certain medals to persons who served in the
3 Armed Forces, the President is authorized to award the
4 Medal of Honor under section 3741 of such title to Gary
5 M. Rose for the acts of valor described in subsection (b).

6 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
7 referred to in subsection (a) are the actions of Gary M.
8 Rose in Laos from September 11 through 14, 1970, dur-
9 ing the Vietnam War while a member of the United States
10 Army, Military Assistance Command Vietnam-Studies and
11 Observation Group (MACVSOG).

12 **SEC. 588. AUTHORIZATION FOR AWARD OF THE DISTIN-**
13 **GUISHED SERVICE CROSS TO CHAPLAIN**
14 **(FIRST LIEUTENANT) JOSEPH VERBIS LA-**
15 **FLEUR FOR ACTS OF VALOR DURING WORLD**
16 **WAR II.**

17 (a) AUTHORIZATION.—Notwithstanding the time lim-
18 itations specified in section 3744 of title 10, United States
19 Code, or any other time limitation with respect to the
20 awarding of certain medals to persons who served in the
21 Armed Forces, the Secretary of the Army may award the
22 Distinguished Service Cross under section 3742 of that
23 title to Chaplain (First Lieutenant) Joseph Verbis La-
24 Fleur for the acts of valor referred to in subsection (b).

1 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
2 referred to in subsection (a) are the actions of Chaplain
3 (First Lieutenant) Joseph Verbis LaFleur while interned
4 as a Prisoner of War by Japan from December 30, 1941,
5 to September 7, 1944.

6 **SEC. 589. POSTHUMOUS ADVANCEMENT OF COLONEL**
7 **GEORGE E. “BUD” DAY, UNITED STATES AIR**
8 **FORCE, ON THE RETIRED LIST.**

9 (a) ADVANCEMENT.—Colonel George E. “Bud” Day,
10 United States Air Force (retired), is entitled to hold the
11 rank of brigadier general while on the retired list of the
12 Air Force.

13 (b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The
14 advancement of George E. “Bud” Day on the retired list
15 of the Air Force under subsection (a) shall not affect the
16 retired pay or other benefits from the United States to
17 which George E. “Bud” Day would have been entitled
18 based upon his military service or affect any benefits to
19 which any other person may become entitled based on his
20 military service.

1 **Subtitle H—Miscellaneous Reports**
2 **and Other Matters**

3 **SEC. 591. APPLICABILITY OF MILITARY SELECTIVE SERV-**
4 **ICE ACT TO FEMALE CITIZENS AND PERSONS.**

5 Section 3 of the Military Selective Service Act (50
6 U.S.C. 3802) is amended—

7 (1) by redesignating subsection (b) as sub-
8 section (c); and

9 (2) by inserting after subsection (a) the fol-
10 lowing new subsection (b):

11 “(b)(1) The duty to register imposed on male citizens
12 and persons residing in the United States by subsection
13 (a) shall apply to female citizens of the United States and
14 female persons residing in the United States who attain
15 the age of 18 years on or after January 1, 2018.

16 “(2) The responsibilities and rights of female reg-
17 istrants under this Act shall be the responsibilities and
18 rights of male registrants under this Act, and shall be sub-
19 ject to such terms, conditions, and limitations as are appli-
20 cable under the provisions of this Act to similarly situated
21 male registrants.

22 “(3) Any reference in this Act to a registrant or other
23 person subject to the duties, responsibilities, and rights
24 of a registrant under this Act shall be deemed to refer
25 to female citizens of the United States and female persons

1 residing in the United States registering pursuant to this
2 subsection.”.

3 **SEC. 592. SENIOR MILITARY ACQUISITION ADVISORS IN**
4 **THE DEFENSE ACQUISITION CORPS.**

5 (a) POSITIONS.—

6 (1) IN GENERAL.—Subchapter II of chapter 87
7 of title 10, United States Code, is amended by add-
8 ing at the end the following new section:

9 **“§ 1725. Senior Military Acquisition Advisors**

10 “(a) POSITION.—

11 “(1) IN GENERAL.—The Secretary of Defense
12 may establish in the Defense Acquisition Corps posi-
13 tions to be known as ‘Senior Military Acquisition
14 Advisor’.

15 “(2) APPOINTMENT.—A Senior Military Acqui-
16 sition Advisor shall be appointed by the President,
17 by and with the advice and consent of the Senate.

18 “(3) SCOPE OF POSITION.—An officer who is
19 appointed as a Senior Military Acquisition Advisor—

20 “(A) shall serve as an advisor to, and pro-
21 vide senior level acquisition expertise to, the
22 Service Acquisition Executive of that officer’s
23 military department in accordance with this
24 section; and

1 “(B) shall be assigned as an adjunct pro-
2 fessor at the Defense Acquisition University.

3 “(b) CONTINUATION ON ACTIVE DUTY.—An officer
4 who is appointed as a Senior Military Acquisition Advisor
5 may continue on active duty while serving in such position
6 without regard to any mandatory retirement date that
7 would otherwise be applicable to that officer by reason of
8 years of service or age. An officer who is continued on
9 active duty pursuant to this section is not eligible for con-
10 sideration for selection for promotion.

11 “(c) RETIRED GRADE.—Upon retirement, an officer
12 who is a Senior Military Acquisition Advisor may, in the
13 discretion of the President, be retired in the grade of brig-
14 adier general or rear admiral (lower half) if—

15 “(1) the officer has served as a Senior Military
16 Acquisition Advisor for a period of not less than
17 three years; and

18 “(2) the officer’s service as a Senior Military
19 Acquisition Advisor has been distinguished.

20 “(d) SELECTION AND TENURE.—

21 “(1) IN GENERAL.—Selection of an officer for
22 recommendation for appointment as a Senior Mili-
23 tary Acquisition Advisor shall be made competitively,
24 and shall be based upon demonstrated experience
25 and expertise in acquisition.

1 “(2) OFFICERS ELIGIBLE.—Officers shall be se-
2 lected for recommendation for appointment as Sen-
3 ior Military Acquisition Advisors from among offi-
4 cers of the Defense Acquisition Corps who are serv-
5 ing in the grade of colonel or, in the case of the
6 Navy, captain, and who have at least 12 years of ac-
7 quisition experience. An officer selected for rec-
8 ommendation for appointment as a Senior Military
9 Acquisition Advisor shall have at least 30 years of
10 active commissioned service at the time of appoint-
11 ment.

12 “(3) TERM.—The appointment of an officer as
13 a Senior Military Acquisition Advisor shall be for a
14 term of not longer than five years.

15 “(e) LIMITATION.—

16 “(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

19 “(A) not more than five may be officers of
20 the Army;

21 “(B) not more than five may be officers of
22 the Navy and Marine Corps; and

23 “(C) not more than five may be officers of
24 the Air Force.

1 “(2) NUMBER IN EACH MILITARY DEPART-
2 MENT.—Subject to paragraph (1), the number of
3 Senior Military Acquisition Advisors for each mili-
4 tary department shall be as required and identified
5 by the Service Acquisition Executive of such military
6 department and approved by the Under Secretary of
7 Defense for Acquisition, Technology, and Logistics.

8 “(f) ADVICE TO SERVICE ACQUISITION EXECU-
9 TIVE.—An officer who is a Senior Military Acquisition Ad-
10 visor shall have as the officer’s primary duty providing
11 strategic, technical, and programmatic advice to the Serv-
12 ice Acquisition Executive of the officer’s military depart-
13 ment on matters pertaining to the Defense Acquisition
14 System, including matters pertaining to procurement, re-
15 search and development, advanced technology, test and
16 evaluation, production, program management, systems en-
17 gineering, and lifecycle logistics.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of subchapter II of chapter 87
20 of such title is amended by adding at the end the
21 following new item:

“1725. Senior Military Acquisition Advisors.”.

22 (b) EXCLUSION FROM OFFICER GRADE-STRENGTH
23 LIMITATIONS.—Section 523(b) of such title is amended by
24 adding at the end the following new paragraph:

1 “(9) Officers who are Senior Military Acquisi-
2 tion Advisors under section 1725 of this title, but
3 not to exceed 15.”.

4 **SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY**
5 **AND THE MARINE CORPS IN INTEGRATING**
6 **WOMEN INTO MILITARY OCCUPATIONAL SPE-**
7 **CIALITIES AND UNITS RECENTLY OPENED TO**
8 **WOMEN.**

9 (a) **REPORTS REQUIRED.**—Not later than April 1,
10 2017, and each year thereafter through 2021, the Chief
11 of Staff of the Army and the Commandant of the Marine
12 Corps shall each submit to the Committees on Armed
13 Services of the Senate and the House of Representatives
14 a report on the current status of the implementation by
15 the Army and the Marine Corps, respectively, of the policy
16 of Secretary of Defense dated March 9, 2016, to open to
17 women military occupational specialties and units pre-
18 viously closed to women.

19 (b) **ELEMENTS.**—Each report shall include, current
20 as of the date of such report and for the Armed Force
21 covered by such report, the following:

22 (1) The status of gender-neutral standards
23 throughout the Entry Level Training continuum.

1 (2) The propensity of applicants to apply for
2 and access into newly-opened ground combat pro-
3 grams, by gender and program.

4 (3) Success rates in Initial Screening Tests and
5 Military Occupational Speciality (MOS) Classifica-
6 tion Standards for newly-opened ground combat
7 military occupational specialties, by gender.

8 (4) Attrition rates and causes of attrition
9 throughout the Entry Level Training continuum, by
10 gender and military occupational specialty.

11 (5) Reclassification rates and causes of reclassi-
12 fication throughout the Entry Level Training con-
13 tinuum, by gender and military occupational spe-
14 cialty.

15 (6) Injury rates and causes of injury through-
16 out the Entry Level Training continuum, by gender
17 and military occupational specialty.

18 (7) Injury rates and nondeployability rates in
19 newly-opened ground combat military occupational
20 specialties, by gender and military occupational spe-
21 cialty.

22 (8) A comparative analysis of injury rates,
23 causes of injury, and nondeployability rates under
24 paragraphs (6) and (7) with injury rates, causes of
25 injury, and nondeployability rates in similar military

1 occupational specialties of allied countries, including
2 Australia, Canada, Israel, and the United Kingdom,
3 and a comparative analysis of the mitigation factors
4 used by the United States with respect to such in-
5 jury and nondeployability and the mitigation factors
6 used by such countries with respect to such injury
7 and nondeployability.

8 (9) Lateral move approval rates into newly-
9 opened military occupational specialties, by gender
10 and military occupational specialty.

11 (10) Reenlistment and retention rates in newly-
12 opened ground combat military occupational special-
13 ties, by gender and military occupational specialty.

14 (11) Promotion rates in newly-opened ground
15 combat military occupational specialties, by grade
16 and gender.

17 (12) Actions taken to address matters relating
18 to equipment sizing and supply, and facilities, in
19 connection with the implementation by such Armed
20 Force of the policy referred to in paragraph (1).

21 (c) APPLICABILITY TO SOCOM.—In addition to the
22 reports required by subsection (a), the Commander of the
23 United States Special Operations Command shall submit
24 to the Committees on Armed Services of the Senate and
25 the House of Representatives, on the dates provided for

1 in subsection (a), a report on the current status of the
2 implementation by the United States Special Operations
3 Command of the policy of Secretary of Defense referred
4 to in subsection (a). Each report shall include the matters
5 specified in subsection (b) with respect to the United
6 States Special Operations Command.

7 **SEC. 594. REPORT ON CAREER PROGRESSION TRACKS OF**
8 **THE ARMED FORCES FOR WOMEN IN COMBAT**
9 **ARMS UNITS.**

10 Not later than 30 days after the date of the enact-
11 ment of this Act, the Secretary of Defense shall submit
12 to Congress a report setting forth a description, for each
13 Armed Force, of the following:

14 (1) The career progression track for entry level
15 women as officers in combat arms units of such
16 Armed Force.

17 (2) The career progression track for laterally
18 transferred women as officers in combat arms units
19 of such Armed Force.

20 (3) The career progression track for entry level
21 women as enlisted members in combat arms units of
22 such Armed Force.

23 (4) The career progression track for laterally
24 transferred women as enlisted members in combat
25 arms units of such Armed Force.

1 **SEC. 595. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT**
2 **THE UNITED STATES AIR FORCE ACADEMY**
3 **APPOINTED BY THE PRESIDENT.**

4 (a) REPEAL.—Section 9337 of title 10, United States
5 Code, is repealed.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 903 of such title is amended
8 by striking the item related to section 9337.

9 **SEC. 596. EXTENSION OF LIMITATION ON REDUCTION IN**
10 **NUMBER OF MILITARY AND CIVILIAN PER-**
11 **SONNEL ASSIGNED TO DUTY WITH SERVICE**
12 **REVIEW AGENCIES.**

13 Section 1559(a) of title 10, United States Code, is
14 amended by striking “December 31, 2016” and inserting
15 “December 31, 2019”.

16 **SEC. 597. REPORT ON DISCHARGE BY WARRANT OFFICERS**
17 **OF PILOT AND OTHER FLIGHT OFFICER POSI-**
18 **TIONS IN THE NAVY, MARINE, CORPS, AND**
19 **AIR FORCE CURRENTLY DISCHARGED BY**
20 **COMMISSIONED OFFICERS.**

21 (a) REPORT REQUIRED.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary
23 of the Navy and the Secretary of the Air Force shall each
24 submit to the Committees on Armed Services of the Sen-
25 ate and the House of Representatives a report on the fea-
26 sibility and advisability of the discharge by warrant offi-

1 cers of pilot and other flight officer positions in the Armed
 2 Forces under the jurisdiction of such Secretary that are
 3 currently discharged by commissioned officers.

4 (b) ELEMENTS.—Each report under subsection (a)
 5 shall set forth, for each Armed Force covered by such re-
 6 port, the following:

7 (1) An assessment of the feasibility and advis-
 8 ability of the discharge by warrant officers of pilot
 9 and other flight officer positions that are currently
 10 discharged by commissioned officers.

11 (2) An identification of each such position, if
 12 any, for which the discharge by warrant officers is
 13 assessed to be feasible and advisable.

14 **TITLE VI—COMPENSATION AND**
 15 **OTHER PERSONNEL BENEFITS**
 16 **Subtitle A—Pay and Allowances**

17 **SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC**
 18 **PAY.**

19 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
 20 adjustment to become effective during fiscal year 2017 re-
 21 quired by section 1009 of title 37, United States Code,
 22 in the rates of monthly basic pay authorized members of
 23 the uniformed services shall not be made.

1 (b) INCREASE IN BASIC PAY.—Effective on January
2 1, 2017, the rates of monthly basic pay for members of
3 the uniformed services are increased by 1.6 percent.

4 **SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF**
5 **ACTUAL RATES OF BASIC PAY PAYABLE TO**
6 **MEMBERS OF THE ARMED FORCES BY PAY**
7 **GRADE FOR ANNUAL OR OTHER PAY PERI-**
8 **ODS.**

9 Any pay table published or otherwise issued by the
10 Department of Defense to indicate the rates of basic pay
11 of the Armed Forces in effect for members of the Armed
12 Forces for a calendar year or other period shall state the
13 rate of basic pay to be received by members in each pay
14 grade for such year or period as specified or otherwise pro-
15 vided by applicable law, including any rate to be so re-
16 ceived pursuant during such year or period by the oper-
17 ation of a ceiling under section 203(a)(2) of title 37,
18 United States Code, or a similar provision in an annual
19 defense authorization Act.

1 **SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEM-**
2 **PORARY INCREASE IN RATES OF BASIC AL-**
3 **LOWANCE FOR HOUSING UNDER CERTAIN**
4 **CIRCUMSTANCES.**

5 Section 403(b)(7)(E) of title 37, United States Code,
6 is amended by striking “December 31, 2016” and insert-
7 ing “December 31, 2017”.

8 **SEC. 604. REFORM OF BASIC ALLOWANCE FOR HOUSING.**

9 (a) REFORM.—

10 (1) IN GENERAL.—Chapter 7 of title 37, United
11 States Code, is amended by inserting after section
12 403 the following new section:

13 **“§ 403a. Basic allowance for housing: members first**
14 **entitled after January 1, 2018; members**
15 **entitled before January 1, 2018, with**
16 **interruption in eligibility after that date**

17 “(a) GENERAL ENTITLEMENT.—Except as otherwise
18 provided by law, a member of the uniformed services cov-
19 ered by this section who is entitled to basic pay is entitled
20 to a basic allowance for housing at the monthly rate pre-
21 scribed under this section or another provision of law with
22 regard to the applicable component of the basic allowance
23 for housing. The maximum amount of the basic allowance
24 for housing for a member will vary according to the pay
25 grade in which the member is assigned or distributed for
26 basic pay purposes and the geographic location of the

1 member. The basic allowance for housing may be paid in
2 advance.

3 “(b) BASIC ALLOWANCE FOR HOUSING INSIDE THE
4 UNITED STATES.—

5 “(1) IN GENERAL.—The monthly rate of basic
6 allowance for housing payable under this section to
7 a member of the uniformed services covered by this
8 section who is assigned to duty in the United States
9 shall be the rate prescribed by the Secretary of De-
10 fense for purposes of this section.

11 “(2) ELEMENTS.—Subject to the provisions of
12 this subsection, the rates of basic allowance for
13 housing payable under this subsection shall meet the
14 following requirements:

15 “(A) A maximum amount of the allowance
16 shall be established for each military housing
17 area, based on the costs of adequate housing in
18 such area, for each pay grade.

19 “(B) The amount of the allowance payable
20 to a member may not exceed the lesser of—

21 “(i) the actual monthly cost of hous-
22 ing of the member; or

23 “(ii) the maximum amount deter-
24 mined under subparagraph (A) for mem-
25 bers in the member’s pay grade.

1 “(C) In the event two or more members
2 occupy the same housing, the amount of the al-
3 lowance payable to such a member may not ex-
4 ceed—

5 “(i) the amount of the allowance oth-
6 erwise payable to such member pursuant
7 to subparagraph (B); divided by

8 “(ii) the total number of members oc-
9 cupying such housing.

10 “(D) So long as a member on retains unin-
11 terrupted eligibility to receive the allowance and
12 the actual monthly cost of housing for the
13 member is not reduced, the monthly amount of
14 the allowance may not be reduced as a result of
15 changes in housing costs in the area or the pro-
16 motion of the member.

17 “(3) CERTAIN RENTAL MATTERS.—

18 “(A) LUMP SUM PAYMENT FOR DEPOSITS
19 AND ADVANCE RENT.—In the case of a member
20 authorized payment of an allowance under this
21 subsection, the Secretary concerned may make
22 a lump-sum payment to the member for re-
23 quired deposits and advance rent, and for ex-
24 penses relating thereto, that are—

1 “(i) incurred by the member in occu-
2 pying private housing; and

3 “(ii) authorized or approved under
4 regulations prescribed by the Secretary
5 concerned.

6 “(B) RECOUPMENT.—The Secretary con-
7 cerned shall recoup the full amount of any de-
8 posit or advance rent payments made by the
9 Secretary under subparagraph (A).

10 “(c) BASIC ALLOWANCE FOR HOUSING OUTSIDE THE
11 UNITED STATES.—

12 “(1) IN GENERAL.—The monthly rate of basic
13 allowance for housing payable under this section to
14 a member of the uniformed services covered by this
15 section who is assigned to duty outside in the United
16 States shall be the rate prescribed by the Secretary
17 of Defense for purposes of this section.

18 “(2) ELEMENTS.—Subject to the provisions of
19 this subsection, the rates of basic allowance for
20 housing payable under this subsection shall meet the
21 following requirements:

22 “(A) The rates shall be based on the hous-
23 ing costs in the overseas area in which the
24 member is assigned and shall be determined in

1 the manner specified in subparagraphs (A) and
2 (B) of subsection (b)(2).

3 “(B) In the event two or more members
4 occupy the same housing, the amount of the al-
5 lowance payable to such a member may not ex-
6 ceed—

7 “(i) the amount of the allowance oth-
8 erwise payable to such member pursuant
9 to subparagraph (A); divided by

10 “(ii) the total number of members oc-
11 cupying such housing.

12 “(C) So long as a member retains uninter-
13 rupted eligibility to receive the allowance in an
14 overseas area and the actual monthly cost of
15 housing for the member is not reduced, the
16 monthly amount of the allowance in the area
17 may not be reduced as a result of changes in
18 housing costs in the area or the promotion of
19 the member. The monthly amount of the allow-
20 ance may be adjusted to reflect changes in cur-
21 rency rates.

22 “(3) RENTAL MATTERS.—

23 “(A) LUMP SUM PAYMENTS FOR DEPOSIT
24 AND ADVANCE RENT.—In the case of a member
25 authorized payment of an allowance under this

1 subsection, the Secretary concerned may make
2 a lump-sum payment to the member for re-
3 quired deposits and advance rent, and for ex-
4 penses relating thereto, that are—

5 “(i) incurred by the member in occu-
6 pying private housing outside of the United
7 States; and

8 “(ii) authorized or approved under
9 regulations prescribed by the Secretary
10 concerned.

11 “(B) CURRENCY FLUCTUATION LOSSES AS
12 ALLOWANCE EXPENSES.—Expenses for which a
13 member may be reimbursed under this para-
14 graph may include losses relating to housing
15 that are sustained by the member as a result of
16 fluctuations in the relative value of the cur-
17 rencies of the United States and the foreign
18 country in which the housing is located.

19 “(C) RECOUPMENT.—The Secretary con-
20 cerned shall recoup the full amount of any de-
21 posit or advance rent payments made by the
22 Secretary under subparagraph (A), including
23 any gain resulting from currency fluctuations
24 between the time of payment and the time of
25 recoupment.

1 “(d) RESERVE AND RETIRED MEMBERS.—

2 “(1) IN GENERAL.—A member of a reserve
3 component described in paragraph (2) is entitled to
4 a basic allowance for housing determined in accord-
5 ance with this section during the time the member
6 is on active duty as described in that paragraph.

7 “(2) COVERED MEMBERS.—A member of a re-
8 serve component described in this paragraph is a
9 member as follows:

10 “(A) A member of a reserve component of
11 the uniformed services covered by this section
12 without dependents who is called or ordered to
13 active duty to attend accession training, in sup-
14 port of a contingency operation, or for a period
15 of more than 30 days.

16 “(B) A retired member of the uniformed
17 services covered by this section without depend-
18 ents who is ordered to active duty under section
19 688(a) of title 10 in support of a contingency
20 operation or for a period of more than 30 days.

21 “(e) BASIC ALLOWANCE FOR HOUSING WHEN DE-
22 PENDENTS DO NOT ACCOMPANY MEMBER.—

23 “(1) IN GENERAL.—A member of the uni-
24 formed services covered by this section with depend-
25 ents who is on permanent duty at a location de-

1 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.

9 “(2) DUTY LOCATIONS.—A permanent duty location described in this paragraph is a location—

11 “(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

16 “(B) at which quarters of the United States are not available for assignment to the member.

19 “(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

1 (c), whichever applies to the member, subject to the
2 following:

3 “(A) If the member’s assignment to duty
4 in that area, or the circumstances of that as-
5 signment, require the member’s dependents to
6 reside in a different area, as determined by the
7 Secretary concerned, the amount of the basic
8 allowance for housing for the member shall be
9 based on the area in which the dependents re-
10 side or the member’s last duty station, which-
11 ever the Secretary concerned determines to be
12 most equitable.

13 “(B) If the member’s assignment to duty
14 in that area is under the conditions of a low-
15 cost or no-cost permanent change of station or
16 permanent change of assignment, the amount
17 of the basic allowance for housing for the mem-
18 ber shall be based on the member’s last duty
19 station if the Secretary concerned determines
20 that it would be inequitable to base the allow-
21 ance on the cost of housing in the area to which
22 the member is reassigned.

23 “(C) If the member is reassigned for a per-
24 manent change of station or permanent change
25 of assignment from a duty station in the United

1 States to another duty station in the United
2 States for a period of not more than one year
3 for the purpose of participating in professional
4 military education or training classes, the
5 amount of the basic allowance for housing for
6 the member may be based on whichever of the
7 following areas the Secretary concerned deter-
8 mines will provide the more equitable basis for
9 the allowance:

10 “(i) The area of the duty station to
11 which the member is reassigned.

12 “(ii) The area in which the depend-
13 ents reside, but only if the dependents re-
14 side in that area when the member departs
15 for the duty station to which the member
16 is reassigned and only for the period dur-
17 ing which the dependents reside in that
18 area.

19 “(iii) The area of the former duty sta-
20 tion of the member, if different than the
21 area in which the dependents reside.

22 “(4) CONSTRUCTION WITH OTHER ALLOW-
23 ANCES.—A family separation basic allowance for
24 housing paid to a member under this subsection is
25 in addition to any other allowance or per diem that

1 the member receives under this title. A member may
2 receive a basic allowance for housing under both
3 paragraphs (1) and (3).

4 “(f) EFFECT OF ASSIGNMENT TO QUARTERS.—Ex-
5 cept as otherwise provided by law, a member of the uni-
6 formed services covered by this section who is assigned
7 to quarters of the United States or a housing facility
8 under the jurisdiction of a uniformed service appropriate
9 to the grade, rank, or rating of the member and adequate
10 for the member and dependents of the member, if with
11 dependents, is not entitled to a basic allowance for hous-
12 ing.

13 “(g) INELIGIBILITY DURING INITIAL FIELD DUTY
14 OR SEA DUTY.—

15 “(1) INITIAL FIELD DUTY.—A member of the
16 uniformed services covered by this section without
17 dependents who makes a permanent change of sta-
18 tion for assignment to a unit conducting field oper-
19 ations is not entitled to a basic allowance for hous-
20 ing while on that initial field duty unless the com-
21 manding officer of the member certifies that the
22 member was necessarily required to procure quarters
23 at the member’s expense.

24 “(2) SEA DUTY.—A member of the uniformed
25 services covered by this section without dependents

1 who is in a pay grade below pay grade E-6 is not
2 entitled to a basic allowance for housing while the
3 member is on sea duty.

4 “(3) DEFINITIONS.—The Secretary of Defense,
5 and the Secretary of Homeland Security with re-
6 spect to the Coast Guard when it is not operating
7 as a service in the Department of the Navy, shall
8 prescribe regulations defining the terms ‘field duty’
9 and ‘sea duty’ for purposes of this subsection.

10 “(h) TEMPORARY HOUSING ALLOWANCE WHILE IN
11 TRAVEL OR LEAVE STATUS.—A member of the uniformed
12 services covered by this section is entitled to a temporary
13 basic allowance for housing (at a rate determined by the
14 Secretary of Defense) while the member is in a travel or
15 leave status between permanent duty stations, including
16 time granted as delay en route or proceed time, when the
17 member is not assigned to quarters of the United States.

18 “(i) TEMPORARY CONTINUATION OF ALLOWANCE
19 FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE
20 DUTY.—

21 “(1) OCCUPATION WITHOUT CHARGE FOL-
22 LOWING DEATH.—The Secretary of Defense, or the
23 Secretary of Homeland Security in the case of the
24 Coast Guard when not operating as a service in the
25 Navy, may allow the dependents of a member of the

1 armed forces covered by this section who dies on ac-
2 tive duty and whose dependents are occupying family
3 housing provided by the Department of Defense, or
4 by the Department of Homeland Security in the case
5 of the Coast Guard, other than on a rental basis, on
6 the date of the member's death to continue to oc-
7 cupy such housing without charge for a period of
8 365 days.

9 “(2) ALLOWANCE.—The Secretary concerned
10 may pay a basic allowance for housing (at the rate
11 otherwise payable to the deceased member on the
12 date of death) to the dependents of a member of the
13 uniformed services covered by this section who dies
14 while on active duty and whose dependents—

15 “(A) are not occupying a housing facility
16 under the jurisdiction of a uniformed service on
17 the date of death;

18 “(B) are occupying such housing on a
19 rental basis on such date; or

20 “(C) vacate such housing sooner than 365
21 days after the date of death.

22 “(3) TERMINATION OF ALLOWANCE.—The pay-
23 ment of the allowance under paragraph (2) shall ter-
24minate 365 days after the date of death of the mem-
25ber concerned.

1 “(j) MEMBERS PAYING CHILD SUPPORT.—A member
2 of the uniformed services covered by this section with de-
3 pendants may not be paid a basic allowance for housing
4 at the with dependents rate solely by reason of the pay-
5 ment of child support by the member if—

6 “(1) the member is assigned to a housing facil-
7 ity under the jurisdiction of a uniformed service; or

8 “(2) the member is assigned to sea duty, and
9 elects not to occupy assigned quarters for unaccom-
10 panied personnel, unless the member is in a pay
11 grade above pay grade E-3.

12 “(k) TREATMENT OF LOW-COST AND NO-COST
13 MOVES AS NOT BEING REASSIGNMENTS.—In the case of
14 a member of the uniformed services covered by this section
15 who is assigned to duty at a location or under cir-
16 cumstances that make it necessary for the member to be
17 reassigned under the conditions of low-cost or no-cost per-
18 manent change of station or permanent change of assign-
19 ment, the member may be treated for the purposes of this
20 section as if the member were not reassigned if the Sec-
21 retary concerned determines that it would be inequitable
22 to base the member’s entitlement to, and amount of, a
23 basic allowance for housing on the cost of housing in the
24 area to which the member is reassigned.

1 “(l) ADMINISTRATION.—This section shall be admin-
2 istering in accordance with such regulations as the Sec-
3 retary of Defense shall prescribe for purposes of this sec-
4 tion.

5 “(m) MEMBER COVERED BY THIS SECTION DE-
6 FINED.—In this section, the term ‘member covered by this
7 section’, with respect to a member of the uniformed serv-
8 ices, a member or retired member of the armed forces,
9 or a member of a reserve component of the armed forces,
10 as applicable, means the following:

11 “(1) A member who first becomes entitled to
12 basic pay on or after January 1, 2018.

13 “(2) In the case of a member of a reserve com-
14 ponent or retired member described in subsection
15 (d), a member who is not entitled to basic allowance
16 for housing as of December 31, 2017, and who be-
17 comes entitled to basic allowance for housing after
18 that date pursuant to active duty described in that
19 subsection.

20 “(3) A member who—

21 “(A) is entitled to basic allowance for
22 housing under section 403 of this title as of De-
23 cember 31, 2017, within a particular housing or
24 overseas area; and

1 minister basic allowances for housing pursuant to that sec-
2 tion.

3 **SEC. 605. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-**
4 **RELATED INJURY REHABILITATION PAY.**

5 (a) REPEAL.—Section 328 of title 37, United States
6 Code, is repealed.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 5 of such title is amended by
9 striking the item relating to section 328.

10 **Subtitle B—Bonuses and Special**
11 **and Incentive Pays**

12 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
13 **SPECIAL PAY AUTHORITIES FOR RESERVE**
14 **FORCES.**

15 The following sections of title 37, United States
16 Code, are amended by striking “December 31, 2016” and
17 inserting “December 31, 2017”:

18 (1) Section 308b(g), relating to Selected Re-
19 serve reenlistment bonus.

20 (2) Section 308c(i), relating to Selected Reserve
21 affiliation or enlistment bonus.

22 (3) Section 308d(c), relating to special pay for
23 enlisted members assigned to certain high-priority
24 units.

1 (4) Section 308g(f)(2), relating to Ready Re-
2 serve enlistment bonus for persons without prior
3 service.

4 (5) Section 308h(e), relating to Ready Reserve
5 enlistment and reenlistment bonus for persons with
6 prior service.

7 (6) Section 308i(f), relating to Selected Reserve
8 enlistment and reenlistment bonus for persons with
9 prior service.

10 (7) Section 478a(e), relating to reimbursement
11 of travel expenses for inactive-duty training outside
12 of normal commuting distance.

13 (8) Section 910(g), relating to income replace-
14 ment payments for reserve component members ex-
15 periencing extended and frequent mobilization for
16 active duty service.

17 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
18 **SPECIAL PAY AUTHORITIES FOR HEALTH**
19 **CARE PROFESSIONALS.**

20 (a) TITLE 10 AUTHORITIES.—The following sections
21 of title 10, United States Code, are amended by striking
22 “December 31, 2016” and inserting “December 31,
23 2017”:

24 (1) Section 2130a(a)(1), relating to nurse offi-
25 cer candidate accession program.

1 (2) Section 16302(d), relating to repayment of
2 education loans for certain health professionals who
3 serve in the Selected Reserve.

4 (b) TITLE 37 AUTHORITIES.—The following sections
5 of title 37, United States Code, are amended by striking
6 “December 31, 2016” and inserting “December 31,
7 2017”:

8 (1) Section 302c–1(f), relating to accession and
9 retention bonuses for psychologists.

10 (2) Section 302d(a)(1), relating to accession
11 bonus for registered nurses.

12 (3) Section 302e(a)(1), relating to incentive
13 special pay for nurse anesthetists.

14 (4) Section 302g(e), relating to special pay for
15 Selected Reserve health professionals in critically
16 short wartime specialties.

17 (5) Section 302h(a)(1), relating to accession
18 bonus for dental officers.

19 (6) Section 302j(a), relating to accession bonus
20 for pharmacy officers.

21 (7) Section 302k(f), relating to accession bonus
22 for medical officers in critically short wartime spe-
23 cialties.

1 (8) Section 3021(g), relating to accession bonus
2 for dental specialist officers in critically short war-
3 time specialties.

4 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
5 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
6 **CERS.**

7 The following sections of title 37, United States
8 Code, are amended by striking “December 31, 2016” and
9 inserting “December 31, 2017”:

10 (1) Section 312(f), relating to special pay for
11 nuclear-qualified officers extending period of active
12 service.

13 (2) Section 312b(c), relating to nuclear career
14 accession bonus.

15 (3) Section 312c(d), relating to nuclear career
16 annual incentive bonus.

17 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
19 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
20 **TIES.**

21 The following sections of title 37, United States
22 Code, are amended by striking “December 31, 2016” and
23 inserting “December 31, 2017”:

24 (1) Section 331(h), relating to general bonus
25 authority for enlisted members.

1 (2) Section 332(g), relating to general bonus
2 authority for officers.

3 (3) Section 333(i), relating to special bonus and
4 incentive pay authorities for nuclear officers.

5 (4) Section 334(i), relating to special aviation
6 incentive pay and bonus authorities for officers.

7 (5) Section 335(k), relating to special bonus
8 and incentive pay authorities for officers in health
9 professions.

10 (6) Section 336(g), relating to contracting
11 bonus for cadets and midshipmen enrolled in the
12 Senior Reserve Officers' Training Corps.

13 (7) Section 351(h), relating to hazardous duty
14 pay.

15 (8) Section 352(g), relating to assignment pay
16 or special duty pay.

17 (9) Section 353(i), relating to skill incentive
18 pay or proficiency bonus.

19 (10) Section 355(h), relating to retention incen-
20 tives for members qualified in critical military skills
21 or assigned to high priority units.

1 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
2 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
3 **NUSES AND SPECIAL PAYS.**

4 The following sections of title 37, United States
5 Code, are amended by striking “December 31, 2016” and
6 inserting “December 31, 2017”:

7 (1) Section 301b(a), relating to aviation officer
8 retention bonus.

9 (2) Section 307a(g), relating to assignment in-
10 centive pay.

11 (3) Section 308(g), relating to reenlistment
12 bonus for active members.

13 (4) Section 309(e), relating to enlistment
14 bonus.

15 (5) Section 316a(g), relating to incentive pay
16 for members of precommissioning programs pur-
17 suing foreign language proficiency.

18 (6) Section 324(g), relating to accession bonus
19 for new officers in critical skills.

20 (7) Section 326(g), relating to incentive bonus
21 for conversion to military occupational specialty to
22 ease personnel shortage.

23 (8) Section 327(h), relating to incentive bonus
24 for transfer between Armed Forces.

25 (9) Section 330(f), relating to accession bonus
26 for officer candidates.

1 **SEC. 616. CONFORMING AMENDMENT TO CONSOLIDATION**
 2 **OF SPECIAL PAY, INCENTIVE PAY, AND**
 3 **BONUS AUTHORITIES.**

4 Section 332(c)(1)(B) of title 37, United States Code,
 5 is amended by striking “\$12,000” and inserting
 6 “\$20,000”.

7 **Subtitle C—Travel and**
 8 **Transportation Allowances**

9 **SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAV-**
 10 **EL EXPENSES OF RESERVES TO ATTEND IN-**
 11 **ACTIVE DUTY TRAINING OUTSIDE OR NOR-**
 12 **MAL COMMUTING DISTANCES.**

13 Section 478a(e) of title 37, United States Code, is
 14 amended—

15 (1) by striking “The amount” and inserting the
 16 following:

17 “(1) IN GENERAL.—Except as provided in para-
 18 graph (2), the amount”; and

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

21 “(2) HIGHER REIMBURSEMENT AMOUNT AU-
 22 THORIZED.—The Secretary concerned may author-
 23 ize, on a case-by-case basis, a higher reimbursement
 24 amount for a member under subsection (a) when the
 25 member—

26 “(A) resides—

1 “(i) in the same State as the inactive
2 duty training location; and

3 “(ii) outside of an urbanized area with
4 a population of 50,000 or more, as deter-
5 mined by the Bureau of the Census; and

6 “(B) is required to commute to the inac-
7 tive duty training location—

8 “(i) using an aircraft or boat on ac-
9 count of limited or nonexistent vehicular
10 routes to the training location or other
11 geographical challenges; or

12 “(ii) from a permanent residence lo-
13 cated more than 75 miles from the train-
14 ing location.”.

15 **SEC. 622. PERIOD FOR RELOCATION OF SPOUSES AND DE-**
16 **PENDENTS OF CERTAIN MEMBERS OF THE**
17 **ARMED FORCES UNDERGOING A PERMANENT**
18 **CHANGE OF STATION.**

19 (a) PERIOD OF RELOCATION.—

20 (1) IN GENERAL.—Subchapter I of chapter 88
21 of title 10, United States Code, is amended by in-
22 sserting after section 1784a the following new sec-
23 tion:

1 **“§ 1784b. Relocation of spouses and dependents in**
2 **connection with the permanent change of**
3 **station of certain members**

4 “(a) ELECTION OF TIMING OF RELOCATION OF
5 SPOUSES IN CONNECTION WITH PCS.—

6 “(1) IN GENERAL.—Subject to paragraph (2)
7 and subsection (c), a member of the armed forces
8 undergoing a permanent change of station and the
9 member’s spouse may jointly elect that the spouse
10 may relocate to the location to which the member
11 will relocate in connection with the permanent
12 change of station at such time during the covered
13 relocation period as the member and spouse jointly
14 select.

15 “(2) MEMBERS AND SPOUSES ELIGIBLE TO
16 MAKE ELECTIONS.—A member and spouse may
17 make an election pursuant to paragraph (1) as fol-
18 lows:

19 “(A) If the spouse either—

20 “(i) is gainfully employed at the be-
21 ginning of the covered relocation period
22 concerned; or

23 “(ii) is enrolled in a degree, certifi-
24 cate, or license granting program at the
25 beginning of the covered relocation period.

1 “(B) If the member and spouse have one
2 or more dependents at the beginning of the cov-
3 ered relocation period concerned, either—

4 “(i) at least one dependent is a child
5 in elementary or secondary school at the
6 beginning of the covered relocation period;

7 “(ii) the spouse or at least one such
8 dependent are covered by the Exceptional
9 Family Member Program at the beginning
10 of the covered relocation period; or

11 “(iii) the member and spouse are car-
12 ing at the beginning of the covered reloca-
13 tion period for an immediate family mem-
14 ber with a chronic or long-term illness, as
15 determined pursuant to the regulations ap-
16 plicable to the member’s armed force pur-
17 suant to subsection (g).

18 “(C) If the member is undergoing a per-
19 manent change of station as an individual
20 augmentee or other deployment arrangement
21 specified in the regulations applicable to the
22 member’s armed force pursuant to subsection
23 (h).

24 “(D) If the member, spouse, or both, meet
25 such other qualification or qualifications as are

1 specified in the regulations applicable to the
2 member's armed force pursuant to subsection
3 (g).

4 “(E) In the case of a member and spouse
5 who do not otherwise meet any qualification in
6 subparagraphs (A) through (D), if the com-
7 mander of the member at the beginning of the
8 covered relocation period determines that eligi-
9 bility to make the election is in the interests of
10 the member and spouse for family stability dur-
11 ing the covered relocation period and in the in-
12 terests of the armed force concerned. Any such
13 determination shall be made on a case-by-case
14 basis.

15 “(b) ELECTION OF TIMING OF RELOCATION OF CER-
16 TAIN DEPENDENTS OF UNMARRIED MEMBERS IN CON-
17 NECTION WITH PCS.—

18 “(1) IN GENERAL.—Subject to subsection (c), a
19 member of the armed forces undergoing a perma-
20 nent change of station who has one or more depend-
21 ents described in paragraph (2) and is no longer
22 married to the individual who is or was the parent
23 (including parent by adoption) of such dependents at
24 the beginning of the covered period of relocation
25 may elect that such dependents may relocate to the

1 location to which the member will relocate in connec-
2 tion with the permanent change of station at such
3 time during the covered relocation period as elected
4 as follows:

5 “(A) By the member alone if such indi-
6 vidual is dead or has no custodial rights in such
7 dependents at the beginning of such period.

8 “(B) By the member and such individual
9 jointly in all other circumstances.

10 “(2) DEPENDENTS.—The dependents described
11 in this paragraph are as follows:

12 “(A) Dependents over the age of 19 years
13 for whom the member has power of attorney re-
14 garding residence.

15 “(B) Dependents under the age of 20
16 years who will reside with a caregiver according
17 to the Family Care Plan of the member during
18 the covered period of relocation until relocated
19 pursuant to an election under this subsection.

20 “(c) LIMITATION ON NUMBER OF ELECTIONS.—The
21 aggregate number of elections made by a member under
22 subsections (a) and (b) may not exceed three elections.

23 “(d) HOUSING.—(1)(A) If the spouse of a member
24 relocates before the member in accordance with an election
25 pursuant to subsection (a), the member shall be assigned

1 to quarters or other housing facilities of the United States
2 as a bachelor, if such quarters are available, until the date
3 of the member's permanent change of station.

4 “(B) The quarters or housing facilities to which a
5 member is assigned pursuant to subparagraph (A) shall,
6 to the extent practicable, be quarters or housing facilities
7 that do not impose or collect a lease fee on the member
8 for occupancy.

9 “(C) If quarters or housing facilities that do not im-
10 pose or collect a lease fee for occupancy are not available
11 for a particular member, the quarters or housing facilities
12 to which the member is assigned shall be quarters or hous-
13 ing facilities that impose or collect the lowest reasonable
14 lease fee for occupancy that can be obtained for the mem-
15 ber by the Secretary concerned for purposes of this sub-
16 paragraph.

17 “(2) If a spouse and any dependents of a member
18 covered by an election under this section reside in housing
19 of the United States at the beginning of the covered period
20 of relocation, the spouse and dependents may continue to
21 reside in such housing throughout the covered period of
22 relocation, regardless of the date of the member's perma-
23 nent change of station.

24 “(3) If a spouse and any dependents of a member
25 covered by an election under this section are eligible to

1 reside in housing of the United States following the mem-
2 ber's permanent change of station, the spouse and depend-
3 ents may commence residing in such housing at any time
4 during the covered relocation period, regardless of the date
5 of the member's permanent change of station.

6 “(e) TRANSPORTATION OF PROPERTY.—(1) Trans-
7 portation allowances authorized for the transportation of
8 the personal property of a member and spouse making an
9 election under subsection (a) may be allocated either to
10 the relocation of the member or the relocation of the fam-
11 ily, as the member and spouse shall elect.

12 “(2) In this subsection, the terms ‘transportation al-
13 lowances’ and ‘personal property’ have the meaning given
14 such terms in section 451(b) of title 37.

15 “(f) APPROVAL.—(1) The Secretary of Defense shall
16 establish a single approval process for applications for cov-
17 erage under this section. The process shall apply uniformly
18 among the armed forces.

19 “(2) Applications for approval for coverage under this
20 section shall consist of such elements (including documen-
21 tary evidence) as the Secretary shall prescribe for pur-
22 poses of the approval process required by this subsection.

23 “(3) The approval process required by this subsection
24 shall ensure that the processing of applications for cov-
25 erage under this section is completed in a timely manner

1 that permits a spouse and any dependents to relocate
2 whenever during the covered relocation period selected in
3 the election concerned. In meeting that requirement, the
4 approval process shall provide for the processing of appli-
5 cations at the lowest level in the chain of command of
6 members as it appropriate to ensure proper administration
7 of this section.

8 “(g) REGULATIONS.—Each Secretary concerned shall
9 prescribe regulations for the administration of this section
10 with respect to the armed force or forces under the juris-
11 diction of such Secretary.

12 “(h) COVERED RELOCATION PERIOD DEFINED.—In
13 this section, the term ‘covered relocation period’, in con-
14 nection with the permanent change of station of a mem-
15 ber, means the period that—

16 “(1) begins 180 days before the date of the per-
17 manent change of station; and

18 “(2) ends 180 days after the date of the perma-
19 nent change of station.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of subchapter I of chapter 88
22 of such title is amended by inserting after the item
23 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.”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall take effect on the date of the
3 enactment of this Act and shall apply with respect
4 to permanent changes of station of members of the
5 Armed Forces that occur on or after the date that
6 is 180 days after such effective date.

7 (b) COMPTROLLER GENERAL OF THE UNITED
8 STATES REPORT.—

9 (1) REPORT REQUIRED.—Not later than one
10 year after the date of the enactment of this Act, the
11 Comptroller General of the United States shall sub-
12 mit to Congress a report on potential actions of the
13 Department of Defense to enhance the stability of
14 military families undergoing a permanent change of
15 station.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include the following:

18 (A) A comparison of the current percent-
19 age of spouses in military families who work
20 with the percentage of spouses in military fami-
21 lies who worked in the recent past, and an as-
22 sessment of the impact of the change in such
23 percentage on military families.

24 (B) An assessment of the effects of reloca-
25 tion of military families undergoing a perma-

1 nent change of station on the employment, edu-
2 cation, and licensure of spouses of military fam-
3 ilies.

4 (C) An assessment of the effects of reloca-
5 tion of military families undergoing a perma-
6 nent change of station on military children, in-
7 cluding effect on their mental health.

8 (D) An identification of potential actions
9 of the Department to enhance the stability of
10 military families undergoing a permanent
11 change of station and to generate cost savings
12 in connection with such changes of station.

13 (E) Such other matters as the Comptroller
14 General considers appropriate.

15 (3) ADDITIONAL ELEMENT ON FUNDING OF
16 MILITARY FAMILY SUPPORT PROGRAMS.—In addition
17 to the elements specified in paragraph (2), the re-
18 port required by paragraph (1) shall also include a
19 comparison of—

20 (A) the average annual amount spent by
21 each Armed Force over the five-year period
22 ending on December 31, 2015, on recruiting
23 and retention bonuses and special pays for
24 members of such Armed Force; with

1 (B) the average annual amount spent by
 2 such Armed Force over such period on pro-
 3 grams for military families and support of mili-
 4 tary families.

5 **Subtitle D—Disability Pay, Retired**
 6 **Pay, and Survivor Benefits**

7 **PART I—AMENDMENTS IN CONNECTION WITH**
 8 **RETIRED PAY REFORM**

9 **SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERV-**
 10 **ICE ACADEMIES AND INACTIVE RESERVES TO**
 11 **PARTICIPATE IN THE MODERNIZED RETIRE-**
 12 **MENT SYSTEM.**

13 (a) IN GENERAL.—Paragraph (4)(C) of section
 14 1409(b) of title 10, United States Code, is amended—

15 (1) in clause (i), by striking “and (iii)” and in-
 16 serting “, (iii), (iv) and (v)”; and

17 (2) by adding at the end the following new
 18 clauses:

19 “(iv) CADETS AND MIDSHIPMEN,
 20 ETC.—A member of a uniformed service
 21 who serves as a cadet, midshipman, or
 22 member of the Senior Reserve Officers’
 23 Training Corps during the election period
 24 specified in clause (i) shall make the elec-
 25 tion described in subparagraph (B)—

1 “(I) on or after the date on
2 which such cadet, midshipman, or
3 member of the Senior Reserve Offi-
4 cers’ Training Corps is appointed as a
5 commissioned officer or otherwise be-
6 gins to receive basic pay; and

7 “(II) not later than 30 days after
8 such date or the end of such election
9 period, whichever is later.

10 “(v) INACTIVE RESERVES.—A member
11 of a reserve component who is not in an
12 active status during the election period
13 specified in clause (i) shall make the elec-
14 tion described in subparagraph (B)—

15 “(I) on or after the date on
16 which such member is transferred
17 from an inactive status to an active
18 status or active duty; and

19 “(II) not later than 30 days after
20 such date or the end of such election
21 period, whichever is later.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect on January 1, 2018, imme-
24 diately after the coming into effect of the amendments
25 made by section 631(a) of the National Defense Author-

1 ization Act for Fiscal Year 2016 (Public Law 114–92; 129
2 Stat. 842), to which the amendments made by subsection
3 (a) relate.

4 **SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE**
5 **UNIFORMED SERVICES ON PARTICIPATION**
6 **IN THE THRIFT SAVINGS PLAN.**

7 Effective as of the date of the enactment of this Act,
8 paragraph (2) of section 632(c) of the National Defense
9 Authorization Act for Fiscal Year 2016 (Public Law 114–
10 92; 129 Stat. 847) is repealed, and the amendment pro-
11 posed to be made by that paragraph shall not be made
12 or go into effect.

13 **SEC. 633. CONTINUATION PAY FOR MEMBERS WHO HAVE**
14 **COMPLETED 8 TO 12 YEARS OF SERVICE.**

15 (a) CONTINUATION PAY.—Section 356 of title 37,
16 United States Code, is amended—

17 (1) in subsection (a)—

18 (A) by striking paragraph (1) and insert-
19 ing the following new paragraph (1):

20 “(1) has completed not less than 8 and not
21 more than 12 years of service in a uniformed serv-
22 ice; and”;

23 (B) in paragraph (2), by striking “an addi-
24 tional 4 years” and inserting “not less than 3
25 additional years”;

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

3 “(d) **TIMING OF PAYMENT.**—Continuation pay may
4 be paid to a full TSP member under subsection (a) at
5 any time after the member completes 8 years of service
6 in a uniformed service, but before the member completes
7 12 years of service, as the Secretary concerned shall elect
8 for purposes of this section.”.

9 (b) **CONFORMING AMENDMENTS.**—

10 (1) **HEADING AMENDMENT.**—The heading for
11 such section is amended to read as follows:

12 **“§ 356. Continuation pay: full TSP members with not**
13 **less than 8 and more than 12 years of**
14 **service”.**

15 (2) **TABLE OF SECTIONS AMENDMENT.**—The
16 table of sections at the beginning of chapter 5 of
17 such title is amended by striking the item relating
18 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.”.

19 (c) **EFFECTIVE DATE.**—The amendments made by
20 this section shall take effect on January 1, 2018, imme-
21 diately after the coming into effect of the amendments
22 made by section 634 of the National Defense Authoriza-
23 tion Act for Fiscal Year 2016 (Public Law 114–92; 129

1 Stat. 850), to which the amendments made by this section
2 relate.

3 **SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION CO-**
4 **ORDINATING AMENDMENT.**

5 (a) IN GENERAL.—Section 1413a(b)(3)(B) of title
6 10, United States Code, is amended by striking “2½ per-
7 cent” and inserting “the retired pay percentage (deter-
8 mined for the member under section 1409(b) of this
9 title)”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect on January 1, 2018, imme-
12 diately after the coming into effect of the amendments
13 made by part I of subtitle D of title VI of the National
14 Defense Authorization Act for Fiscal Year 2016 (Public
15 Law 114–92; 129 Stat. 842), to which the amendment
16 made by subsection (a) relates.

17 **SEC. 635. SENSE OF CONGRESS ON ROTH CONTRIBUTIONS**
18 **AS DEFAULT CONTRIBUTIONS OF MEMBERS**
19 **OF THE ARMED FORCES PARTICIPATING IN**
20 **THE THRIFT SAVINGS PLAN UNDER RETIRED**
21 **PAY REFORM.**

22 It is the sense of Congress that—

23 (1) having the contribution of a member of the
24 Armed Forces participating in the Thrift Savings
25 Plan (TSP) under military retired pay reform (as

1 enacted pursuant to part I of subtitle C of title of
2 the National Defense Authorization Act for Fiscal
3 Year 2016 (Public Law 114–92)) default to Roth
4 contributions until the member elects not to des-
5 ignate such contributions as Roth contributions
6 would aid enlisted and junior commissioned members
7 of the Armed Forces in saving for their retirement;
8 and

9 (2) the Department of Defense should assess
10 the feasibility and advisability of making the con-
11 tributions of members participating in the Thrift
12 Savings Plan under military retired pay reform de-
13 fault to Roth contributions until members elect oth-
14 erwise.

15 **PART II—OTHER MATTERS**

16 **SEC. 641. EXTENSION OF ALLOWANCE COVERING MONTHLY** 17 **PREMIUM FOR SERVICEMEMBERS' GROUP** 18 **LIFE INSURANCE WHILE IN CERTAIN OVER-** 19 **SEAS AREAS TO COVER MEMBERS IN ANY** 20 **COMBAT ZONE OR OVERSEAS DIRECT SUP-** 21 **PORT AREA.**

22 (a) EXPANSION OF COVERAGE.—Subsection (a) of
23 section 437 of title 37, United States Code, is amended—

24 (1) by inserting “(1)” before “In the case of”;

1 (2) by striking “who serves in the theater of op-
2 erations for Operation Enduring Freedom or Oper-
3 ation Iraqi Freedom” and inserting “who serves in
4 a designated duty assignment”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(2) In this subsection, the term ‘designated duty as-
8 signment’ means a permanent or temporary duty assign-
9 ment outside the United States or its possessions in sup-
10 port of a contingency operation in an area that—

11 “(A) has been designated a combat zone; or

12 “(B) is in direct support of an area that has
13 been designated a combat zone.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) CROSS-REFERENCE.—Subsection (b) of
16 such section is amended by striking “theater of op-
17 erations” and inserting “designated duty assign-
18 ment”.

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

1 **“§ 437. Allowance to cover monthly premiums for**
 2 **Servicemembers’ Group Life Insurance:**
 3 **members serving in a designated duty as-**
 4 **signment”.**

5 (3) TABLE OF SECTIONS.—The item relating to
 6 section 437 in the table of sections at the beginning
 7 of chapter 7 of such title is amended to read as fol-
 8 lows:

“437. Allowance to cover monthly premium for Servicemembers’ Group Life In-
 surance: members serving in a designated duty assignment.”.

9 (c) EFFECTIVE DATE.—The amendments made by
 10 this section shall apply to service by members of the
 11 Armed Forces in a designated duty assignment (as defined
 12 in subsection (a)(2) of section 437 of title 37, United
 13 States Code) for any month beginning on or after the date
 14 of the enactment of this Act.

15 **SEC. 642. USE OF MEMBER’S CURRENT PAY GRADE AND**
 16 **YEARS OF SERVICE, RATHER THAN FINAL RE-**
 17 **TIREMENT PAY GRADE AND YEARS OF SERV-**
 18 **ICE, IN A DIVISION OF PROPERTY INVOLVING**
 19 **DISPOSABLE RETIRED PAY.**

20 (a) IN GENERAL.—Section 1408(a)(4) of title 10,
 21 United States Code, is amended—

22 (1) by redesignating subparagraphs (A), (B),
 23 (C), (D) as clauses (i), (ii), (iii), (iv), respectively;

24 (2) by inserting “(A)” after “(4)”;

1 (3) in subparagraph (A), as designated by para-
2 graph (2), by inserting “(as determined pursuant to
3 subparagraph (B))” after “member is entitled”; and

4 (4) by adding at the end the following new sub-
5 paragraph: the following:

6 “(B) In calculating the total monthly retired
7 pay to which a member is entitled for purposes of
8 subparagraph (A), the following shall be used:

9 “(i) The member’s pay grade and years of
10 service at the time of the court order.

11 “(ii) The amount of pay that is payable at
12 the time of the member’s retirement to a mem-
13 ber in the member’s pay grade and years of
14 service as fixed pursuant to clause (i).”.

15 (b) APPLICATION OF AMENDMENTS.—The amend-
16 ments made by subsection (a) shall apply with respect to
17 any division of property as part of a final decree of di-
18 vorce, dissolution, annulment, or legal separation involving
19 a member of the Armed Forces to which section 1408 of
20 title 10, United States Code, applies that becomes final
21 after the date of the enactment of this Act.

1 **SEC. 643. PERMANENT EXTENSION OF PAYMENT OF SPE-**
 2 **CIAL SURVIVOR INDEMNITY ALLOWANCES**
 3 **UNDER THE SURVIVOR BENEFIT PLAN.**

4 Section 1450(m) of title 10, United States Code, is
 5 amended—

6 (1) in paragraph (2)(I), by striking “during fis-
 7 cal year 2017” and inserting “after fiscal year
 8 2016”; and

9 (2) by striking paragraph (6).

10 **SEC. 644. AUTHORITY TO DEDUCT SURVIVOR BENEFIT**
 11 **PLAN PREMIUMS FROM COMBAT-RELATED**
 12 **SPECIAL COMPENSATION WHEN RETIRED**
 13 **PAY NOT SUFFICIENT.**

14 (a) **AUTHORITY.**—Subsection (d) of section 1452 of
 15 title 10, United States Code, is amended—

16 (1) by redesignating paragraph (2) as para-
 17 graph (3); and

18 (2) by inserting after paragraph (1) the fol-
 19 lowing new paragraph (2):

20 “(2) **DEDUCTION FROM COMBAT-RELATED SPE-**
 21 **CIAL COMPENSATION WHEN RETIRED PAY NOT ADE-**
 22 **QUATE.**—In the case of a person who has elected to
 23 participate in the Plan and who has been awarded
 24 both retired pay and combat-related special com-
 25 pensation under section 1413a of this title, if a de-
 26 duction from the person’s retired pay for any period

1 cannot be made in the full amount required, there
2 shall be deducted from the person's combat-related
3 special compensation in lieu of deduction from the
4 person's retired pay the amount that would other-
5 wise have been deducted from the person's retired
6 pay for that period.”.

7 (b) CONFORMING AMENDMENTS TO SECTION
8 1452.—

9 (1) Subsection (d) of such section is further
10 amended—

11 (A) in the subsection heading, by inserting
12 “OR NOT SUFFICIENT” after “NOT PAID”;

13 (B) in paragraph (1), by inserting before
14 the period at the end the following: “, except to
15 the extent that the required deduction is made
16 pursuant to paragraph (2)”;

17 (C) in paragraph (3), as redesignated by
18 subsection (a)(1), by striking “Paragraph (1)
19 does not” and inserting “Paragraphs (1) and
20 (2) do not”.

21 (2) Subsection (f)(1) of such section is amended
22 by inserting “or combat-related special compensa-
23 tion” after “from retired pay”.

24 (3) Subsection (g)(4) of such section is amend-
25 ed—

1 (A) in the paragraph heading, by inserting
2 “OR CRSC” after “RETIRED PAY”; and

3 (B) by inserting “or combat-related special
4 compensation” after “from the retired pay”.

5 (c) CONFORMING AMENDMENTS TO OTHER PROVI-
6 SIONS OF SBP STATUTE.—

7 (1) Section 1449(b)(2) of such title is amend-
8 ed—

9 (A) in the paragraph heading, by inserting
10 “OR CRSC” after “RETIRED PAY”; and

11 (B) by inserting “or combat-related special
12 compensation” after “from retired pay”.

13 (2) Section 1450(e) of such title is amended—

14 (A) in the subsection heading, by inserting
15 “OR CRSC” after “RETIRED PAY”; and

16 (B) in paragraph (1), by inserting “or
17 combat-related special compensation” after
18 “from the retired pay”.

19 **SEC. 645. SENSE OF CONGRESS ON OPTIONS FOR MEMBERS**
20 **OF THE ARMED FORCES TO DESIGNATE PAY-**
21 **MENT OF THE DEATH GRATUITY TO A TRUST**
22 **FOR A SPECIAL NEEDS INDIVIDUAL.**

23 It is the sense of Congress that the Department of
24 Defense should explore options to allow members of the
25 Armed Forces to designate that, upon their death, the

1 death gratuity payable with respect to members of the
2 Armed Forces upon death may be paid to a trust that
3 is legally established under any Federal, State, or terri-
4 torial law in order to provide greater financial and estate
5 planning capability for members seeking to provide for
6 those who require the protections of a trust, such as minor
7 children or incapacitated adults, or those with special
8 needs.

9 **SEC. 646. INDEPENDENT ASSESSMENT OF THE SURVIVOR**
10 **BENEFIT PLAN.**

11 (a) **ASSESSMENT REQUIRED.**—The Secretary of De-
12 fense shall provide for an independent assessment of the
13 Survivor Benefit Plan (SBP) under subchapter II of chap-
14 ter 73 of title 10, United States Code, by a Federally-
15 funded research and development center (FFRDC).

16 (b) **ASSESSMENT ELEMENTS.**—The assessment con-
17 ducted pursuant to subsection (a) shall include, but not
18 be limited to, the following:

19 (1) The purposes of the Survivor Benefit Plan,
20 the manner in which the Plan interacts with other
21 Federal programs to provide financial stability and
22 resources for survivors of members of the Armed
23 Forces and military retirees, and a comparison be-
24 tween the benefits available under the Plan, on the
25 one hand, and benefits available to Government and

1 private sector employees, on the other hand, in-
2 tended to provide financial stability and resources
3 for spouses and other dependents when a primary
4 family earner dies.

5 (2) The effectiveness of the Survivor Benefit
6 Plan in providing survivors with intended benefits,
7 including the provision of survivor benefits for sur-
8 vivors of members of the Armed Forces dying on ac-
9 tive duty and members dying while in reserve active-
10 status.

11 (3) The feasibility and advisability of providing
12 survivor benefits through alternative insurance prod-
13 ucts available commercially for similar purposes, the
14 extent to which the Government could subsidize such
15 products at no cost in excess of the costs of the Sur-
16 vivor Benefit Plan, and the extent to which such
17 products might meet the needs of survivors, espe-
18 cially those on fixed incomes, to maintain financial
19 stability.

20 (c) REPORT.—Not later than one year after the date
21 of the enactment of this Act, the Secretary shall submit
22 to the Committees on Armed Services of the Senate and
23 House of Representatives a report setting forth the results
24 of the assessment conducted pursuant to subsection (a),
25 together with such recommendations as the Secretary con-

1 siders appropriate for legislative or administration action
2 in light of the results of the assessment.

3 **Subtitle E—Commissary and Non-**
4 **Appropriated Fund Instrumen-**
5 **tality Benefits and Operations**

6 **SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO**
7 **AND SAVINGS AT COMMISSARIES AND EX-**
8 **CHANGES.**

9 (a) OPTIMIZATION STRATEGY.—Section 2481(c) of
10 title 10, United States Code, is amended by adding at the
11 end the following paragraph:

12 “(3)(A) The Secretary of Defense shall develop and
13 implement a comprehensive strategy to optimize manage-
14 ment practices across the defense commissary system and
15 the exchange system that reduce reliance of those systems
16 on appropriated funding without reducing benefits to the
17 patrons of those systems or the revenue generated by non-
18 appropriated fund entities or instrumentalities of the De-
19 partment of Defense for the morale, welfare, and recre-
20 ation of members of the armed forces.

21 “(B) The Secretary shall ensure that savings gen-
22 erated due to such optimization practices are shared by
23 the defense commissary system and the exchange system
24 through contracts or agreements that appropriately reflect

1 the participation of the systems in the development and
2 implementation of such practices.”.

3 (b) AUTHORITY TO SUPPLEMENT APPROPRIATIONS
4 THROUGH BUSINESS OPTIMIZATION.—Section 2483(c) of
5 such title is amended by adding at the end the following
6 new sentence: “Such appropriated amounts may also be
7 supplemented with additional funds derived from improved
8 management practices implemented pursuant to sections
9 2481(c)(3) and 2487(c) of this title and the alternative
10 pricing program implemented pursuant to section 2484(i)
11 of this title.”.

12 (c) ALTERNATIVE PRICING PROGRAM.—Section 2484
13 of such title is amended by adding at the end the following
14 new subsections:

15 “(i) ALTERNATIVE PRICING PROGRAM.—(1) The
16 Secretary of Defense may establish and carry out, in ac-
17 cordance with the requirements of this subsection, an al-
18 ternative pricing program pursuant to which prices may
19 be established in response to market conditions and cus-
20 tomer demand. Prices under the alternative pricing pro-
21 gram shall reflect the uniform sales price surcharge appli-
22 cable under subsection (d).

23 “(2) Before establishing an alternative pricing pro-
24 gram under this subsection, the Secretary shall establish
25 the following:

1 “(A) Specific, measurable benchmarks for suc-
2 cess in the provision of high quality grocery mer-
3 chandise, discount savings to patrons, and levels of
4 customer satisfaction while achieving savings for the
5 Department of Defense.

6 “(B) A baseline of overall savings to patrons
7 achieved by commissary stores before the initiation
8 of the alternative pricing program, based on a com-
9 parison of prices charged by those stores on a re-
10 gional basis with prices charged by relevant local
11 competitors for a representative market basket of
12 goods. In determining the savings baseline, the Sec-
13 retary shall take into account the effect of the sur-
14 charges added under the pricing program by reason
15 of subsection (d).

16 “(3) The Secretary shall ensure that the defense com-
17 missary system implements the alternative pricing pro-
18 gram by conducting price comparisons using the method-
19 ology established for paragraph (2)(B) and adjusting pric-
20 ing as necessary to ensure that pricing in the alternative
21 pricing program achieves overall savings to patrons that
22 are reasonably consistent with the baseline savings estab-
23 lished for the relevant region pursuant to such paragraph.

24 “(j) CONVERSION TO NONAPPROPRIATED FUND EN-
25 TITY OR INSTRUMENTALITY.—(1) If the Secretary of De-

1 fense determines that the alternative pricing program
2 under subsection (i) has met the benchmarks for success
3 established pursuant to subsection (i)(2)(A) and the sav-
4 ings requirements established pursuant to subsection
5 (i)(3) over a period of at least six months, the Secretary
6 may convert the defense commissary system to a non-
7 appropriated fund entity or instrumentality, with oper-
8 ating expenses financed in whole or in part by receipts
9 from the sale of products and the sale of services. Upon
10 such conversion, appropriated funds shall be transferred
11 to the defense commissary system only in accordance with
12 paragraph (2) or section 2491 of this title. The require-
13 ments of section 2483 of this title shall not apply to the
14 defense commissary system operating as a non-
15 appropriated fund entity or instrumentality.

16 “(2) If the Secretary determines that the defense
17 commissary system operating as a nonappropriated fund
18 entity or instrumentality is not likely, in any fiscal year,
19 to afford the level of patron savings required in subsection
20 (i)(3), the Secretary may authorize a transfer of appro-
21 priated funds available for such purpose to the com-
22 missary system in an amount sufficient to offset the an-
23 ticipated loss. Any funds so transferred shall be considered
24 to be nonappropriated funds for such purpose.

1 “(3) The Secretary may identify positions of employ-
2 ees in the defense commissary system who are paid with
3 appropriated funds whose status may be converted to the
4 status of an employee of a nonappropriated fund entity
5 or instrumentality. The status and conversion of such em-
6 ployees shall be addressed as provided in section 2491(c)
7 of this title for employees in morale, welfare, and recre-
8 ation programs. No individual who is an employee of the
9 defense commissary system as of the date of the enact-
10 ment of this subsection shall suffer any loss of or decrease
11 in pay as a result of the conversion.”.

12 (d) ESTABLISHMENT OF COMMON BUSINESS PRAC-
13 TICES.—Section 2487 of such title is amended—

14 (1) by redesignating subsection (c) as sub-
15 section (d); and

16 (2) by inserting after subsection (b) the fol-
17 lowing new subsection (c):

18 “(c) COMMON BUSINESS PRACTICES.—(1) Notwith-
19 standing subsections (a) and (b), the Secretary of Defense
20 may establish common business processes, practices, and
21 systems—

22 “(A) to exploit synergies between the operations
23 of the defense commissary system and the exchange
24 system; and

1 “(B) to optimize the operations of the defense
2 retail systems as a whole and the benefits provided
3 by the commissaries and exchanges.

4 “(2) The Secretary may authorize the defense com-
5 missary system and the exchange system to enter into con-
6 tracts or other agreements for the following:

7 “(A) Products and services that are shared by
8 the defense commissary system and the exchange
9 system.

10 “(B) The acquisition of supplies, resale goods,
11 and services on behalf of both the defense com-
12 missary system and the exchange system.

13 “(3) For the purpose of a contract or agreement au-
14 thorized under paragraph (2), the Secretary may—

15 “(A) use funds appropriated pursuant to sec-
16 tion 2483 of this title to reimburse a non-
17 appropriated fund entity or instrumentality for the
18 portion of the cost of a contract or agreement en-
19 tered by the nonappropriated fund entity or instru-
20 mentality that is attributable to the defense com-
21 missary system; and

22 “(B) authorize the defense commissary system
23 to accept reimbursement from a nonappropriated
24 fund entity or instrumentality for the portion of the
25 cost of a contract or agreement entered by the de-

1 fense commissary system that is attributable to the
2 nonappropriated fund entity or instrumentality.”.

3 (e) CLARIFICATION OF REFERENCES TO “THE EX-
4 CHANGE SYSTEM”.—Section 2481(a) of such title is
5 amended by adding at the end the following new sentence:
6 “Any reference in this chapter to ‘the exchange system’
7 shall be treated as referring to each separate administra-
8 tive entity within the Department of Defense through
9 which the Secretary has implemented the requirement
10 under this subsection for a world-wide system of exchange
11 stores.”.

12 (f) OPERATION OF DEFENSE COMMISSARY SYSTEM
13 AS A NONAPPROPRIATED FUND ENTITY.—In the event
14 that the defense commissary system is converted to a non-
15 appropriated fund entity or instrumentality as authorized
16 by section 2484(j)(1) of title 10, United States Code, as
17 added by subsection (c) of this section, the Secretary of
18 Defense may—

19 (1) provide for the transfer of commissary as-
20 sets, including inventory and available funds, to the
21 nonappropriated fund entity or instrumentality; and

22 (2) ensure that revenues accruing to the de-
23 fense commissary system are appropriately credited
24 to the nonappropriated fund entity or instrumen-
25 tality.

1 (g) CONFORMING AMENDMENT.—Section 2643(b) of
 2 title 10, United States Code, is amended by adding at the
 3 end the following new sentence: “Such appropriated funds
 4 may be supplemented with additional funds derived from
 5 improved management practices implemented pursuant to
 6 sections 2481(c)(3) and 2487(c) of this title.”.

7 **Subtitle F—Other Matters**

8 **SEC. 671. COMPLIANCE WITH DOMESTIC SOURCE REQUIRE-** 9 **MENTS FOR FOOTWEAR FURNISHED TO EN-** 10 **LISTED MEMBERS OF THE ARMED FORCES** 11 **UPON THEIR INITIAL ENTRY INTO THE** 12 **ARMED FORCES.**

13 Section 418 of title 37, United States Code, is
 14 amended by adding at the end the following new sub-
 15 section:

16 “(d)(1) In the case of athletic footwear needed by
 17 members of the Army, Navy, Air Force, or Marine Corps
 18 upon their initial entry into the armed forces, the Sec-
 19 retary of Defense shall furnish such footwear directly to
 20 the members instead of providing a cash allowance to the
 21 members for the purchase of such footwear.

22 “(2) In procuring athletic footwear to comply with
 23 paragraph (1), the Secretary of Defense shall comply with
 24 the requirements of section 2533a of title 10, without re-
 25 gard to the applicability of any simplified acquisition

1 threshold under chapter 137 of title 10 (or any other pro-
2 vision of law).

3 “(3) This subsection does not prohibit the provision
4 of a cash allowance to a member described in paragraph
5 (1) for the purchase of athletic footwear if such foot-
6 wear—

7 “(A) is medically required to meet unique phys-
8 iological needs of the member; and

9 “(B) cannot be met with athletic footwear that
10 complies with the requirements of this subsection.”.

11 **SEC. 672. AUTHORITY FOR PAYMENT OF PAY AND ALLOW-**
12 **ANCES AND RETIRED AND RETAINER PAY**
13 **PURSUANT TO POWER OF ATTORNEY.**

14 Section 602 of title 37, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) by striking “, in the opinion of a board
18 of medical officers or physicians,”; and

19 (B) by striking “use or benefit” and all
20 that follows through “any person designated”
21 and inserting the following: “use or benefit to—

22 “(1) a legal committee, guardian, or other rep-
23 resentative that has been appointed by a court of
24 competent jurisdiction;

1 “(2) an individual to whom the member has
2 granted authority to manage such funds pursuant to
3 a valid and legally executed durable power of attor-
4 ney; or

5 “(3) any person designated”;

6 (2) in subsection (b)—

7 (A) by striking “The board shall consist”
8 and inserting “An individual may not be des-
9 ignated under subsection (a)(3) to receive pay-
10 ments unless a board consisting”; and

11 (B) by inserting “determines that the
12 member is mentally incapable of managing the
13 member’s affairs. Any such board shall be”
14 after “treatment of mental disorders,”;

15 (3) in subsection (c), by striking “designated”
16 and inserting “authorized to receive payments”;

17 (4) in subsection (d), by inserting “, unless a
18 court of competent jurisdiction orders payment of
19 such fee, commission, or other charge” before the
20 period;

21 (5) by striking subsection (e);

22 (6) by redesignating subsection (f) as sub-
23 section (e); and

24 (7) in subsection (e), as redesignated by para-
25 graph (6)—

1 (A) by inserting “under subsection (a)(3)”
 2 after “who is designated”; and

3 (B) by striking “\$1,000” and inserting
 4 “\$25,000”.

5 **TITLE VII—HEALTH CARE**
 6 **PROVISIONS**

7 **Subtitle A—TRICARE and Other**
 8 **Health Care Benefits**

9 **SEC. 701. REFORM OF HEALTH CARE PLANS AVAILABLE**
 10 **UNDER THE TRICARE PROGRAM.**

11 (a) REFORM OF HEALTH CARE PLANS.—

12 (1) IN GENERAL.—Chapter 55 of title 10,
 13 United States Code, is amended by inserting after
 14 section 1074n the following new section:

15 **“§ 1075. TRICARE program: health care plans**

16 “(a) HEALTH CARE PLANS.—This section establishes
 17 the following health care plans under which covered bene-
 18 ficiaries may enroll under the TRICARE program:

19 “(1) TRICARE Prime (the managed care op-
 20 tion).

21 “(2) TRICARE Choice (the self-managed op-
 22 tion).

23 “(3) TRICARE Supplemental.

24 “(b) BENEFICIARY CATEGORIES.—In this section,
 25 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)

1 of this title is not eligible to enroll in
2 TRICARE Prime under this subsection.

3 “(4) REFERRAL REQUIRED.—

4 “(A) IN GENERAL.—Except as otherwise
5 provided in this paragraph, a beneficiary en-
6 rolled in TRICARE Prime shall be required to
7 obtain a referral for care through a designated
8 primary care manager (or other care coordi-
9 nator) prior to obtaining care under the
10 TRICARE program.

11 “(B) EXCUSED REFERRAL.—The Sec-
12 retary may excuse the requirement that a bene-
13 ficiary obtain a referral under subparagraph
14 (A) in such circumstances as the Secretary may
15 establish for purposes of this section.

16 “(C) SPECIALTY CARE.—Beneficiaries en-
17 rolled in TRICARE Prime shall not be required
18 to obtain a pre-authorization for a referral for
19 specialty care services.

20 “(D) COST-SHARING.—Notwithstanding
21 subsections (f) and (g), the cost-sharing re-
22 quirement for a beneficiary enrolled in
23 TRICARE Prime who does not obtain a refer-
24 ral for care as required under subparagraph (A)
25 and is not excused from obtaining such a refer-

1 ral under subparagraph (B) shall be an amount
2 equal to 50 percent of the allowed point-of-serv-
3 ice charge for such care.

4 “(5) ACCESS TO HEALTH CARE.—

5 “(A) IN GENERAL.—The Secretary shall
6 ensure that beneficiaries enrolled in TRICARE
7 Prime have access to primary care and specialty
8 care services from facilities of the uniformed
9 services or network providers in the applicable
10 area within specific timeliness standards that
11 meet or exceed those of high-performing health
12 care systems in the United States, as deter-
13 mined by the Secretary.

14 “(B) URGENT CARE SERVICES.—

15 “(i) IN GENERAL.—In implementing
16 subparagraph (A), the Secretary shall
17 make special provisions for appropriate ac-
18 cess of beneficiaries to urgent care serv-
19 ices.

20 “(ii) PRE-AUTHORIZATION.—Bene-
21 ficiaries enrolled in TRICARE Prime shall
22 not be subject to a pre-authorization re-
23 quirement for urgent care services.

24 “(6) AREAS DESCRIBED.—Areas described in
25 this paragraph are areas in which a facility of the

1 uniformed services is located (other than a facility
2 limited to members of the armed forces) that have
3 been designated by the Secretary for purposes of
4 this subsection.

5 “(d) TRICARE CHOICE.—

6 “(1) IN GENERAL.—The Secretary of Defense
7 shall establish, without limitation to certain areas,
8 the TRICARE Choice health care plan.

9 “(2) BENEFITS.—TRICARE Choice is a self-
10 managed option under which beneficiaries enrolled in
11 such option may receive care from any health care
12 provider selected by the beneficiary, subject to such
13 restrictions as the Secretary may establish for pur-
14 poses of this subsection.

15 “(3) ELIGIBILITY.—A beneficiary in the active-
16 duty family members category or the retired mem-
17 bers category is eligible to enroll in TRICARE
18 Choice under this subsection.

19 “(e) TRICARE SUPPLEMENTAL.—

20 “(1) IN GENERAL.—The Secretary of Defense
21 shall establish the TRICARE Supplemental health
22 care plan.

23 “(2) BENEFITS.—Under TRICARE Supple-
24 mental, the Secretary shall pay on behalf of a bene-
25 ficiary the deductible and copayment amounts under

1 a primary health care plan under which the bene-
2 ficiary is covered, not to exceed the amount the Sec-
3 retary would have paid as a primary payer to an
4 out-of-network provider under this section.

5 “(3) ELIGIBILITY.—A beneficiary in the retired
6 members category is eligible to enroll in TRICARE
7 Supplemental under this subsection.

8 “(4) ENROLLMENT FEE.—A beneficiary who
9 enrolls in TRICARE Supplemental shall pay an en-
10 rollment fee of $\frac{1}{2}$ of the enrollment fee applicable to
11 a beneficiary in the retired members category who
12 enrolls in TRICARE Choice.

13 “(5) REGULATIONS.—The regulations pre-
14 scribed by the Secretary under subsection (i) may
15 include such other limitations and provisions for
16 TRICARE Supplemental as the Secretary deter-
17 mines appropriate.

18 “(f) COST-SHARING AMOUNTS.—

19 “(1) IN GENERAL.—During calendar year
20 2018, beneficiaries enrolled in TRICARE Prime and
21 TRICARE Choice under this section shall be subject
22 to cost-sharing requirements, including an enroll-
23 ment fee, a deductible amount, and copayments, in
24 accordance with the amounts and percentages set
25 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.	\$0	\$300 Individual \$600 Family
		E5 and above (E5≥). \$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 primary \$30 specialty	\$25 primary network without deductible \$35 specialty network without deductible
		20% out of network after deductible.		25% out of network after deductible
ER Visit MTF ..	\$0	\$0	\$0	\$0
ER Visit Private Sector	\$0	\$50 network without deductible.	\$75 network	\$100 network without deductible
		20% out of network after deductible.		25% out of network after deductible
Urgent Care MTF	\$0	\$0	\$0	\$0
Urgent Care Private Sector	\$0	\$0 network without deductible.	\$30 network	\$40 network without deductible
		20% out of network after deductible.		25% out of network after deductible

	“ADFM Category	ADFM Category	Retired Category	Retired Category
	TRICARE Prime	TRICARE Choice	TRICARE Prime	TRICARE Choice
Ambulatory Sur- gery MTF	\$0	\$0	\$0	\$0
Ambulatory Sur- gery Private Sector	\$0	\$50 network with- out deductible. 20% out of net- work after de- ductible.	\$100	\$125 network with- out deductible 25% out of network after deductible
Ambulance Serv- ice MTF	\$0	\$0	\$0	\$0
Ambulance Serv- ice Private Sector	\$0	\$15	\$50	\$75
Durable Medical Equipment MTF	\$0	\$0	\$0	\$0
Durable Medical Equipment Private Sector	\$0	10%	20%	20%
Hospitalization tion MTF	\$0	\$0	\$0	\$0
Hospitalization Private Sector	\$0	\$80 per admission - network with- out deductible. 20% out of net- work after de- ductible.	\$200 per Admission	\$250 per admission - network without deductible 25% out of network after deductible
Inpatient Skilled Nursing/ Rehabili- tation - MTF/ Network	\$0	\$25 per day - net- work without deductible. \$35 per day out of network without deduct- ible.	\$25 per day	\$25 per day - net- work without de- ductible \$250 per day or 20% of billed charges (which- ever is less) out of network with- out deductible

1 “(A) ANNUAL ENROLLMENT FEES.—

2 “(i) CONSUMER PRICE INDEX.—

3 “(I) IN GENERAL.—With respect
4 to enrollment in TRICARE Choice for
5 beneficiaries in the retired members
6 category, for each calendar year after
7 calendar year 2023, and with respect
8 to all other beneficiaries, for each cal-
9 endar year after calendar year 2018,
10 each dollar amount for an annual en-
11 rollment fee in the table set forth in
12 paragraph (1) shall be increased by
13 the annual percentage increase of the
14 Consumer Price Index for Health
15 Care Services published by the Bu-
16 reau of Labor Statistics for such cal-
17 endar year rounded to the next lower
18 multiple of \$1.

19 “(II) ADDITION OF ROUNDED
20 AMOUNT.—An amount equal to the
21 amount rounded down under sub-
22 clause (I) for an annual enrollment
23 fee shall be accumulated with such
24 amounts for subsequent years and
25 added to the amount of the increase

1 under such subclause when the aggregate
2 accumulated amount under this
3 subclause (and not yet so added) for
4 such fee equals \$1 or more.

5 “(ii) TRICARE CHOICE FOR RETIRED
6 MEMBERS.—With respect to enrollment in
7 TRICARE Choice for beneficiaries in the
8 retired members category, the annual enrollment
9 fee for calendar years 2019
10 through 2023 shall be—

11 “(I) for calendar year 2019—

12 “(aa) for enrollment as an
13 individual, \$210; and

14 “(bb) for enrollment as a
15 family, \$420;

16 “(II) for calendar year 2020—

17 “(aa) for enrollment as an
18 individual, \$270; and

19 “(bb) for enrollment as a
20 family, \$540;

21 “(III) for calendar year 2021—

22 “(aa) for enrollment as an
23 individual, \$330; and

24 “(bb) for enrollment as a
25 family, \$660;

1 “(IV) for calendar year 2022—

2 “(aa) for enrollment as an
3 individual, \$390; and

4 “(bb) for enrollment as a
5 family, \$780; and

6 “(V) for calendar year 2023—

7 “(aa) for enrollment as an
8 individual, \$450; and

9 “(bb) for enrollment as a
10 family, \$900.

11 “(B) OTHER AMOUNTS.—

12 “(i) IN GENERAL.—For each calendar
13 year after calendar year 2018, each dollar
14 amount (other than a dollar amount for an
15 annual enrollment fee) expressed as a fixed
16 dollar amount in the table set forth in
17 paragraph (1) shall be increased by an
18 amount equal to the percentage by which
19 retired pay is increased under section
20 1401a(b)(2) of this title for such calendar
21 year rounded to the next lower multiple of
22 \$1.

23 “(ii) ADDITION OF ROUNDED
24 AMOUNT.—An amount equal to the
25 amount rounded down under clause (i) for

1 a fixed dollar amount specified in the table
2 set forth in paragraph (1) shall be accumu-
3 lated with such rounded amounts for sub-
4 sequent years and added to the amount in-
5 dexed under such clause when the aggre-
6 gate accumulated amount under this sub-
7 clause (and not yet so added) for such
8 fixed dollar amount equals \$1 or more.

9 “(3) SPECIAL COVERAGE AND REIMBURSE-
10 MENT.—

11 “(A) IN GENERAL.—In the case of services
12 and products furnished under a health care
13 plan under this section, the Secretary may,
14 under regulations prescribed by the Secretary,
15 adopt special coverage and reimbursement
16 methods, amounts, and procedures to encourage
17 the use of high-value services and products and
18 discourage the use of low-value services and
19 products, as determined by the Secretary.

20 “(B) AFFECT ON COST-SHARING REQUIRE-
21 MENTS.—The special coverage and reimburse-
22 ment methods, amounts, and procedures adopt-
23 ed under subparagraph (A) may include a re-
24 duction, waiver, or increase, as the case may be,

1 of cost-sharing requirements set forth in para-
2 graph (1) (as modified under paragraph (2)).

3 “(4) DEDUCTIBLE AMOUNT.—The deductible
4 amount specified in the table set forth in paragraph
5 (1) (as modified under paragraph (2)) is the initial
6 cost incurred by an individual or family enrolled in
7 a health care plan under this section during a cal-
8 endar year for services furnished by an out-of-net-
9 work provider before costs may be paid under the
10 plan.

11 “(5) CATASTROPHIC CAP.—The catastrophic
12 cap specified in the table set forth in paragraph (1)
13 (as modified under paragraph (2)) is the annual
14 limit on the amount of cost-sharing that an indi-
15 vidual or family enrolled in a health care plan under
16 this section may be required to pay under such plan.
17 Enrollment fees and point-of-service charges do not
18 count against the catastrophic cap.

19 “(6) CALENDAR YEAR ENROLLMENT PERIOD.—
20 Enrollment fees, deductible amounts, and cata-
21 strophic caps specified in the table set forth in para-
22 graph (1) (as modified under paragraph (2)) are on
23 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-

1 ered by section 1086(d)(3) of this title, except
2 that the catastrophic cap specified in the table
3 set forth in subsection (f)(1) (as modified under
4 subsection (f)(2)) applies to such care.

5 “(B) REMOTE AREA DEPENDENTS.—

6 “(i) COST SHARING.—A remote area
7 dependent (as described in section 1079(o)
8 of this title) enrolled in TRICARE Choice
9 is subject to the cost-sharing requirements
10 for beneficiaries under TRICARE Prime.

11 “(ii) REFERRAL.—The referral re-
12 quirements for a beneficiary enrolled in
13 TRICARE Prime shall not apply to a re-
14 mote area dependent described in clause
15 (i).

16 “(2) BENEFITS AND PROGRAMS.—

17 “(A) EXTENDED BENEFITS.—Cost sharing
18 under this section does not apply to extended
19 benefits under subsections (d) and (e) of section
20 1079 of this title.

21 “(B) PHARMACY BENEFITS PROGRAM.—

22 “(i) COPAYMENTS.—Copayments for
23 the receipt of pharmaceutical agents under
24 a health care plan under this section shall

1 be the copayments set forth in section
2 1074g(6) of this title.

3 “(ii) OTHER COST SHARING.—The en-
4 rollment fee, deductible, and catastrophic
5 cap under this section shall apply to phar-
6 maceutical agents furnished under a health
7 care plan under this section.

8 “(iii) PHARMACEUTICAL AGENT DE-
9 FINED.—In this subparagraph, the term
10 ‘pharmaceutical agent’ has the meaning
11 given that term in section 1074g(2) of this
12 title.

13 “(C) OTHER PROGRAMS.—If a beneficiary
14 is enrolled in a program under this chapter for
15 which an annual premium applies, including a
16 premium under Medicare part B for care cov-
17 ered under section 1086(d)(3) of this title, the
18 beneficiary is not required to pay an enrollment
19 fee to enroll in a health care plan under this
20 section.

21 “(h) OPEN ENROLLMENT PERIOD.—The Secretary
22 of Defense shall establish—

23 “(1) an annual open enrollment period for bene-
24 ficiaries to enroll or modify enrollment in a health
25 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—

1 (A) in section 1072, by amending para-
2 graph (7) to read as follows:

3 “(7) The term ‘TRICARE program’ means the
4 various programs carried out by the Secretary of
5 Defense under this chapter and any other provision
6 of law providing for the furnishing of medical and
7 dental care and health benefits to members and
8 former members of the uniformed services and their
9 dependents, including care furnished under the fol-
10 lowing health care plans:

11 “(A) TRICARE Prime under section 1075
12 of this title (a managed care option).

13 “(B) TRICARE Choice under such section
14 1075 (a self-managed option).

15 “(C) TRICARE Supplemental under such
16 section 1075.

17 “(D) TRICARE-for-Life under section
18 1086(d) of this title.”;

19 (B) in section 1079—

20 (i) by amending subsection (b) to read
21 as follows:

22 “(b) Plans covered by subsection (a) shall include
23 provisions for the payment by the patient of cost-sharing
24 amounts as specified in section 1075 of this title.”;

25 (ii) by striking subsection (c); and

1 (iii) in subsection (g)—

2 (I) in paragraph (1), by striking

3 “(1) When” and inserting “When”;

4 and

5 (II) by striking paragraphs (2)

6 through (5);

7 (C) in section 1086, by amending sub-

8 section (b) to read as follows:

9 “(b) For persons covered by this section, plans con-
10 tracted for under section 1079(a) of this title shall include
11 provisions for the payment by the patient of cost-sharing
12 amounts as specified in section 1075 of this title.”;

13 (D) in section 1097, by amending sub-

14 section (e) to read as follows:

15 “(e) CHARGES FOR HEALTH CARE.—The charges for
16 health care provided under this section shall consist of
17 cost-sharing amounts as specified in section 1075 of this
18 title.”; and

19 (E) by striking section 1097a.

20 (3) CLERICAL AMENDMENTS.—The table of sec-

21 tions at the beginning of chapter 55 of such title is

22 amended—

23 (A) by inserting after the item relating to

24 section 1074n the following new item:

“1075. TRICARE program: health care plans.”; and

1 (B) by striking the item relating to section
2 1097a.

3 (b) REFORM OF HEALTH CARE ENROLLMENT SYS-
4 TEM.—

5 (1) IN GENERAL.—Subsection (c) of section
6 1099 of title 10, United States Code, is amended to
7 read as follows:

8 “(c) HEALTH CARE PLANS AVAILABLE UNDER SYS-
9 TEM.—Covered beneficiaries that seek to receive health
10 care services under this chapter shall enroll in one of the
11 following health care plans and pay an enrollment fee, if
12 any, applicable to such health care plan:

13 “(1) TRICARE Prime under section 1075 of
14 this title.

15 “(2) TRICARE Choice under such section
16 1075.

17 “(3) TRICARE Supplemental under such sec-
18 tion 1075.

19 “(4) TRICARE-for-Life under section 1086(d)
20 of this title.”.

21 (2) CONFORMING AMENDMENT.—Subsection
22 (b)(1) of such section is amended by striking “eligi-
23 ble health care plans designated by the Secretary of
24 Defense” and inserting “among health care plans
25 specified in subsection (c)”.

1 (c) CHANGES TO CLASSIFICATION OF CERTAIN
2 HEALTH CARE PLANS.—

3 (1) TRICARE RESERVE SELECT.—Section
4 1076d of title 10, United States Code, is amended—

5 (A) in the section heading, by striking
6 “**TRICARE Standard**” and inserting
7 “**TRICARE Reserve Select**”; and

8 (B) by striking “TRICARE Standard”
9 each place it appears and inserting “TRICARE
10 Reserve Select”.

11 (2) TRICARE RETIRED RESERVE.—Section
12 1076e of such title is amended—

13 (A) in the section heading, by striking
14 “**TRICARE Standard**” and inserting
15 “**TRICARE Retired Reserve**”;

16 (B) by striking “TRICARE Standard”
17 each place it appears, other than subsections
18 (b) and (c), and inserting “TRICARE Retired
19 Reserve”;

20 (C) in subsection (b)—

21 (i) in the subsection heading, by strik-
22 ing “TRICARE STANDARD”; and

23 (ii) by striking “TRICARE Standard”
24 the second place it appears; and

1 (D) in subsection (c), by striking
 2 “TRICARE Standard” the fourth place it ap-
 3 pears.

4 (3) CHAMPUS.—Section 1079a of such title is
 5 amended—

6 (A) in the section heading, by striking
 7 “**CHAMPUS**” and inserting “**TRICARE**
 8 **program**”;

9 (B) by inserting “(including interagency
 10 transfers of funds or obligational authority and
 11 similar transactions)” after “amounts col-
 12 lected”; and

13 (C) by striking “the Civilian Health and
 14 Medical Program of the Uniformed Services”
 15 and inserting “the TRICARE program”.

16 (4) CLERICAL AMENDMENTS.—The table of sec-
 17 tions at the beginning of chapter 55 of such title is
 18 amended—

19 (A) by striking the item relating to section
 20 1076d and inserting the following new item:

“1076d. TRICARE program: TRICARE Reserve Select coverage for members
 of the Selected Reserve.”;

21 (B) by striking the item relating to section
 22 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 non-
 regular retirement but are not yet age 60.”; and

1 (C) by striking the item relating to section
2 1079a and inserting the following new item:

“1079a. TRICARE Program: treatment of refunds and other amounts collected.”.

3 (d) TRANSITION RULES.—

4 (1) IN GENERAL.—With respect to cost-sharing
5 requirements for covered beneficiaries under section
6 1079, 1086, or 1097 of title 10, United States Code,
7 during the period beginning on October 1, 2017, and
8 ending on December 31, 2017—

9 (A) any enrollment fee shall be one-fourth
10 of the amount in effect during fiscal year 2017;

11 (B) any deductible amount applicable dur-
12 ing fiscal year 2017 shall apply for the 15-
13 month period beginning on October 1, 2016,
14 and ending on December 31, 2017.

15 (C) any catastrophic cap applicable during
16 fiscal year 2017 shall apply for the 15-month
17 period beginning on October 1, 2016, and end-
18 ing on December 31, 2017.

19 (2) COVERED BENEFICIARIES DEFINED.—In
20 this subsection, the term “covered beneficiaries” has
21 the meaning given that term in section 1072 of such
22 title.

23 (e) EFFECTIVE DATE.—

1 (1) IN GENERAL.—Except as provided in para-
 2 graph (2), this section and the amendments made by
 3 this section shall take effect on January 1, 2018.

4 (2) TRANSITION RULES.—Subsection (d) shall
 5 take effect on October 1, 2017.

6 **SEC. 702. MODIFICATIONS OF COST-SHARING REQUIRE-**
 7 **MENTS FOR THE TRICARE PHARMACY BENE-**
 8 **FITS PROGRAM AND TREATMENT OF CER-**
 9 **TAIN PHARMACEUTICAL AGENTS.**

10 (a) IN GENERAL.—Paragraph (6) of section
 11 1074g(a) of title 10, United States Code, is amended to
 12 read as follows:

13 “(6)(A) In the case of any of the years 2017 through
 14 2025, the cost-sharing amounts under this subsection for
 15 eligible covered beneficiaries shall be determined in accord-
 16 ance 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

1 “(B) For any year after 2025, the cost-sharing
2 amounts under this subsection for eligible covered bene-
3 ficiaries shall be equal to the cost-sharing amounts for the
4 previous year adjusted by an amount, if any, determined
5 by the Secretary to reflect changes in the costs of pharma-
6 ceutical agents and prescription dispensing, rounded to
7 the nearest dollar.

8 “(C) Notwithstanding subparagraphs (A) and (B),
9 the cost-sharing amounts under this subsection for a de-
10 pendent of a member of the uniformed services who dies
11 while on active duty, a member retired under chapter 61
12 of this title, or a dependent of a member retired under
13 such chapter shall be equal to the cost-sharing amounts,
14 if any, for 2016.”.

15 (b) TREATMENT OF CERTAIN PHARMACEUTICAL
16 AGENTS.—

17 (1) PHARMACY BENEFITS PROGRAM.—Such sec-
18 tion is amended by adding at the end the following
19 new paragraph:

20 “(10) Notwithstanding paragraphs (2), (5), and (6),
21 in order to encourage the use by covered beneficiaries of
22 pharmaceutical agents that provide the greatest value to
23 covered beneficiaries and the Department of Defense (as
24 determined by the Secretary, including considerations of
25 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

1 methods, amounts, and procedures to encourage the use
2 of high-value products and discourage the use of low-value
3 products, as determined by the Secretary.”.

4 (3) REGULATIONS.—In order to implement ex-
5 peditiously the reforms authorized by the amend-
6 ments made by paragraphs (1) and (2), the Sec-
7 retary of Defense may prescribe such changes to the
8 regulations implementing the TRICARE program
9 (as defined in section 1072 of title 10, United States
10 Code) as the Secretary considers appropriate—

11 (A) by prescribing an interim final rule;

12 and

13 (B) not later than one year after pre-
14 scribing such interim final rule and considering
15 public comments with respect to such interim
16 final rule, by prescribing a final rule.

17 **SEC. 703. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER**
18 **THE TRICARE PROGRAM FOR PARTICIPATION**
19 **IN THE FEDERAL EMPLOYEES DENTAL AND**
20 **VISION INSURANCE PROGRAM.**

21 (a) IN GENERAL.—

22 (1) DENTAL BENEFITS.—Section 8951 of title
23 5, United States Code, is amended—

1 (A) in paragraph (3), by striking “para-
2 graph (1) or (2)” and inserting “paragraph (1),
3 (2), or (8)”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(8) The term ‘covered TRICARE-eligible indi-
7 vidual’ means an individual entitled to dental care
8 under chapter 55 of title 10, pursuant to section
9 1076e of such title, who the Secretary of Defense
10 determines should be an eligible individual for pur-
11 poses of this chapter.”.

12 (2) VISION BENEFITS.—Section 8981 of title 5,
13 United States Code, is amended—

14 (A) in paragraph (3), by striking “para-
15 graph (1) or (2)” and inserting “paragraph (1),
16 (2), or (8)”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(8)(A) The term ‘covered TRICARE-eligible
20 individual’—

21 “(i) means an individual entitled to med-
22 ical care under chapter 55 of title 10, pursuant
23 to section 1076d, 1076e, 1079(a), 1086(e), or
24 1086(d) of such title, who the Secretary of De-
25 fense determines in accordance with an agree-

1 ment entered into under subparagraph (B)
2 should be an eligible individual for purposes of
3 this chapter; and

4 “(ii) does not include an individual covered
5 under section 1110b of title 10.

6 “(B) The Secretary of Defense shall enter into
7 an agreement with the Director of the Office of Per-
8 sonnel Management relating to classes of individuals
9 described in subparagraph (A)(i) who should be eli-
10 gible individuals for purposes of this chapter.”.

11 (b) CONFORMING AMENDMENTS.—

12 (1) DENTAL BENEFITS.—Section 8958(c) of
13 title 5, United States Code, is amended—

14 (A) in paragraph (1), by striking “or” at
15 the end;

16 (B) in paragraph (2), by striking the pe-
17 riod at the end and inserting “; or”; and

18 (C) by adding at the end the following new
19 paragraphs:

20 “(3) in the case of a covered TRICARE-eligible
21 individual who receives pay from the Federal Gov-
22 ernment or an annuity from the Federal Govern-
23 ment due to the death of a member of the uniformed
24 services (as defined in section 101 of title 10), and

1 is not a former spouse of a member of the uniformed
2 services, be withheld from—

3 “(A) the pay (including retired pay) of
4 such individual; or

5 “(B) the annuity paid to such individual;
6 and

7 “(4) in the case of a covered TRICARE-eligible
8 individual who is not described in paragraph (3), be
9 billed to such individual directly.”.

10 (2) VISION BENEFITS.—Section 8988(c) of title
11 5, United States Code, is amended—

12 (A) in paragraph (1), by striking “or” at
13 the end;

14 (B) in paragraph (2), by striking the pe-
15 riod at the end and inserting “; or”; and

16 (C) by adding at the end the following new
17 paragraphs:

18 “(3) in the case of a covered TRICARE-eligible
19 individual who receives pay from the Federal Gov-
20 ernment or an annuity from the Federal Govern-
21 ment due to the death of a member of the uniformed
22 services (as defined in section 101 of title 10), and
23 is not a former spouse of a member of the uniformed
24 services, be withheld from—

1 “(A) the pay (including retired pay) of
2 such individual; or

3 “(B) the annuity paid to such individual;
4 and

5 “(4) in the case of a covered TRICARE-eligible
6 individual who is not described in paragraph (3), be
7 billed to such individual directly.”.

8 (3) PLAN FOR DENTAL INSURANCE FOR CER-
9 TAIN RETIREES, SURVIVING SPOUSES, AND OTHER
10 DEPENDENTS.—Subsection (a) of section 1076c of
11 title 10, United States Code, is amended to read as
12 follows:

13 “(a) REQUIREMENT FOR PLAN.—(1) The Secretary
14 of Defense shall establish a dental insurance plan for retir-
15 ees of the uniformed services, certain unremarried sur-
16 viving spouses, and dependents in accordance with this
17 section.

18 “(2) The Secretary may satisfy the requirement
19 under paragraph (1) by entering into an agreement with
20 the Director of the Office of Personnel Management to
21 allow persons described in subsection (b) to enroll in an
22 insurance plan under chapter 89A of title 5 that provides
23 benefits similar to those benefits required to be provided
24 under subsection (d).”.

1 **SEC. 704. COVERAGE OF MEDICALLY NECESSARY FOOD**
2 **AND VITAMINS FOR DIGESTIVE AND INHER-**
3 **ITED METABOLIC DISORDERS UNDER THE**
4 **TRICARE PROGRAM.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Specialized food is often medically necessary
7 for the safe and effective management of many di-
8 gestive and inherited metabolic disorders that impact
9 digestion, absorption, and metabolism of nutrients.

10 (2) Although medically necessary food is essen-
11 tial for patients, it is often expensive and not uni-
12 formly reimbursed by health insurance, leaving many
13 families with an insurmountable financial burden.

14 (3) As a result, many patients who cannot af-
15 ford medically necessary food may experience ad-
16 verse health consequences from suboptimal disease
17 management, including hospitalization, intellectual
18 impairment, behavioral dysfunction, inadequate
19 growth, nutrient deficiencies, and even death.

20 (b) AVAILABILITY UNDER THE TRICARE PRO-
21 GRAM.—

22 (1) IN GENERAL.—Section 1077 of title 10,
23 United States Code, is amended—

24 (A) in subsection (a)—

25 (i) in paragraph (3), by inserting be-
26 fore the period at the end the following: “,

1 including medically necessary vitamins”;

2 and

3 (ii) by adding at the end the following

4 new paragraph:

5 “(18) Medically necessary food and the medical
6 equipment and supplies necessary to administer such
7 food (other than medical equipment and supplies de-
8 scribed in section 1861(n) of the Social Security Act
9 (42 U.S.C. 1395x(n))).”; and

10 (B) by adding at the end the following new

11 subsection:

12 “(g)(1) For purposes of subsection (a)(3), the term
13 ‘medically necessary vitamins’ means vitamins used for the
14 management of a covered disease or condition pursuant
15 to the prescription, order, or recommendation (as applica-
16 ble) of a specified, duly authorized provider, such as a phy-
17 sician (as defined in section 1861(r)(1) of the Social Secu-
18 rity Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner,
19 a clinical nurse specialist, or a physician assistant (as
20 those terms are defined in section 1861(aa)(5) of such
21 Act).

22 “(2) For purposes of subsection (a)(18), the term
23 ‘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

1 cannot be achieved by the modification of the
2 normal diet alone;

3 “(iv) intended to be used under medical
4 supervision, which may include in a home set-
5 ting; and

6 “(v) intended only for an individual receiv-
7 ing active and ongoing medical supervision
8 wherein the individual requires medical care on
9 a recurring basis for, among other things, in-
10 structions on the use of the food; and

11 “(B) does not include—

12 “(i) food taken as part of an overall diet
13 designed to reduce the risk of a disease or med-
14 ical condition or as weight loss products, even
15 if they are recommended by a physician or
16 other health professional;

17 “(ii) food marketed as gluten-free for the
18 management of celiac disease or non-celiac glu-
19 ten sensitivity;

20 “(iii) food marketed for the management
21 of diabetes; or

22 “(iv) such other products as the Secretary
23 determines appropriate.

24 “(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.

1 “(viii) Inherited metabolic disorders, in-
2 cluding the following:

3 “(I) Disorders classified as metabolic
4 disorders on the Recommended Uniform
5 Screening Panel Core Conditions list of the
6 Secretary of Health and Human Services’
7 Advisory Committee on Heritable Dis-
8 orders in Newborns and Children.

9 “(II) N-acetyl glutamate synthase de-
10 ficiency.

11 “(III) Ornithine transcarbamylase de-
12 ficiency.

13 “(IV) Carbamoyl phosphate synthe-
14 tase deficiency.

15 “(V) Inherited disorders of
16 mitochondrial functioning.

17 “(ix) Such other diseases or conditions as
18 the Secretary determines appropriate.

19 “(B) The term ‘low protein modified food prod-
20 uct’ means a product formulated to have less than
21 one gram of protein per serving.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall apply to health care provided
24 under chapter 55 of such title on or after the date

1 that is one year after the date of the enactment of
2 this Act.

3 **SEC. 705. ENHANCEMENT OF USE OF TELEHEALTH SERV-**
4 **ICES IN MILITARY HEALTH SYSTEM.**

5 (a) INCORPORATION OF TELEHEALTH.—

6 (1) IN GENERAL.—Not later than one year
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall incorporate, throughout the
9 direct care and purchased care components of the
10 military health system, the use of telehealth services,
11 including mobile health applications—

12 (A) to improve access to primary care, ur-
13 gent care, behavioral health care, and specialty
14 care;

15 (B) to perform health assessments;

16 (C) to provide diagnoses, interventions,
17 and supervision;

18 (D) to monitor individual health outcomes
19 of covered beneficiaries with chronic diseases or
20 conditions;

21 (E) to improve communication between
22 health care providers and patients; and

23 (F) to reduce health care costs for covered
24 beneficiaries and the Department of Defense.

1 (2) TYPES OF TELEHEALTH SERVICES.—The
2 telehealth services required to be incorporated under
3 paragraph (1) shall include those telehealth services
4 that—

5 (A) provide real-time interactive commu-
6 nications and remote patient monitoring;

7 (B) allow covered beneficiaries to schedule
8 appointments and communicate with health
9 care providers; and

10 (C) allow health care providers, through
11 video conference, telephone or tablet applica-
12 tions, or home health monitoring devices—

13 (i) to assess and evaluate disease
14 signs and symptoms;

15 (ii) to diagnose diseases;

16 (iii) to supervise treatments; and

17 (iv) to monitor health outcomes.

18 (b) COVERAGE OF ITEMS OR SERVICES.—An item or
19 service furnished to a covered beneficiary via a tele-
20 communications system shall be covered under the
21 TRICARE program to the same extent as the item or
22 service would be covered if furnished in the location of the
23 covered beneficiary.

24 (c) REIMBURSEMENT RATES FOR TELEHEALTH
25 SERVICES.—The Secretary shall develop standardized

1 payment methods to reimburse health care providers for
2 telehealth services provided to covered beneficiaries in the
3 purchased care component of the TRICARE program, in-
4 cluding by using reimbursement rates that incentivize the
5 provision of telehealth services.

6 (d) LOCATION OF CARE.—For purposes of reim-
7 bursement, licensure, professional liability, and other pur-
8 poses relating to the provision of telehealth services under
9 this section, providers of such services shall be considered
10 to be furnishing such services at their location and not
11 at the location of the patient.

12 (e) REDUCTION OR ELIMINATION OF COPAY-
13 MENTS.—The Secretary shall reduce or eliminate, as the
14 Secretary considers appropriate, copayments or cost
15 shares for covered beneficiaries in connection with the re-
16 ceipt of telehealth services under the purchased care com-
17 ponent of the TRICARE program.

18 (f) REPORTS.—

19 (1) INITIAL REPORT.—

20 (A) IN GENERAL.—Not later than 180
21 days after the date of the enactment of this
22 Act, the Secretary shall submit to the Commit-
23 tees on Armed Services of the Senate and the
24 House of Representatives a report describing
25 the full range of telehealth services to be avail-

1 able in the direct care and purchased care com-
2 ponents of the military health system and the
3 copayments and cost shares, if any, associated
4 with those services.

5 (B) REIMBURSEMENT PLAN.—The report
6 required under subparagraph (A) shall include
7 a plan to develop standardized payment meth-
8 ods to reimburse health care providers for tele-
9 health services provided to covered beneficiaries
10 in the purchased care component of the
11 TRICARE program, as required under sub-
12 section (c).

13 (2) FINAL REPORT.—

14 (A) IN GENERAL.—Not later than three
15 years after the date on which the Secretary be-
16 gins incorporating, throughout the direct care
17 and purchased care components of the military
18 health system, the use of telehealth services as
19 required under subsection (a), the Secretary
20 shall submit to the Committees on Armed Serv-
21 ices of the Senate and the House of Represent-
22 atives a report describing the impact made by
23 the use of telehealth services, including mobile
24 health applications, to carry out the actions

1 specified in subparagraphs (A) through (F) of
2 subsection (a)(1).

3 (B) ELEMENTS.—The report required
4 under subparagraph (A) shall include an assess-
5 ment of the following:

6 (i) The satisfaction of covered bene-
7 ficiaries with telehealth services furnished
8 by the Department of Defense.

9 (ii) The satisfaction of health care
10 providers in providing telehealth services
11 furnished by the Department.

12 (iii) The effect of telehealth services
13 furnished by the Department on the fol-
14 lowing:

15 (I) The ability of covered bene-
16 ficiaries to access health care services
17 in the direct care and purchased care
18 components of the military health sys-
19 tem.

20 (II) The frequency of use of tele-
21 health services by covered bene-
22 ficiaries.

23 (III) The productivity of health
24 care providers providing care fur-
25 nished by the Department.

1 (IV) The reduction, if any, in the
2 use by covered beneficiaries of health
3 care services in military treatment fa-
4 cilities or medical facilities in the pri-
5 vate sector.

6 (V) The number and types of ap-
7 pointments for the receipt of tele-
8 health services furnished by the De-
9 partment.

10 (VI) The savings, if any, realized
11 by the Department by furnishing tele-
12 health services to covered bene-
13 ficiaries.

14 (g) DEFINITIONS.—In this section, the terms “cov-
15 ered beneficiary” and “TRICARE program” have the
16 meaning given those terms in section 1072 of title 10,
17 United States Code.

18 **SEC. 706. EVALUATION AND TREATMENT OF VETERANS**
19 **AND CIVILIANS AT MILITARY TREATMENT FA-**
20 **CILITIES.**

21 (a) IN GENERAL.—The Secretary of Defense may au-
22 thorize a veteran (in consultation with the Secretary of
23 Veterans Affairs) or civilian to be evaluated and treated
24 at a military treatment facility if the Secretary of Defense
25 determines that—

1 (1) the evaluation and treatment of the indi-
2 vidual is necessary to attain the relevant mix and
3 volume of medical casework required to maintain
4 medical readiness skills and competencies of health
5 care providers at the facility;

6 (2) the health care providers at the facility have
7 the competencies, skills, and abilities required to
8 treat the individual; and

9 (3) the facility has available space, equipment,
10 and materials to treat the individual.

11 (b) REIMBURSEMENT FOR TREATMENT.—

12 (1) CIVILIANS.—A military treatment facility
13 that evaluates or treats an individual (other than an
14 individual described in paragraph (2)) under sub-
15 section (a) may bill the individual and accept reim-
16 bursement from the individual for the costs of any
17 health care services provided to the individual under
18 such subsection.

19 (2) VETERANS.—The Secretary of Defense
20 shall enter into a memorandum of understanding
21 with the Secretary of Veterans Affairs under which
22 the Secretary of Veterans Affairs will reimburse a
23 military treatment facility for the costs of any health
24 care services provided at the facility under sub-

1 section (a) to individuals eligible for such health care
2 services from the Department of Veterans Affairs.

3 (3) USE OF AMOUNTS.—Any amounts collected
4 by a military treatment facility under paragraph (1)
5 or (2) for health care services provided to an indi-
6 vidual under subsection (a) shall be made available
7 to such facility to improve access to health care, im-
8 prove health outcomes, and enhance the experience
9 of care for covered beneficiaries at such facility.

10 (c) COVERED BENEFICIARY DEFINED.—In this sec-
11 tion, the term “covered beneficiary” has the meaning
12 given that term in section 1072 of title 10, United States
13 Code.

14 **SEC. 707. PILOT PROGRAM TO PROVIDE HEALTH INSUR-**
15 **ANCE TO MEMBERS OF THE RESERVE COM-**
16 **ONENTS OF THE ARMED FORCES.**

17 (a) PILOT PROGRAM AUTHORIZED.—

18 (1) IN GENERAL.—The Secretary of Defense
19 and the Director may jointly carry out a pilot pro-
20 gram, at the election of the Secretary, under which
21 the Director provides commercial health insurance
22 coverage to eligible reserve component members who
23 enroll in a health benefits plan under subsection (b)
24 as an individual, for self plus one coverage, or for
25 self and family coverage.

1 (2) ELEMENTS.—The pilot program shall—

2 (A) provide for enrollment by eligible re-
3 serve component members, at the election of the
4 member, in a health benefits plan under sub-
5 section (b) during an open enrollment period es-
6 tablished by the Director for purposes of this
7 section;

8 (B) include a variety of national and re-
9 gional health benefits plans that—

10 (i) meet the requirements of this sec-
11 tion;

12 (ii) are broadly representative of the
13 health benefits plans available in the com-
14 mercial market; and

15 (iii) do not contain unnecessary re-
16 strictions, as determined by the Director;
17 and

18 (C) offer a sufficient number of health
19 benefits plans in order to provide eligible re-
20 serve component beneficiaries with an ample
21 choice of health benefits plans, as determined
22 by the Director.

23 (3) DURATION.—If the Secretary elects to carry
24 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;

1 (C) access to benefits described in sub-
2 section (c), including ease of referral for health
3 care services; and

4 (D) inclusion in the services covered by the
5 plan of advancements in medical treatments
6 and technology as soon as practicable in accord-
7 ance with generally accepted standards of medi-
8 cine.

9 (c) BENEFITS.—A health benefits plan offered by the
10 Director under this section shall include, at a minimum,
11 the following benefits:

12 (1) The health care benefits provided under
13 chapter 55 of title 10, United States Code, excluding
14 pharmaceutical, dental, and extended health care op-
15 tion benefits.

16 (2) The essential health benefits described in
17 section 1302 of the Patient Protection and Afford-
18 able Care Act (42 U.S.C. 18022), excluding pharma-
19 ceutical and dental benefits.

20 (3) Such other benefits as the Director deter-
21 mines appropriate.

22 (d) CARE AT FACILITIES OF UNIFORMED SERV-
23 ICES.—

24 (1) IN GENERAL.—If an eligible reserve compo-
25 nent beneficiary receives benefits described in sub-

1 section (c) at a facility of the uniformed services, the
2 health benefits plan under which the beneficiary is
3 covered shall be treated as a third party payer under
4 section 1095 of title 10, United States Code, and
5 shall pay reasonable charges for such benefits.

6 (2) MILITARY TREATMENT FACILITIES.—The
7 Secretary, in consultation with the Director—

8 (A) may contract with qualified carriers
9 with which the Director has contracted under
10 subsection (b) to provide health insurance cov-
11 erage for health care services provided at mili-
12 tary treatment facilities under this section; and

13 (B) may receive payments under section
14 1095 of title 10, United States Code, from
15 qualified carriers for health care services pro-
16 vided at military treatment facilities under this
17 section.

18 (e) SPECIAL RULE RELATING TO ACTIVE DUTY PE-
19 RIOD.—

20 (1) IN GENERAL.—An eligible reserve compo-
21 nent member may not receive benefits under a
22 health benefits plan under this section during any
23 period in which the member is serving on active duty
24 for more than 30 days.

1 (2) TREATMENT OF DEPENDENTS.—Paragraph
2 (1) does not affect the coverage under a health bene-
3 fits plan of any dependent of an eligible reserve com-
4 ponent member.

5 (f) ELIGIBILITY FOR FEDERAL EMPLOYEES HEALTH
6 BENEFITS PROGRAM.—An individual is not eligible to en-
7 roll in or be covered under a health benefits plan under
8 this section if the individual is eligible to enroll in a health
9 benefits plan under the Federal Employees Health Bene-
10 fits Program.

11 (g) COST SHARING.—

12 (1) RESPONSIBILITY FOR PAYMENT.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), an eligible reserve compo-
15 nent member shall pay an annual premium
16 amount calculated under paragraph (2) for cov-
17 erage under a health benefits plan under this
18 section and additional amounts described in
19 paragraph (3) for health care services in con-
20 nection with such coverage.

21 (B) ACTIVE DUTY PERIOD.—

22 (i) IN GENERAL.—During any period
23 in which an eligible reserve component
24 member is serving on active duty for more
25 than 30 days, the eligible reserve compo-

1 nent member is not responsible for paying
2 any premium amount under paragraph (2)
3 or additional amounts under paragraph
4 (3).

5 (ii) COVERAGE OF DEPENDENTS.—

6 With respect to a dependent of an eligible
7 reserve component member that is covered
8 under a health benefits plan under this
9 section, during any period described in
10 clause (i) with respect to the member, the
11 Secretary shall, on behalf of the dependent,
12 pay 100 percent of the total annual
13 amount of a premium for coverage of the
14 dependent under the plan and such cost
15 sharing amounts as may be applicable
16 under the plan.

17 (2) PREMIUM AMOUNT.—

18 (A) IN GENERAL.—The annual premium
19 calculated under this paragraph is an amount
20 equal to 28 percent of the total annual amount
21 of a premium under the health benefits plan se-
22 lected.

23 (B) TYPES OF COVERAGE.—The premium
24 amounts calculated under this paragraph shall
25 include separate calculations for—

- 1 (i) coverage as an individual;
- 2 (ii) self plus one coverage; and
- 3 (iii) self and family coverage.

4 (3) ADDITIONAL AMOUNTS.—The additional
5 amounts described in this paragraph with respect to
6 an eligible reserve component member are such cost
7 sharing amounts as may be applicable under the
8 health benefits plan under which the member is cov-
9 ered.

10 (h) CONTRACTING.—

11 (1) IN GENERAL.—In contracting for health
12 benefits plans under subsection (b), the Director
13 may contract with qualified carriers in a manner
14 similar to the manner in which the Director con-
15 tracts with carriers under section 8902 of title 5,
16 United States Code, including that—

17 (A) a contract under this section shall be
18 for a uniform term of not less than one year,
19 but may be made automatically renewable from
20 term to term in the absence of notice of termi-
21 nation by either party;

22 (B) a contract under this section shall con-
23 tain a detailed statement of benefits offered and
24 shall include such maximums, limitations, exclu-

1 sions, and other definitions of benefits as the
2 Director considers necessary or desirable;

3 (C) a contract under this section shall en-
4 sure that an eligible reserve component member
5 who is eligible to enroll in a health benefits plan
6 pursuant to such contract is able to enroll in
7 such plan; and

8 (D) the terms of a contract under this sec-
9 tion relating to the nature, provision, or extent
10 of coverage or benefits (including payments
11 with respect to benefits) shall supersede and
12 preempt any conflicting State or local law.

13 (2) EVALUATION OF FINANCIAL SOLVENCY.—
14 The Director shall perform a thorough evaluation of
15 the financial solvency of an insurance carrier before
16 entering into a contract with the insurance carrier
17 under paragraph (1).

18 (i) RECOMMENDATIONS AND DATA.—

19 (1) IN GENERAL.—The Secretary of Defense, in
20 consultation with the Secretary of Homeland Secu-
21 rity, shall provide recommendations and data to the
22 Director with respect to—

23 (A) matters involving military treatment
24 facilities;

1 (B) matters unique to eligible reserve com-
2 ponent members and their dependents; and

3 (C) such other strategic guidance nec-
4 essary for the Director to administer this sec-
5 tion as the Secretary of Defense, in consulta-
6 tion with the Secretary of Homeland Security,
7 considers appropriate.

8 (2) LIMITATION ON IMPLEMENTATION.—The
9 Director shall not implement any recommendation
10 provided by the Secretary of Defense under para-
11 graph (1) if the Director determines that the imple-
12 mentation of the recommendation would result in eli-
13 gible reserve components beneficiaries receiving less
14 generous health benefits under this section than the
15 health benefits commonly available to individuals
16 under the Federal Employees Health Benefits Pro-
17 gram during the same period.

18 (j) FUNDING.—

19 (1) IN GENERAL.—The Secretary of Defense
20 and the Director shall jointly establish an appro-
21 priate mechanism to fund the pilot program under
22 this section.

23 (2) AVAILABILITY OF AMOUNTS.—Amounts
24 shall be made available to the Director pursuant to

1 the mechanism established under paragraph (1),
2 without fiscal year limitation—

3 (A) for payments to health benefits plans
4 under this section; and

5 (B) to pay the costs of administering this
6 section.

7 (k) DEFINITIONS.—In this section:

8 (1) DIRECTOR.—The term “Director” means
9 the Director of the Office of Personnel Management.

10 (2) ELIGIBLE RESERVE COMPONENT BENE-
11 FICIARY.—The term “eligible reserve component
12 beneficiary” means an eligible reserve component
13 member enrolled in, or a dependent of such a mem-
14 ber described in subparagraph (A), (D), or (I) of
15 section 1072(2) of title 10, United States Code, cov-
16 ered under, a health benefits plan under this section.

17 (3) ELIGIBLE RESERVE COMPONENT MEM-
18 BER.—The term “eligible reserve component mem-
19 ber” means a member of the Selected Reserve of the
20 Ready Reserve of an Armed Force.

21 (4) EXTENDED HEALTH CARE OPTION.—The
22 term “extended health care option” means the pro-
23 gram of extended benefits under subsections (d) and
24 (e) of section 1079 of title 10, United States Code.

1 (5) FEDERAL EMPLOYEES HEALTH BENEFITS
2 PROGRAM.—The term “Federal Employees Health
3 Benefits Program” means the health insurance pro-
4 gram under chapter 89 of title 5, United States
5 Code.

6 (6) QUALIFIED CARRIER.—The term “qualified
7 carrier” means an insurance carrier that is licensed
8 to issue group health insurance in any State or the
9 District of Columbia.

10 **SEC. 708. PILOT PROGRAM ON TREATMENT OF MEMBERS**
11 **OF THE ARMED FORCES FOR POST-TRAU-**
12 **MATIC STRESS DISORDER RELATED TO MILI-**
13 **TARY SEXUAL TRAUMA.**

14 (a) IN GENERAL.—The Secretary of Defense may
15 carry out a pilot program to assess the feasibility and ad-
16 visability of using intensive outpatient programs to treat
17 members of the Armed Forces suffering from post-trau-
18 matic stress disorder resulting from military sexual trau-
19 ma, including treatment for substance use disorder, de-
20 pression, and other issues related to such conditions.

21 (b) GRANTS TO COMMUNITY PARTNERS.—

22 (1) IN GENERAL.—The pilot program author-
23 ized by subsection (a) shall be carried out using
24 grants, awarded on a competitive basis, to commu-
25 nity partners described in paragraph (2).

1 (2) COMMUNITY PARTNERS.—A community
2 partner described in this paragraph is a private
3 health care organization or institution that—

4 (A) provides health care to members of the
5 Armed Forces;

6 (B) provides evidence-based treatment for
7 psychological and neurological conditions that
8 are common among members of the Armed
9 Forces, including post-traumatic stress dis-
10 order, traumatic brain injury, substance use
11 disorder, and depression;

12 (C) provides health care, support, and
13 other benefits to family members of members of
14 the Armed Forces; and

15 (D) provides health care under the
16 TRICARE program (as that term is defined in
17 section 1072 of title 10, United States Code).

18 (c) REQUIREMENTS OF GRANT RECIPIENTS.—Each
19 community partner awarded a grant under subsection (b)
20 shall—

21 (1) carry out intensive outpatient programs of
22 short duration to treat members of the Armed
23 Forces suffering from post-traumatic stress disorder
24 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.

1 **Subtitle B—Health Care**
2 **Administration**

3 **SEC. 721. CONSOLIDATION OF THE MEDICAL DEPART-**
4 **MENTS OF THE ARMY, NAVY, AND AIR FORCE**
5 **INTO THE DEFENSE HEALTH AGENCY.**

6 (a) **IN GENERAL.**—Not earlier than the date that is
7 60 days after the Committees on Armed Services of the
8 Senate and the House of Representatives receive the con-
9 solidation plan submitted under subsection (d), the Sec-
10 retary of Defense shall disestablish the medical depart-
11 ments of the Armed Forces and consolidate all activities
12 of such departments into the Defense Health Agency in
13 a manner that—

14 (1) ensures continuity in the provision of health
15 care services to members of the Armed Forces and
16 other eligible beneficiaries; and

17 (2) maintains the medical force readiness capa-
18 bilities of the military health system.

19 (b) **MEDICAL OPERATIONS WITHIN DEFENSE**
20 **HEALTH AGENCY.**—

21 (1) **IN GENERAL.**—The consolidation required
22 by this section shall, at a minimum, meet the re-
23 quirements of this subsection.

24 (2) **MEDICAL OPERATIONS.**—All medical oper-
25 ations 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 igned 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.

1 (B) HEADS OF ORGANIZATIONS.—The
2 head of each subordinate organization under
3 this paragraph shall, while so serving, be an of-
4 ficer of the Armed Forces who holds the grade
5 of major general or, in the case of the Navy,
6 rear admiral, or a civilian of equivalent grade.
7 The head of each subordinate organization, if
8 an officer of the Armed Forces, shall be a mem-
9 ber of the medical corps, the dental corps, the
10 medical service corps (including the biomedical
11 service corps), or the nurse corps.

12 (5) AUTHORITY OF DIRECTOR.—The Director
13 of the Defense Health Agency shall, subject to the
14 supervision and control of the Assistant Secretary of
15 Defense for Health Affairs, be responsible for and
16 have the authority to conduct the following functions
17 relating to the medical operations activities of the
18 Department:

19 (A) Development of programs and doc-
20 trine.

21 (B) Preparation and submittal of program
22 recommendations and budget proposals to the
23 Secretary of Defense.

1 (C) Exercise of authority, direction, and
2 control over the expenditure of funds of the De-
3 fense Health Program.

4 (D) Planning, budgeting, and expenditure
5 of military construction funds within the De-
6 fense Health Program.

7 (E) Training assigned medical forces and
8 conducting specialized medical instruction for
9 military personnel.

10 (F) Validation, establishment, and
11 prioritizing of requirements.

12 (G) Ensuring interoperability of equipment
13 and forces.

14 (H) Monitoring promotions, assignments,
15 retention, training, and professional military
16 education of military health care providers.

17 (6) MAINTENANCE OF UNIQUE MEDICAL CAPA-
18 BILITIES AND EXPERTISE OF THE ARMED
19 FORCES.—Notwithstanding a single agency structure
20 for medical operations of the Department, the
21 unique operational medical capabilities and expertise
22 of health care professionals of each of the Armed
23 Forces shall, to the extent practicable, be preserved
24 and maintained.

1 (c) POSITIONS OF SURGEON GENERAL IN THE
2 ARMED FORCES.—

3 (1) SURGEON GENERAL OF THE ARMY.—Sec-
4 tion 3036 of title 10, United States Code, is amend-
5 ed—

6 (A) in subsection (d), by striking “(1)”;

7 (B) by redesignating subsection (e) as sub-
8 section (g);

9 (C) by redesignating paragraphs (2) and
10 (3) of subsection (d) as paragraphs (1) and (2),
11 respectively, of a new subsection (e); and

12 (D) by adding after subsection (e), as pro-
13 vided for by subparagraph (C), the following
14 new subsection (f):

15 “(f)(1) The Surgeon General serves as the principal
16 advisor to the Secretary of the Army and the Chief of
17 Staff of the Army on all health and medical matters of
18 the Army, including strategic planning and policy develop-
19 ment relating to such matters.

20 “(2) The Surgeon General serves as the chief medical
21 advisor of Army to the Defense Health Agency on matters
22 pertaining to military health readiness requirements and
23 safety of members of the Army.”.

24 (2) SURGEON GENERAL OF THE NAVY.—

1 (A) IN GENERAL.—Section 5137 of title
2 10, United States Code, is amended to read as
3 follows:

4 **“§ 5137. Surgeon General: appointment; duties**

5 “(a) APPOINTMENT.—The Surgeon General of the
6 Navy shall be appointed by the President, by and with the
7 advice and consent of the Senate.

8 “(b) DUTIES.—(1) The Surgeon General shall per-
9 form duties prescribed by the Secretary of the Navy and
10 by law.

11 “(2) The Surgeon General serves as the principal ad-
12 visor to the Secretary of the Navy and the Chief of Naval
13 Operations on all health and medical matters of the Navy
14 and the Marine Corps, including strategic planning and
15 policy development relating to such matters.

16 “(3) The Surgeon General serves as the chief medical
17 advisor of the Navy and the Marine Corps to the Defense
18 Health Agency on matters pertaining to military health
19 readiness requirements and safety of members of the Navy
20 and the Marine Corps.”.

21 (B) CLERICAL AMENDMENT.—The table of
22 sections at the beginning of chapter 513 of such
23 title is amended by striking the item relating to
24 section 5137 and inserting the following new
25 item:

“5137. Surgeon General: appointment; duties.”.

1 (3) SURGEON GENERAL OF THE AIR FORCE.—

2 (A) IN GENERAL.—Section 8036 of title
3 10, United States Code, is amended to read as
4 follows:

5 **“§ 8036. Surgeon General: appointment; duties**

6 “(a) APPOINTMENT.—The Surgeon General of the
7 Air Force shall be appointed by the President, by and with
8 the advice and consent of the Senate.

9 “(b) DUTIES.—(1) The Surgeon General shall per-
10 form duties prescribed by the Secretary of the Air Force
11 and by law.

12 “(2) The Surgeon General serves as the principal ad-
13 visor to the Secretary of the Air Force and the Chief of
14 Staff of the Air Force on all health and medical matters
15 of the Air Force, including strategic planning and policy
16 development relating to such matters.

17 “(3) The Surgeon General serves as the chief medical
18 advisor of the Air Force to the Defense Health Agency
19 on matters pertaining to military health readiness require-
20 ments and safety of members of the Air Force.”.

21 (B) CLERICAL AMENDMENT.—The table of
22 sections at the beginning of chapter 805 of such
23 title is amended by striking the item relating to
24 section 8036 and inserting the following new
25 item:

“8036. Surgeon General: appointment; duties.”.

1 (d) CONSOLIDATION PLAN.—

2 (1) IN GENERAL.—Before taking any action
3 under subsection (a) to consolidate the activities of
4 the medical departments of the Armed Forces, the
5 Secretary of Defense shall submit to Committees on
6 Armed Services of the Senate and the House of Rep-
7 resentatives a plan to consolidate such activities.

8 (2) ELEMENTS.—The plan submitted under
9 paragraph (1) with respect to the consolidation of
10 the activities of the medical departments of the
11 Armed Forces under subsection (a) shall include, at
12 a minimum, the following:

13 (A) A description of the organizational
14 structure of the Defense Health Agency under
15 such consolidation.

16 (B) A description of the manning and
17 management of all medical personnel under
18 such consolidation.

19 (C) A description of the command respon-
20 sibilities of the Director of the Defense Health
21 Agency, the head of each subordinate organiza-
22 tion within the Defense Health Agency, and the
23 Surgeons General of the Army, Navy, and Air
24 Force under such consolidation.

1 (D) A description of the authorities and
2 responsibilities of each commander of an instal-
3 lation or military service under such consolida-
4 tion.

5 (E) A description of the activities carried
6 out by all elements of the Defense Health Agen-
7 cy under such consolidation.

8 (F) An assessment of the impact of such
9 consolidation on—

10 (i) health care provided by the De-
11 partment of Defense, including the cost ef-
12 fectiveness of such care;

13 (ii) the military readiness of members
14 of the Armed Forces; and

15 (iii) the ability of members of the
16 Armed Forces to meet deployment require-
17 ments.

18 (G) An assessment of the delineation of ac-
19 countability across the military health system
20 under such consolidation.

21 (3) COMPTROLLER GENERAL REVIEW.—Not
22 later than 180 days after the Secretary of Defense
23 submits the plan under paragraph (1), the Comp-
24 troller General of the United States shall submit to
25 the Committees on Armed Services of the Senate

1 and the House of Representatives a review of such
2 plan.

3 (e) REPORT.—Not later than January 1, 2017, the
4 Secretary of the Defense shall submit to the Committees
5 on Armed Services of the Senate and the House of Rep-
6 resentatives a report on the consolidation required by this
7 section.

8 (1) The number of military, civilian, and con-
9 tractor positions to be eliminated from headquarters
10 staffs by the disestablishment of the medical depart-
11 ments of the Armed Forces and the consolidation of
12 all activities of such departments into the Defense
13 Health Agency.

14 (2) The number of general and flag officer bil-
15 lets to be eliminated from each Armed Force by the
16 disestablishment and consolidation.

17 (3) The cost savings expected to be realized as
18 a result of the disestablishment and consolidation.

19 (4) The complete schedule for the disestablish-
20 ment and consolidation.

21 (5) A description of the additional legislative
22 authorities, if any, required to fully carry out the
23 disestablishment and consolidation.

1 **SEC. 722. ACCOUNTABILITY FOR THE PERFORMANCE OF**
2 **THE MILITARY HEALTH CARE SYSTEM OF**
3 **CERTAIN POSITIONS IN THE SYSTEM.**

4 (a) **IN GENERAL.**—Commencing not later than 180
5 days after the date of the enactment of this Act, the Sec-
6 retary of Defense and the Secretaries of the military de-
7 partments, as appropriate, shall incorporate into the an-
8 nual performance review of each position specified in sub-
9 section (b) measures of accountability for the performance
10 of the military health care system described in subsection
11 (c) for which such position should be held accountable.

12 (b) **POSITIONS.**—The positions specified in this sub-
13 section are the following:

14 (1) The Director of the Defense Health Agency.

15 (2) The heads of the subordinate organizations
16 of the Defense Health Agency established pursuant
17 to section 721(b)(4).

18 (3) The commanders of the military medical
19 treatment facilities of each Armed Force.

20 (4) The subordinate commanders of the mili-
21 tary medical treatment facilities of each Armed
22 Force.

23 (c) **MEASURES OF ACCOUNTABILITY FOR PERFORM-**
24 **ANCE.**—The measures of accountability for the perform-
25 ance of the military health care system incorporated into
26 the annual performance reviews of a position pursuant to

1 this section shall include measures to assess performance
2 and assure accountability for the following:

3 (1) Quality of care.

4 (2) Beneficiaries' access to care.

5 (3) Improvement in beneficiaries' health out-
6 comes.

7 (4) Patient safety.

8 (5) Such other matters as the Secretary of De-
9 fense or the Secretaries of the military departments,
10 as appropriate, consider appropriate.

11 (d) LIMITATION ON PERFORMANCE BONUS PAY-
12 MENTS.—Commencing upon the incorporation of meas-
13 ures of accountability for the performance of the military
14 health care system into the annual performance reviews
15 of a position specified in subsection (b), a performance
16 bonus payment may not be paid to a civilian employee of the
17 Department of Defense occupying such position unless the
18 performance of the military health care system for which
19 such position is held responsible met or exceeded expecta-
20 tions for performance during the period for which the per-
21 formance bonus payment would otherwise be made.

22 (e) REPORT ON IMPLEMENTATION.—Not later than
23 180 days after the date of the enactment of this Act, the
24 Secretary of Defense shall submit to the Committees on
25 Armed Services of the Senate and the House of Represent-

1 atives a report on the incorporation of measures of ac-
2 countability for the performance of the military health
3 care system into the annual performance reviews of posi-
4 tions as required by this section. The report shall include
5 the following:

6 (1) A comprehensive plan for the use of meas-
7 ures of accountability for performance in annual per-
8 formance reviews pursuant to this section as a
9 means of assessing and assuring accountability for
10 the performance of the military health care system.

11 (2) For each position specified in subsection
12 (b), a description of the specific measures of ac-
13 countability for performance incorporated into the
14 annual performance reviews of such position pursu-
15 ant to this section.

16 **SEC. 723. SELECTION OF COMMANDERS AND DIRECTORS**
17 **OF MILITARY TREATMENT FACILITIES AND**
18 **TOURS OF DUTY OF COMMANDERS OF SUCH**
19 **FACILITIES.**

20 (a) IN GENERAL.—Not later than January 1, 2018,
21 the Secretary of Defense shall do the following:

22 (1) Develop the common qualifications and core
23 competencies required of individuals for selection as
24 commanders or directors of military treatment facili-
25 ties.

1 (2) Establish a minimum length for the tour of
2 duty of an individual as a commander of a military
3 treatment facility.

4 (b) QUALIFICATIONS AND COMPETENCIES.—

5 (1) STANDARDS.—In developing common quali-
6 fications and core competencies required of individ-
7 uals for selection as commanders or directors of
8 military treatment facilities pursuant to subsection
9 (a)(1), the Secretary shall include standards with re-
10 spect to the following:

11 (A) Professional competence.

12 (B) Moral and ethical integrity and char-
13 acter.

14 (C) Formal education in healthcare execu-
15 tive leadership and healthcare management.

16 (D) Such other matters as the Secretary
17 considers appropriate.

18 (2) OBJECTIVE.—The objective of the Secretary
19 in developing such qualifications and competencies
20 shall be to ensure that the individuals selected as
21 commanders or directors of military treatment facili-
22 ties are highly qualified to serve as health system ex-
23 ecutives in any medical treatment facility of the
24 Armed Forces.

25 (c) TOURS OF DUTY.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the length of the tour of duty as a com-
3 mander of a military treatment facility of any indi-
4 vidual assigned to such position after January 1,
5 2018, may not be shorter than the longer of—

6 (A) the length established pursuant to sub-
7 section (a)(2); or

8 (B) four years.

9 (2) WAIVER.—The Secretary of the military de-
10 partment concerned may authorize a tour of duty of
11 an individual as a commander of a military treat-
12 ment facility of a shorter length than is otherwise
13 provided for in paragraph (1) if the Secretary deter-
14 mines, in the discretion of the Secretary, that there
15 is good cause for a tour of duty in such position of
16 shorter length. Any such determination shall be
17 made on a case-by-case basis.

18 **SEC. 724. AUTHORITY TO CONVERT MILITARY MEDICAL**
19 **AND DENTAL POSITIONS TO CIVILIAN MED-**
20 **ICAL AND DENTAL POSITIONS.**

21 (a) LIMITED AUTHORITY FOR CONVERSION.—Chap-
22 ter 49 of title 10, United States Code, is amended by in-
23 serting after section 976 the following new section:

1 **“§ 977. Conversion of military medical and dental po-**
2 **sitions to civilian medical and dental po-**
3 **sitions: limitation**

4 “(a) REQUIREMENTS RELATING TO CONVERSION.—

5 A military medical or dental position within the Depart-
6 ment of Defense may not be converted to a civilian medical
7 or dental position unless the Secretary of Defense deter-
8 mines that—

9 “(1) the position is not a military essential po-
10 sition;

11 “(2) conversion of the position would not result
12 in the degradation of medical care or the medical
13 readiness of the armed forces; and

14 “(3) conversion of the position to a civilian
15 medical or dental position is more cost effective than
16 retaining the position as a military medical or dental
17 position, consistent with Department of Defense In-
18 struction 7041.04.

19 “(b) DEFINITIONS.—In this section:

20 “(1) The term ‘military medical or dental posi-
21 tion’ means a position for the performance of health
22 care functions within the armed forces held by a
23 member of the armed forces.

24 “(2) The term ‘civilian medical or dental posi-
25 tion’ means a position for the performance of health
26 care functions within the Department of Defense

1 held by an employee of the Department or of a con-
2 tractor of the Department.

3 “(3) The term ‘military essential’, with respect
4 to a position, means that the position must be held
5 by a member of the armed forces, as determined in
6 accordance with regulations prescribed by the Sec-
7 retary.

8 “(4) The term ‘conversion’, with respect to a
9 military medical or dental position, means a change
10 of the position to a civilian medical or dental posi-
11 tion, effective as of the date of the manning author-
12 ization document of the military department making
13 the change (through a change in designation from
14 military to civilian in the document, the elimination
15 of the listing of the position as a military position
16 in the document, or through any other means indi-
17 cating the change in the document or otherwise).”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of chapter 49 of such title is amended
20 by inserting after the item relating to section 976 the fol-
21 lowing new item:

“977. Conversion of military medical and dental positions to civilian medical and
dental positions: limitation.”.

22 (c) REPEAL OF RELATED PROHIBITION.—Section
23 721 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

1 realignment or modification will be able to receive through
2 the purchased care component of the TRICARE program
3 the health care services that will not be available to the
4 covered beneficiary at the facility as a result of such re-
5 alignment or modification.

6 (c) REPORT.—

7 (1) IN GENERAL.—Before taking any action
8 under subsection (a) to realign the infrastructure of
9 or modify the health care services provided by a mili-
10 tary treatment facility, the Secretary of Defense
11 shall submit to the Committees on Armed Services
12 of the Senate and the House of Representatives a
13 report on any such proposed realignments or modi-
14 fications.

15 (2) ELEMENTS.—The report required by para-
16 graph (1) shall include, at a minimum, the following:

17 (A) With respect to each military treat-
18 ment facility for which realignments or modi-
19 fications are proposed, the following:

20 (i) A comprehensive assessment of the
21 health care services provided at the facility.

22 (ii) A description of the current acces-
23 sibility of covered beneficiaries to health
24 care services provided at the facility and
25 proposed modifications to that accessi-

1 bility, including with respect to types of
2 services provided.

3 (iii) A description of the current man-
4 ning levels at the facility and proposed
5 modifications to such manning levels.

6 (iv) A description of the current avail-
7 ability of urgent care, emergent care, and
8 specialty care at the facility and in the
9 TRICARE provider network in the area in
10 which the facility is located, and proposed
11 modifications to the availability of such
12 care.

13 (v) A description of the current level
14 of coordination between the facility and
15 local health care providers in the area in
16 which the facility is located and proposed
17 modifications to such level of coordination.

18 (vi) A description of any unique chal-
19 lenges to providing health care at the facil-
20 ity, with a focus on challenges relating to
21 rural, remote, and insular areas, as appro-
22 priate.

23 (B) An assessment of the current accessi-
24 bility of covered beneficiaries to health care
25 from sources other than military treatment fa-

1 ilities and any changes that may be necessary
2 to meet requirements relating to health care for
3 covered beneficiaries from such sources, includ-
4 ing access to and receipt of health care.

5 (d) **COMPTROLLER GENERAL REVIEW.**—Not later
6 than 60 days after the Secretary of Defense submits a
7 report under subsection (c), the Comptroller General of
8 the United States shall submit to the Committees on
9 Armed Services of the Senate and the House of Represent-
10 atives a review of such report.

11 (e) **DEFINITIONS.**—In this section, the terms “cov-
12 ered beneficiary” and “TRICARE program” have the
13 meaning given those terms in section 1072 of title 10,
14 United States Code.

15 **SEC. 726. ACQUISITION OF MEDICAL SUPPORT CONTRACTS**
16 **FOR TRICARE PROGRAM.**

17 (a) **ACQUISITION OF CONTRACTS.**—

18 (1) **NEW COMPETITION.**—

19 (A) **IN GENERAL.**—Beginning not later
20 than January 1, 2018, the Secretary of Defense
21 shall conduct a new competition of all medical
22 support contracts with private sector entities
23 under the TRICARE program, other than the
24 overseas medical support contract, upon the ex-
25 piration 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

1 an open broad agency announcement to allow
2 potential contractors under the TRICARE pro-
3 gram to propose innovative ideas and solutions
4 to meet the medical support contract needs of
5 the Department under the TRICARE program.

6 (B) COMPETITION REQUIREMENT.—A
7 medical support contract awarded pursuant to
8 the broad agency announcement issued under
9 subparagraph (A) shall be deemed to meet the
10 requirements under section 2304 of title 10,
11 United States Code, relating to the use of com-
12 petitive procedures to procure services.

13 (b) TYPES OF CONTRACTS.—

14 (1) IN GENERAL.—Each contract entered into
15 under subsection (a) shall be competitively procured
16 and automatically renewable for a period of not
17 more than 10 years unless notice for termination is
18 provided by either party not later than 180 days be-
19 fore such termination.

20 (2) SCOPE.—The Secretary shall enter into
21 under subsection (a) a combination of local, regional,
22 and national contracts to develop individual and in-
23 stitutional high-performing networks of health care
24 providers.

1 (c) ELEMENTS OF CONTRACTS.—Each contract en-
2 tered into under subsection (a) shall, to the extent prac-
3 ticable, provide for the following:

4 (1) The maximization of flexibility in the design
5 and configuration of networks of individual and in-
6 stitutional health care providers, including a focus
7 on the development of high-performing networks of
8 health care providers.

9 (2) The creation of an integrated medical man-
10 agement system between military treatment facilities
11 and health care providers in the private sector that,
12 when appropriate, effectively coordinates and inte-
13 grates health care across the continuum of care.

14 (3) With respect to telehealth services—

15 (A) the maximization of the use of such
16 services to provide real-time interactive commu-
17 nications between patients and health care pro-
18 viders and remote patient monitoring; and

19 (B) the use of standardized payment meth-
20 ods to reimburse health care providers for the
21 provision of such services.

22 (4) The use of value-based reimbursement
23 methodologies that transfer financial risk to health
24 care providers and medical support contractors.

1 (5) The use of financial incentives for contrac-
2 tors and health care providers to receive an equitable
3 share in the cost savings to the Department result-
4 ing from improvement in health outcomes for cov-
5 ered beneficiaries and the experience of covered
6 beneficiaries in receiving health care.

7 (6) The use of incentives, emphasizing preven-
8 tion and wellness, for covered beneficiaries receiving
9 health care services from private sector entities to
10 seek such services from high-value health care pro-
11 viders.

12 (7) The adoption of a streamlined process for
13 enrollment of covered beneficiaries to receive health
14 care and timely assignment of primary care man-
15 agers to covered beneficiaries.

16 (8) The elimination of the requirement to re-
17 ceive authorization for a referral for specialty care
18 services from the direct or purchased care compo-
19 nent of the military health system.

20 (9) The use of incentives to encourage covered
21 beneficiaries to participate in medical and lifestyle
22 intervention programs.

23 (d) RURAL, REMOTE, AND ISOLATED AREAS.—

1 (1) IN GENERAL.—In entering into medical
2 support contracts under subsection (a) and imple-
3 menting such contracts, the Secretary shall—

4 (A) assess the unique characteristics of
5 providing health care services in rural, remote,
6 or isolated locations, such as Alaska and Ha-
7 waii and locations in the contiguous 48 States;

8 (B) consider the various challenges inher-
9 ent in developing robust networks of health care
10 providers in those locations; and

11 (C) develop a provider reimbursement rate
12 structure in those locations that ensures—

13 (i) timely access of covered bene-
14 ficiaries to health care services;

15 (ii) the delivery of high-quality pri-
16 mary and specialty care;

17 (iii) improvement in health outcomes
18 for covered beneficiaries; and

19 (iv) an enhanced experience of care
20 for covered beneficiaries.

21 (2) CERTIFICATION.—The Secretary of Defense
22 may not modify existing medical support contracts
23 under the TRICARE program in rural, remote, or
24 isolated locations, such as Alaska and Hawaii and
25 locations in the contiguous 48 States, or enter into

1 new medical support contracts under subsection (a)
2 in those locations, until the Secretary certifies to the
3 Committees on Armed Services of the Senate and
4 the House of Representatives that medical support
5 contracts in those locations will—

6 (A) establish individual and institutional
7 provider networks that will ensure timely access
8 to care for covered beneficiaries; and

9 (B) deliver high-quality care, better health
10 outcomes, and a better experience of care for
11 covered beneficiaries.

12 (e) COMPTROLLER GENERAL REPORT.—

13 (1) IN GENERAL.—Not later than January 1,
14 2019, the Comptroller General of the United States
15 shall submit to the Committees on Armed Services
16 of the Senate and the House of Representatives a
17 report that assesses the compliance of the Secretary
18 of Defense with the requirements of this section.

19 (2) ELEMENTS.—The report required by para-
20 graph (1) shall include an assessment of the fol-
21 lowing:

22 (A) Whether the approach of the Depart-
23 ment of Defense to acquiring medical support
24 contracts under this section would—

25 (i) improve access to care;

1 (ii) improve health outcomes;

2 (iii) improve the experience of care for
3 covered beneficiaries; and

4 (iv) lower per capita health care costs.

5 (B) Whether the Department has, in its
6 requirements for medical support contracts en-
7 tered into under this section, allowed for—

8 (i) maximum flexibility in network de-
9 sign and development;

10 (ii) integrated medical management
11 between military treatment facilities and
12 network providers;

13 (iii) the maximum use of the full
14 range of telehealth services;

15 (iv) the use of value-based reimburse-
16 ment methods that transfer financial risk
17 to health care providers and medical sup-
18 port contractors;

19 (v) the use of prevention and wellness
20 incentives to encourage covered bene-
21 ficiaries to seek health care services from
22 high-value providers;

23 (vi) a streamlined enrollment process
24 and timely assignment of primary care
25 managers;

1 (vii) the elimination of the require-
2 ment to seek authorization for referrals for
3 specialty care services;

4 (viii) the use of incentives to encour-
5 age certain covered beneficiaries to engage
6 in medical and lifestyle intervention pro-
7 grams; and

8 (ix) the use of financial incentives for
9 contractors and health care providers to
10 receive an equitable share in cost savings
11 resulting from improvements in health out-
12 comes and the experience of care for cov-
13 ered beneficiaries.

14 (C) Whether the Department has devel-
15 oped a plan for continuous competition of med-
16 ical support contracts to enable the Department
17 to incorporate innovative ideas and solutions
18 into those contracts.

19 (D) Whether the Department has consid-
20 ered, in developing requirements for medical
21 support contracts, the following:

22 (i) The unique characteristics of pro-
23 viding health care services in rural, remote,
24 or isolated locations, such as Alaska and

1 Hawaii and locations in the contiguous 48
2 states.

3 (ii) The various challenges inherent in
4 developing robust networks of health care
5 providers in those locations.

6 (iii) A provider reimbursement rate
7 structure in those locations that ensures—

8 (I) timely access of covered bene-
9 ficiaries to health care services;

10 (II) the delivery of high-quality
11 primary and specialty care;

12 (III) improvement in health out-
13 comes for covered beneficiaries; and

14 (IV) an enhanced experience of
15 care for covered beneficiaries.

16 (f) DEFINITIONS.—In this section:

17 (1) COVERED BENEFICIARY; TRICARE PRO-
18 GRAM.—The terms “covered beneficiary” and
19 “TRICARE program” have the meaning given those
20 terms in section 1072 of title 10, United States
21 Code.

22 (2) HIGH-PERFORMING NETWORKS OF HEALTH
23 CARE PROVIDERS.—The term “high-performing net-
24 works of health care providers” means networks of
25 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

1 (iii) education regarding healthy life-
2 style behaviors.

3 (E) Coordinate and integrate health care
4 across the continuum of care, connecting all as-
5 pects of the health care received by the patient,
6 including the patient's health care team.

7 (F) Facilitate access to health care pro-
8 viders, including—

9 (i) after-hours care;

10 (ii) urgent care; and

11 (iii) through telehealth appointments,
12 when appropriate.

13 (G) Encourage patients to participate in
14 making health care decisions.

15 (H) Use evidence-based treatment proto-
16 cols that improve the consistency of health care
17 and eliminate ineffective, wasteful health care
18 practices.

19 **SEC. 727. AUTHORITY TO ENTER INTO HEALTH CARE CON-**
20 **TRACTS WITH CERTAIN ENTITIES TO PRO-**
21 **VIDE CARE UNDER THE TRICARE PROGRAM.**

22 (a) IN GENERAL.—The Secretary of Defense may
23 enter into contracts to provide health care to covered bene-
24 ficiaries, including behavioral health care, with any of the
25 following:

1 (1) The Department of Veterans Affairs.

2 (2) An Indian tribe or tribal organization that
3 is party to the Alaska Native Health Compact with
4 the Indian Health Service.

5 (3) An Indian tribe or tribal organization that
6 has entered into a contract with the Indian Health
7 Service to provide health care in rural Alaska or
8 other locations in the United States.

9 (b) DEFINITIONS.—

10 (1) COVERED BENEFICIARY.—The term “cov-
11 ered beneficiary” has the meaning given that term
12 in section 1072 of title 10, United States Code.

13 (2) INDIAN TRIBE, TRIBAL ORGANIZATION.—
14 The terms “Indian tribe” and “tribal organization”
15 have the meaning given those terms in section 4 of
16 the Indian Self-Determination and Education Assist-
17 ance Act (25 U.S.C. 450b).

18 **SEC. 728. IMPROVEMENT OF HEALTH OUTCOMES AND CON-**
19 **TROL OF COSTS OF HEALTH CARE UNDER**
20 **TRICARE PROGRAM THROUGH PROGRAMS TO**
21 **INVOLVE COVERED BENEFICIARIES.**

22 (a) IN GENERAL.—Not later than January 1, 2018,
23 the Secretary of Defense shall implement the programs
24 established under subsections (b) and (c)—

1 (1) to increase the involvement of covered bene-
2 ficiaries in making health care decisions; and

3 (2) to encourage covered beneficiaries to share
4 more responsibility for the improvement of their
5 health outcomes.

6 (b) MEDICAL INTERVENTION INCENTIVE PRO-
7 GRAM.—

8 (1) IN GENERAL.—The Secretary shall establish
9 a program to incentivize covered beneficiaries to par-
10 ticipate in medical intervention programs established
11 by the Secretary, such as comprehensive disease
12 management programs, by lowering fees for enroll-
13 ment in the TRICARE program by a certain per-
14 centage or by lowering copayment and cost share
15 amounts for health care services during a particular
16 year for covered beneficiaries with chronic diseases
17 or conditions described in paragraph (2) who met
18 participation milestones in the previous year in such
19 medical intervention programs, as determined by the
20 Secretary.

21 (2) CHRONIC DISEASES OR CONDITIONS DE-
22 SCRIBED.—Chronic diseases or conditions described
23 in this paragraph include diabetes, chronic obstruc-
24 tive pulmonary disease, asthma, congestive heart
25 failure, hypertension, history of stroke, coronary ar-

1 tery disease, mood disorders, obesity, and such other
2 diseases or conditions as the Secretary determines
3 appropriate.

4 (c) LIFESTYLE INTERVENTION INCENTIVE PRO-
5 GRAM.—The Secretary shall establish a program to
6 incentivize lifestyle interventions, such as smoking ces-
7 sation and weight reduction, by lowering fees for enroll-
8 ment in the TRICARE program by a certain percentage
9 or by lowering copayment and cost share amounts for
10 health care services during a particular year for covered
11 beneficiaries who met participation milestones in the pre-
12 vious year with respect to such lifestyle interventions, such
13 as quitting smoking or achieving a lower body mass index
14 by a certain percentage, as determined by the Secretary.

15 (d) FEE FOR MISSING SCHEDULED APPOINT-
16 MENT.—

17 (1) IN GENERAL.—The Secretary may establish
18 a program to charge and collect a fee from a covered
19 beneficiary, other than a member of the Armed
20 Forces on active duty, for failure to notify a military
21 treatment facility within 24 hours of a scheduled ap-
22 pointment with a health care provider at such facil-
23 ity that the covered beneficiary will not attend the
24 appointment.

1 (2) USE OF FEE.—Any amounts collected under
2 paragraph (1) from a covered beneficiary for failure
3 to notify a military treatment facility that the cov-
4 ered beneficiary will not attend an appointment at
5 such facility shall be made available to such facility
6 to improve access to health care, improve health out-
7 comes, and enhance the experience of care for cov-
8 ered beneficiaries at such facility.

9 (e) REPORT.—

10 (1) IN GENERAL.—Not later than January 1,
11 2020, the Secretary shall submit to the Committees
12 on Armed Services of the Senate and the House of
13 Representatives a report on the implementation of
14 the programs established under subsections (b), (c),
15 and (d).

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

18 (A) A detailed description of the programs
19 implemented under subsections (b), (c), and
20 (d).

21 (B) An assessment of the impact of the
22 programs implemented under subsection (b)
23 and (c) on—

24 (i) improving health outcomes for cov-
25 ered beneficiaries; and

1 (ii) lowering per capita health care
2 costs for the Department of Defense.

3 (C) An assessment of any reduction in
4 numbers and types of appointments missed by
5 covered beneficiaries at military treatment fa-
6 cilities resulting from charging fees under sub-
7 section (d) for failure to timely notify such fa-
8 cility of the inability to attend a scheduled ap-
9 pointment.

10 (f) REGULATIONS.—Not later than January 1, 2017,
11 the Secretary shall prescribe an interim final rule to carry
12 out this section.

13 (g) DEFINITIONS.—In this section, the terms “cov-
14 ered beneficiary” and “TRICARE program” have the
15 meaning given those terms in section 1072 of title 10,
16 United States Code.

17 **SEC. 729. ESTABLISHMENT OF CENTERS OF EXCELLENCE**
18 **FOR SPECIALTY CARE IN THE MILITARY**
19 **HEALTH SYSTEM.**

20 (a) CENTERS OF EXCELLENCE.—

21 (1) IN GENERAL.—Not later than one year
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall establish regional centers of
24 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.

1 (B) Care for burns, wounds, and other
2 trauma.

3 (C) Emergency medicine.

4 (D) Rehabilitative care.

5 (E) Care for psychological health and trau-
6 matic brain injury.

7 (F) Amputation and prosthetic care.

8 (G) Health care for women.

9 (H) Neurosurgical care.

10 (I) Orthopedic care and sports medicine.

11 (J) Treatment for substance use disorder,
12 which may include medication-assisted treat-
13 ment.

14 (K) Infectious diseases.

15 (L) Such other areas of specialty care as
16 the Secretary considers appropriate to ensure
17 the military medical force readiness of the De-
18 partment and the medical readiness of the
19 Armed Forces.

20 (2) MULTIPLE SPECIALTIES.—A major medical
21 center of the Department may be established as a
22 center of excellence for more than one area of spe-
23 cialty care.

24 (c) PRIMARY SOURCE FOR SPECIALTY CARE.—

1 (1) IN GENERAL.—Centers of excellence estab-
2 lished under subsection (a) shall be the primary
3 source within the military health system for the re-
4 ceipt by covered beneficiaries of specialty care.

5 (2) REFERRAL.—Covered beneficiaries seeking
6 specialty care services through the military health
7 system shall be referred to a center of excellence es-
8 tablished under subsection (a) or to an appropriate
9 specialty care provider in the private sector.

10 (d) REPORT.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Defense shall submit to the Committees on
14 Armed Services of the Senate and the House of Rep-
15 resentatives a report that sets forth a plan for the
16 Department to establish centers of excellence under
17 this section.

18 (2) ELEMENTS.—The report required by para-
19 graph (1) shall include the following:

20 (A) A list of the centers of excellence to be
21 established under this section and the locations
22 of such centers.

23 (B) A description of the specialty care
24 services to be provided at each such center and
25 a staffing plan for each such center.

1 (C) A comprehensive plan to refer covered
2 beneficiaries for specialty care services at cen-
3 ters of excellence established under this section
4 and centers of excellence in the private sector.

5 (D) A plan to assist covered beneficiaries
6 with travel and lodging, if necessary, in connec-
7 tion with the receipt of specialty care services at
8 centers of excellence established under this sec-
9 tion or centers of excellence in the private sec-
10 tor.

11 (E) A plan to transfer the majority of spe-
12 cialty care providers of the Department to cen-
13 ters of excellence established under this section,
14 in a number as determined by the Secretary to
15 be required to provide specialty care services to
16 covered beneficiaries at such centers.

17 (e) COVERED BENEFICIARY DEFINED.—In this sec-
18 tion, the term “covered beneficiary” has the meaning
19 given that term in section 1072 of title 10, United States
20 Code.

1 **SEC. 730. PROGRAM TO ELIMINATE VARIABILITY IN**
2 **HEALTH OUTCOMES AND IMPROVE QUALITY**
3 **OF HEALTH CARE SERVICES DELIVERED IN**
4 **MILITARY TREATMENT FACILITIES.**

5 (a) IN GENERAL.—Beginning not later than January
6 1, 2018, the Secretary of Defense shall conduct a pro-
7 gram—

8 (1) to establish best practices for the delivery of
9 health care services for certain diseases or conditions
10 at military treatment facilities;

11 (2) to incorporate those best practices into the
12 daily operations of military treatment facilities se-
13 lected by the Secretary for purposes of the program,
14 with priority in selection given to military treatment
15 facilities that are or will be established as regional
16 centers of excellence for the provision of military
17 specialty care under section 729; and

18 (3) to eliminate variability in health outcomes
19 and to improve the quality of health care services de-
20 livered at military treatment facilities selected by the
21 Secretary for purposes of the program.

22 (b) PHASES OF PROGRAM.—The Secretary shall
23 carry out the program in phases as follows:

24 (1) PHASE 1.—

25 (A) IN GENERAL.—During phase 1 of the
26 program, the Secretary shall conduct a baseline

1 assessment of health care delivery and outcomes
2 at military treatment facilities—

3 (i) to evaluate and determine evi-
4 dence-based best practices, within the di-
5 rect care component of the military health
6 system and the private sector, for treating
7 not fewer than three diseases or conditions
8 identified by the Secretary for purposes of
9 the program; and

10 (ii) to select not more than five mili-
11 tary treatment facilities to participate as
12 test sites under the program by incor-
13 porating the evidence-based best practices
14 determined under subparagraph (A) into
15 the treatment at those facilities of the dis-
16 eases or conditions identified under such
17 subparagraph.

18 (B) TIMING.—The Secretary shall initiate
19 phase 1 of the program not later than January
20 1, 2018, and complete such phase not later
21 than July 1, 2018.

22 (2) PHASE 2.—

23 (A) IN GENERAL.—During phase 2 of the
24 program, the Secretary shall—

1 (i) incorporate the evidence-based best
2 practices determined under paragraph
3 (1)(A)(i) for the treatment of diseases or
4 conditions identified under such paragraph
5 into the treatment for those diseases or
6 conditions at all military treatment facili-
7 ties that provide treatment for those dis-
8 eases or conditions; and

9 (ii) at the military treatment facilities
10 selected as test sites under paragraph
11 (1)(A)(ii), evaluate and determine evi-
12 dence-based best practices for treating not
13 more than 12 additional diseases or condi-
14 tions identified by the Secretary for pur-
15 poses of the program.

16 (B) TIMING.—The Secretary shall initiate
17 phase 2 of the program immediately following
18 the completion of phase 1 under paragraph (1)
19 and complete phase 2 not later than 180 days
20 after initiating phase 2.

21 (3) PHASE 3.—

22 (A) IN GENERAL.—During phase 3 of the
23 program, the Secretary shall incorporate the
24 evidence-based best practices determined under
25 paragraph (2)(A)(ii) for the treatment of the

1 additional diseases or conditions identified
2 under such paragraph into treatment for those
3 diseases or conditions at all military treatment
4 facilities that provide treatment for those dis-
5 eases or conditions.

6 (B) TIMING.—The Secretary shall initiate
7 phase 3 of the program immediately following
8 the completion of phase 2 under paragraph (2)
9 and complete phase 3 not later than 180 days
10 after initiating phase 3.

11 (c) ADJUSTMENT OF SERVICES PROVIDED AT MILI-
12 TARY TREATMENT FACILITIES.—During the period in
13 which the program is being carried out, the Secretary shall
14 continuously monitor and adjust the health care services
15 delivered at military treatment facilities and the number
16 of patients enrolled at military treatment facilities—

17 (1) to ensure a high degree of safety and qual-
18 ity in the provision of health care at those facilities;
19 and

20 (2) to ensure that those facilities provide only
21 the health care services that are critical for main-
22 taining operational medical force readiness and the
23 medical readiness of the Armed Forces.

1 **SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR**
2 **MILITARY TREATMENT FACILITIES.**

3 (a) IN GENERAL.—The Secretary of Defense shall es-
4 tablish an advisory committee for each military treatment
5 facility.

6 (b) MEMBERS.—

7 (1) IN GENERAL.—The members of each advi-
8 sory committee established under subsection (a)
9 shall include the following individuals selected by the
10 Secretary:

11 (A) Six individuals who are eligible for
12 health care under the military health system,
13 selected as follows:

14 (i) Two members of the Armed Forces
15 on active duty, including one officer and
16 one enlisted member.

17 (ii) Two family members of a member
18 of the Armed Forces on active duty.

19 (iii) Two former members of the
20 Armed Forces.

21 (B) Such employees of the Federal Govern-
22 ment as the Secretary considers appropriate for
23 purposes of the advisory committee.

24 (2) STATUS OF CERTAIN MEMBERS.—A member
25 selected under paragraph (1)(A) who is not a mem-
26 ber of the Armed Forces on active duty or a em-

1 used within the military health system do not vary
2 among military treatment facilities.

3 (b) SOLE SYSTEM.—Upon implementation of the sys-
4 tem under subsection (a), no military treatment facility
5 may use an appointment scheduling process other than
6 such system.

7 (c) APPOINTMENT SCHEDULING PROCESS.—

8 (1) IN GENERAL.—Under the system imple-
9 mented under subsection (a), each military treat-
10 ment facility shall make a centralized appointment
11 scheduling process available to covered beneficiaries
12 that includes the ability to schedule appointments
13 manually via telephone or automatically via a device
14 that is connected to the Internet through an online
15 scheduling system described in paragraph (2).

16 (2) ONLINE SYSTEM.—

17 (A) IN GENERAL.—The Secretary shall im-
18 plement an online scheduling system that is
19 available 24 hours per day, seven days per
20 week, for purposes of scheduling appointments
21 under the system implemented under subsection
22 (a).

23 (B) CAPABILITIES OF ONLINE SYSTEM.—

24 The online scheduling system implemented

1 under subparagraph (A) shall have the fol-
2 lowing capabilities:

3 (i) An ability to send automated email
4 and text message reminders, including re-
5 peat reminders, to patients regarding up-
6 coming appointments.

7 (ii) An ability to store appointment
8 records to ensure rapid access by medical
9 personnel to appointment data.

10 (d) PLAN.—

11 (1) IN GENERAL.—Not later than January 1,
12 2017, the Secretary shall submit to the Committees
13 on Armed Services of the Senate and the House of
14 Representatives a comprehensive plan to implement
15 the system required under subsection (a).

16 (2) ELEMENTS.—The plan required under
17 paragraph (1) shall include the following:

18 (A) A description of the manual appoint-
19 ment process to be used at military treatment
20 facilities under the system required under sub-
21 section (a).

22 (B) A description of the automated ap-
23 pointment process to be used at military treat-
24 ment facilities under such system.

1 (C) A timeline for the full implementation
2 of such system throughout the military health
3 system.

4 (e) COVERED BENEFICIARY DEFINED.—In this sec-
5 tion, the term “covered beneficiary” has the meaning
6 given that term in section 1072 of title 10, United States
7 Code.

8 **SEC. 733. DISPLAY OF WAIT TIMES AT URGENT CARE CLIN-**
9 **ICS, EMERGENCY DEPARTMENTS, AND PHAR-**
10 **MACIES OF MILITARY TREATMENT FACILI-**
11 **TIES.**

12 (a) URGENT CARE CLINICS AND EMERGENCY DE-
13 PARTMENTS.—

14 (1) PLACEMENT.—Not later than January 1,
15 2018, the commander or director of a military treat-
16 ment facility shall place in a conspicuous location at
17 each urgent care clinic and emergency department of
18 the military treatment facility an electronic sign that
19 displays the current average wait time determined
20 under paragraph (2) for a patient to be seen by a
21 qualified medical professional.

22 (2) DETERMINATION.—In carrying out para-
23 graph (1), every 30 minutes, the commander or di-
24 rector, as the case may be, shall determine the aver-
25 age wait time to display under such paragraph by

1 calculating, for the four-hour period preceding the
2 calculation, the average length of time beginning at
3 the time of the arrival of a patient at the urgent
4 care clinic or emergency department, as the case
5 may be, and ending at the time at which the patient
6 is first seen by a qualified medical professional.

7 (b) PHARMACIES.—

8 (1) PLACEMENT.—Not later than January 1,
9 2018, the commander or director of a military treat-
10 ment facility shall place in a conspicuous location at
11 each pharmacy of the military treatment facility an
12 electronic sign that displays the current average wait
13 time to receive a filled prescription for a pharma-
14 ceutical agent.

15 (2) DETERMINATION.—In carrying out para-
16 graph (1), every 30 minutes, the commander or di-
17 rector, as the case may be, shall determine the aver-
18 age wait time to display under such paragraph by
19 calculating, for the four-hour period preceding the
20 calculation, the average length of time beginning at
21 the time of submission by a patient of a prescription
22 for a pharmaceutical agent and ending at the time
23 at which the pharmacy dispenses the pharmaceutical
24 agent to the patient.

1 (c) QUALIFIED MEDICAL PROFESSIONAL DE-
 2 FINED.—In this section, the term “qualified medical pro-
 3 fessional” means a doctor of medicine, a doctor of osteop-
 4 athy, a physician assistant, or an advanced registered
 5 nurse practitioner.

6 **SEC. 734. IMPROVEMENT AND MAINTENANCE OF COMBAT**
 7 **CASUALTY CARE AND TRAUMA CARE SKILLS**
 8 **OF HEALTH CARE PROVIDERS OF DEPART-**
 9 **MENT OF DEFENSE.**

10 (a) IN GENERAL.—Not later than January 1, 2018,
 11 the Secretary of Defense shall implement measures to im-
 12 prove and maintain the combat casualty care and trauma
 13 care skills of health care providers of the Department of
 14 Defense.

15 (b) MEASURES TO BE IMPLEMENTED.—The meas-
 16 ures required to be implemented under subsection (a) shall
 17 include the following:

18 (1) The conduct of a comprehensive review of
 19 combat casualty care and wartime trauma systems
 20 during the period beginning on January 1, 2001,
 21 and ending on the date of submittal of the report,
 22 including an assessment of lessons learned to im-
 23 prove combat casualty care in future conflicts.

24 (2) The expansion of the network of military-ci-
 25 vilian trauma combat casualty care training sites to

1 provide integrated combat trauma teams, such as
2 forward surgical teams, with maximum exposure to
3 a high volume of patients with critical injuries.

4 (3) The establishment of a personnel manage-
5 ment plan for important wartime medical specialties,
6 as determined by the Secretary, such as emergency
7 medical services and prehospital care, trauma sur-
8 gery, critical care, anesthesiology, and emergency
9 medicine, that includes, at a minimum—

10 (A) the number of positions required in
11 each such medical specialty;

12 (B) crucial organizational and operational
13 assignments for personnel in each such medical
14 specialty; and

15 (C) career pathways for personnel in each
16 such medical specialty.

17 (4) The development of standardized tactical
18 combat casualty care instruction for all members of
19 the Armed Forces, including the use of standardized
20 trauma training platforms.

21 (5) The development of a comprehensive trau-
22 ma care registry to compile relevant data from point
23 of injury through rehabilitation of members of the
24 Armed Forces.

1 (6) The development of quality of care outcome
2 measures for combat casualty care.

3 (7) The conduct of research on the leading
4 causes of morbidity and mortality of members of the
5 Armed Forces in combat.

6 **SEC. 735. ADJUSTMENT OF MEDICAL SERVICES, PER-**
7 **SONNEL AUTHORIZED STRENGTHS, AND IN-**
8 **FRASTRUCTURE IN MILITARY HEALTH SYS-**
9 **TEM TO MAINTAIN READINESS AND CORE**
10 **COMPETENCIES OF HEALTH CARE PRO-**
11 **VIDERS.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (c), not later than 90 days after submitting the report re-
14 quired by subsection (d), or one year after the date of the
15 enactment of this Act, whichever occurs first, the Sec-
16 retary of Defense shall implement measures to maintain
17 the critical wartime medical readiness skills and core com-
18 petencies of health care providers within the Armed
19 Forces.

20 (b) MEASURES TO BE IMPLEMENTED.—The meas-
21 ures required to be implemented under subsection (a) shall
22 include the following:

23 (1) The Secretary shall ensure that each med-
24 ical specialty required for the military medical force

1 readiness of the Department of Defense is not sub-
2 stituted for any other medical specialty.

3 (2) The Secretary shall modify the medical
4 services provided through the military health system
5 to ensure that the only medical services provided at
6 military treatment facilities are those medical serv-
7 ices that are directly required—

8 (A) to maintain the critical wartime med-
9 ical readiness skills and core competencies of
10 health care providers within the Armed Forces;
11 and

12 (B) to ensure the medical readiness of the
13 Armed Forces.

14 (3) The Secretary shall reduce authorized
15 strengths for military and civilian personnel
16 throughout the military health system to the man-
17 ning levels required—

18 (A) to maintain the critical wartime med-
19 ical readiness skills and core competencies of
20 health care providers within the Armed Forces;
21 and

22 (B) to ensure the medical readiness of the
23 Armed Forces.

1 (4) The Secretary shall reduce or eliminate in-
2 frastructure in the military health system, including
3 infrastructure of military treatment facilities, that—

4 (A) does not maintain the critical wartime
5 medical readiness skills and core competencies
6 of health care providers within the Armed
7 Forces; or

8 (B) does not ensure the medical readiness
9 of the Armed Forces.

10 (5) The Secretary shall ensure that any covered
11 beneficiary who may be affected by modifications, re-
12 ductions, or eliminations implemented under this
13 section will be able to receive through the purchased
14 care component of the TRICARE program any med-
15 ical services that will not be available to such cov-
16 ered beneficiary at a military treatment facility as a
17 result of such modifications, reductions, or elimi-
18 nations.

19 (c) EXCEPTION.—The Secretary is not required to
20 implement measures under subsection (a) with respect to
21 overseas military health care facilities in a country if the
22 Secretary determines that medical services in addition to
23 the medical services described in subsection (b)(2) are nec-
24 essary to ensure that covered beneficiaries located in that

1 country have access to a similar level of care available to
2 covered beneficiaries located in the United States.

3 (d) REPORT ON MODIFICATIONS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the Sec-
6 retary of Defense shall submit to the Committees on
7 Armed Services of the Senate and the House of Rep-
8 resentatives a report on the modifications to medical
9 services, military treatment facilities, and personnel
10 in the military health system to be implemented pur-
11 suant to subsection (a).

12 (2) ELEMENTS.—The report required by para-
13 graph (1) shall include, at a minimum, the following:

14 (A) A description of the medical services
15 and associated personnel capacities necessary
16 for the military medical force readiness of the
17 Department of Defense.

18 (B) A comprehensive plan to modify the
19 personnel and infrastructure of the military
20 health system to exclusively provide medical
21 services necessary for the military medical force
22 readiness of the Department of Defense, includ-
23 ing the following:

1 (i) A description of the planned
2 changes or reductions in medical services
3 provided by the military health system.

4 (ii) A description of the planned
5 changes or reductions in staffing of mili-
6 tary personnel, civilian personnel, and con-
7 tractor personnel within the military health
8 system.

9 (iii) A description of the personnel
10 management authorities through which
11 changes or reductions described in clauses
12 (i) and (ii) will be made.

13 (iv) A description of the planned
14 changes to the infrastructure of the mili-
15 tary health system.

16 (v) An estimated timeline for comple-
17 tion of the changes or reductions described
18 in clauses (i), (ii), and (iv) and other key
19 milestones for implementation of such
20 changes or reductions.

21 (e) COMPTROLLER GENERAL REPORT.—

22 (1) IN GENERAL.—Not later than 18 months
23 after the date of the enactment of this Act, the
24 Comptroller General of the United States shall sub-
25 mit to the Committees on Armed Services of the

1 Senate and the House of Representatives a report
2 assessing the implementation by the Secretary of
3 Defense of measures to maintain the critical wartime
4 medical readiness skills and core competencies of
5 health care providers within the Armed Forces, as
6 required under subsection (a).

7 (2) ELEMENTS.—The report required by para-
8 graph (1) shall include the following:

9 (A) An assessment of whether the Depart-
10 ment of Defense provides any medical services
11 at military treatment facilities that are not
12 services directly required—

13 (i) to maintain the critical wartime
14 medical readiness skills and core com-
15 petencies of health care providers within
16 the Armed Forces; and

17 (ii) to ensure the medical readiness of
18 the Armed Forces.

19 (B) An assessment of whether the Depart-
20 ment has maintained authorized strengths for
21 military and civilian personnel throughout the
22 military health system at manning levels that
23 are higher than the levels required—

24 (i) to maintain the critical wartime
25 medical readiness skills and core com-

1 petencies of health care providers within
2 the Armed Forces; and

3 (ii) to ensure the medical readiness of
4 the Armed Forces.

5 (C) An assessment of whether the Depart-
6 ment has maintained infrastructure in the mili-
7 tary health system, including infrastructure of
8 military treatment facilities, that—

9 (i) does not maintain the critical war-
10 time medical readiness skills and core com-
11 petencies of health care providers within
12 the Armed Forces; or

13 (ii) does not ensure the medical readi-
14 ness of the Armed Forces.

15 (d) DEFINITIONS.—In this section:

16 (1) The term “critical wartime medical readi-
17 ness skills and core competencies” means those es-
18 sential medical capabilities, including clinical and
19 logistical capabilities, that are—

20 (A) necessary to be maintained by health
21 care providers within the Armed Forces for na-
22 tional security purposes; and

23 (B) vital to the provision of effective and
24 timely health care during contingency oper-
25 ations.

1 (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—

2 (A) combat casualty care;

3 (B) medical response to and treatment of injuries sustained from chemical, biological, radiological, nuclear, or explosive incidents;

4 (C) diagnosis and treatment of infectious diseases;

5 (D) aerospace medicine;

6 (E) undersea medicine;

7 (F) diagnosis, treatment, and rehabilitation of specialized medical conditions;

8 (G) diagnosis and treatment of diseases and injuries that are not related to battle; and

9 (H) humanitarian assistance.

10 (3) The terms “covered beneficiary” and “TRICARE program” have the meanings given those terms in section 1072 of title 10, United States Code.

1 **SEC. 736. ESTABLISHMENT OF HIGH PERFORMANCE MILI-**
2 **TARY-CIVILIAN INTEGRATED HEALTH DELIV-**
3 **ERY SYSTEMS.**

4 (a) IN GENERAL.—Not later than January 1, 2018,
5 the Secretary of Defense shall establish military-civilian
6 integrated health delivery systems through partnerships
7 with other health systems, including local or regional
8 health systems in the private sector and the Veterans
9 Health Administration—

10 (1) to improve access to health care for covered
11 beneficiaries;

12 (2) to enhance the experience of covered bene-
13 ficiaries in receiving health care;

14 (3) to improve health outcomes for covered
15 beneficiaries;

16 (4) to share resources between the Department
17 of Defense, the Department of Veterans Affairs, and
18 the private sector, including such staff, equipment,
19 and training assets as may be required to carry out
20 such integrated health delivery systems; and

21 (5) to transfer health care services from mili-
22 tary treatment facilities to other health systems that
23 are not essential for the maintenance of operational
24 medical force readiness skills of health care pro-
25 viders 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.

1 (5) Coordinate and integrate health care across
2 the continuum of care, connecting all aspects of the
3 health care received by the patient, including the pa-
4 tient's health care team.

5 (6) Facilitate access to health care providers,
6 including—

7 (A) after-hours care;

8 (B) urgent care; and

9 (C) through telehealth appointments, when
10 appropriate.

11 (7) Encourage patients to participate in making
12 health care decisions.

13 (8) Use evidence-based treatment protocols that
14 improve the consistency of health care and eliminate
15 ineffective, wasteful health care practices.

16 (9) Improve coordination of behavioral health
17 services with primary health care.

18 (c) AGREEMENTS.—

19 (1) IN GENERAL.—In establishing military-civil-
20 ian integrated health delivery systems through part-
21 nerships under subsection (a), the Secretary shall
22 seek to enter into memoranda of understanding or
23 contracts between military treatment facilities and
24 health maintenance organizations, healthcare centers
25 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.

1 **SEC. 737. CONTRACTS WITH PRIVATE SECTOR ENTITIES TO**
2 **PROVIDE CERTAIN HEALTH CARE SERVICES**
3 **AT MILITARY TREATMENT FACILITIES.**

4 (a) IN GENERAL.—Not later than January 1, 2018,
5 the Secretary of Defense shall enter into centrally-man-
6 aged, performance-based contracts under this section with
7 private sector entities to augment the delivery of health
8 care services at military treatment facilities that have a
9 limited or restricted ability to provide health care services,
10 such as primary care or expanded-hours urgent care.

11 (b) CONTRACTS.—In entering into contracts with pri-
12 vate sector entities under this section, the Secretary
13 shall—

14 (1) consider the demand by covered bene-
15 ficiaries for health care services, such as primary
16 care or expanded-hours urgent care services;

17 (2) project the workload gaps at military treat-
18 ment facilities associated with the demand for such
19 health care services; and

20 (3) seek to—

21 (A) improve the health of covered bene-
22 ficiaries;

23 (B) improve the access of covered bene-
24 ficiaries to health care services;

25 (C) produce cost savings for the Depart-
26 ment of Defense; and

1 (D) maximize the use by covered bene-
2 ficiaries of the direct care component of the
3 military health system to maintain operational
4 medical force readiness and the medical readi-
5 ness of the Armed Forces.

6 (c) PLAN.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to the Committees on
10 Armed Services of the Senate and the House of Rep-
11 resentatives a plan to carry out this section.

12 (2) PLAN.—The plan required under paragraph
13 (1) shall include the following:

14 (A) A description of the number and types
15 of contracts that the Secretary intends to enter
16 into under this section.

17 (B) A description of the performance
18 measures to be used by the Secretary in pro-
19 curing performance-based contracts under this
20 section.

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.

1 **SEC. 738. MODIFICATION OF ACQUISITION STRATEGY FOR**
2 **HEALTH CARE PROFESSIONAL STAFFING**
3 **SERVICES.**

4 Section 725(a) of the Carl Levin and Howard P.
5 “Buck” McKeon National Defense Authorization Act for
6 Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1091
7 note) is amended—

8 (1) in paragraph (2)—

9 (A) by redesignating subparagraph (G) as
10 subparagraph (H); and

11 (B) by inserting after subparagraph (F)
12 the following new subparagraph (G):

13 “(G) A plan to implement throughout the
14 Department a performance-based, strategic-
15 sourcing contract for acquiring such services for
16 the military health system that includes the fol-
17 lowing:

18 “(i) Except as provided in clause (ii),
19 a requirement that all components of the
20 military health system use such contract.

21 “(ii) A process for obtaining a waiver
22 of such requirement based on a docu-
23 mented rationale to use another contract
24 or acquisition approach.”; and

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

1 “(3) EVALUATION OF RESULTS.—The Secretary
2 shall use methods and metrics established as part of
3 the acquisition strategy under paragraph (1) to
4 evaluate the results of the acquisition strategy and
5 revise the acquisition strategy as the Secretary con-
6 siders appropriate.”.

7 **SEC. 739. REDUCTION OF ADMINISTRATIVE REQUIRE-**
8 **MENTS RELATING TO AUTOMATIC RENEWAL**
9 **OF ENROLLMENTS IN TRICARE PRIME.**

10 Section 1097a(b) of title 10, United States Code, is
11 amended—

12 (1) in paragraph (1), by striking “(1) An” and
13 inserting “An”; and

14 (2) by striking paragraph (2).

15 **Subtitle C—Reports and Other**
16 **Matters**

17 **SEC. 751. PILOT PROGRAM ON EXPANSION OF USE OF PHY-**
18 **SICIAN ASSISTANTS TO PROVIDE MENTAL**
19 **HEALTH CARE TO MEMBERS OF THE ARMED**
20 **FORCES.**

21 (a) PILOT PROGRAM.—Not later than one year after
22 the date of the enactment of this Act, the Secretary of
23 Defense shall commence the conduct of a pilot program
24 to assess the feasibility and advisability of expanding the
25 use by the Department of Defense of physician assistants

1 specializing in psychiatric medicine at medical facilities of
2 the Department of Defense in order to meet the increasing
3 demand for mental health care providers at such facilities
4 through the use of a psychiatry fellowship program for
5 physician assistants.

6 (b) ELIGIBLE INDIVIDUALS.—An individual eligible
7 for participation in the pilot program is an individual
8 who—

9 (1) has successfully graduated with a masters
10 degree in physician assistant studies from an accred-
11 ited physician assistant program;

12 (2) is certified by the National Commission on
13 Certification of Physician Assistants;

14 (3) has a valid license, certification, and reg-
15 istration necessary to practice medicine;

16 (4) does not have any pending challenge, inves-
17 tigation, revocation, restriction, disciplinary action,
18 suspension, reprimand, probation, denial, or with-
19 drawal with respect to any license, certification, or
20 registration described in paragraph (3);

21 (5) is a commissioned officer in the Armed
22 Forces; and

23 (6) meets the requirements necessary to be de-
24 ployed as such an officer throughout the world.

1 (c) SELECTION OF INDIVIDUALS.—The Secretary
2 shall select not fewer than five individuals described in
3 subsection (b) to participate in the pilot program for each
4 round of the psychiatric fellowship program conducted
5 under subsection (d).

6 (d) PSYCHIATRIC FELLOWSHIP PROGRAM.—

7 (1) IN GENERAL.—In carrying out the pilot
8 program, the Secretary shall establish a psychiatric
9 fellowship program for physician assistants.

10 (2) ROUNDS OF PROGRAM.—The psychiatric fel-
11 lowship program under paragraph (1) shall consist
12 of two rounds, each with a maximum duration of
13 two years.

14 (3) USE OF OTHER PROGRAMS.—In carrying
15 out the psychiatric fellowship program under para-
16 graph (1), the Secretary shall use resources available
17 under existing graduate medical education programs
18 of the Department of Defense to the greatest extent
19 possible.

20 (e) REPORTS ON PILOT PROGRAM.—

21 (1) INITIAL REPORT.—

22 (A) IN GENERAL.—Not later than 180
23 days after the date on which the Secretary com-
24 pletes the first round of the psychiatric fellow-
25 ship program under subsection (d), the Sec-

1 retary shall submit to the Committees on
2 Armed Services of the Senate and the House of
3 Representatives a report on the pilot program.

4 (B) ELEMENTS.—The report required by
5 subparagraph (A) shall include the following:

6 (i) A description of the implementa-
7 tion of the pilot program, including a de-
8 tailed description of the education and
9 training provided under the pilot program.

10 (ii) An assessment of potential cost
11 savings, if any, to the Federal Government
12 resulting from the pilot program.

13 (iii) A description of improvements, if
14 any, to the access of members of the
15 Armed Forces to mental health care result-
16 ing from the pilot program.

17 (iv) A description of recommenda-
18 tions, if any, of the Secretary of alternative
19 methods to improve the access of members
20 of the Armed Forces to mental health care
21 other than through the pilot program.

22 (v) A recommendation as to the feasi-
23 bility and advisability of extending or ex-
24 panding the pilot program.

1 (2) FINAL REPORT.—Not later than 90 days
2 after the date on which the pilot program terminates
3 under subsection (f), the Secretary shall submit to
4 the Committees on Armed Services of the Senate
5 and the House of Representatives an update to the
6 report submitted under paragraph (1).

7 (f) TERMINATION.—The authority of the Secretary to
8 carry out the pilot program shall terminate upon the com-
9 pletion of the second round of the psychiatric fellowship
10 program under subsection (d).

11 **SEC. 752. IMPLEMENTATION OF PLAN TO ELIMINATE CER-**
12 **TAIN GRADUATE MEDICAL EDUCATION PRO-**
13 **GRAMS OF DEPARTMENT OF DEFENSE.**

14 (a) IN GENERAL.—Not later than one year after the
15 date of the enactment of this Act, the Secretary of Defense
16 shall implement a phased plan to eliminate graduate med-
17 ical education programs of the Department of Defense
18 that do not directly support the operational medical force
19 readiness requirements for health care providers within
20 the Armed Forces or the medical readiness of the Armed
21 Forces.

22 (b) REPORT.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, the Sec-
25 retary shall submit to the Committees on Armed

1 Services of the Senate and the House of Representa-
2 tives a report that sets forth the phased plan of the
3 Secretary that is required to be implemented under
4 subsection (a).

5 (2) ELEMENTS.—The report required to be
6 submitted under paragraph (1) shall include the fol-
7 lowing with respect to the phased plan of the Sec-
8 retary:

9 (A) An identification of locations at which
10 training under a graduate medical education
11 program will be eliminated under the plan, in-
12 cluding training at civilian institutions,
13 disaggregated by military department.

14 (B) An identification of the types of grad-
15 uate medical education programs to be elimi-
16 nated under the plan, such as intern, residency,
17 subspecialty, and fellowship programs, and the
18 number of participants affected, disaggregated
19 by military department.

20 (C) An assessment of the amount of time
21 required to eliminate the graduate medical edu-
22 cation programs under the plan, including a
23 timeline for the elimination of each such pro-
24 gram.

1 (D) An assessment of the annual cost sav-
2 ings to the Department resulting from the
3 elimination of graduate medical education pro-
4 grams under the plan.

5 **SEC. 753. MODIFICATION OF AUTHORITY OF UNIFORMED**
6 **SERVICES UNIVERSITY OF THE HEALTH**
7 **SCIENCES TO INCLUDE UNDERGRADUATE**
8 **AND OTHER MEDICAL EDUCATION AND**
9 **TRAINING PROGRAMS.**

10 (a) IN GENERAL.—Section 2112(a) of title 10,
11 United States Code, is amended to read as follows:

12 “(a)(1) There is established a Uniformed Services
13 University of the Health Sciences (in this chapter referred
14 to as the ‘University’) with authority to grant appropriate
15 certificates, certifications, undergraduate degrees, and ad-
16 vanced degrees.

17 “(2) The University shall be so organized as to grad-
18 uate not fewer than 100 medical students annually.

19 “(3) The headquarters of the University shall be at
20 a site or sites selected by the Secretary of Defense within
21 25 miles of the District of Columbia.”.

22 (b) ADMINISTRATION.—Section 2113 of such title is
23 amended—

24 (1) in subsection (d)—

1 (A) in the first sentence, by striking “lo-
2 cated in or near the District of Columbia”;

3 (B) in the third sentence, by striking “in
4 or near the District of Columbia”; and

5 (C) by striking the fifth sentence; and

6 (2) in subsection (e)(3), by inserting after “pro-
7 grams” the following: “, including certificate, certifi-
8 cation, and undergraduate degree programs,”.

9 (c) REPEAL OF EXPIRED PROVISION.—Section
10 2112a of such title is amended—

11 (1) by striking subsection (b); and

12 (2) in subsection (a), by striking “(a) CLOSURE
13 PROHIBITED.—”.

14 **SEC. 754. MEMORANDA OF AGREEMENT WITH INSTITU-**
15 **TIONS OF HIGHER EDUCATION THAT OFFER**
16 **DEGREES IN ALLOPATHIC OR OSTEOPATHIC**
17 **MEDICINE.**

18 (a) IN GENERAL.—The Secretary of Defense shall
19 enter into memoranda of agreement with local or regional
20 institutions of higher education that offer degrees in
21 allopathic or osteopathic medicine to establish affiliations
22 between such institutions and military treatment facilities.

23 (b) AFFILIATION WITH MILITARY TREATMENT FA-
24 CILITY.—Under each memorandum of agreement entered
25 into with an institution of higher education under sub-

1 section (a), not fewer than one military treatment facility
 2 located in the area of such institution shall serve as an
 3 affiliated teaching hospital for such institution, including
 4 by sharing training facilities, staff, and material resources
 5 between the military treatment facility and such institu-
 6 tion.

7 **SEC. 755. EXTENSION OF AUTHORITY FOR JOINT DEPART-**
 8 **MENT OF DEFENSE-DEPARTMENT OF VET-**
 9 **ERANS AFFAIRS MEDICAL FACILITY DEM-**
 10 **ONSTRATION FUND.**

11 Section 1704(e) of the National Defense Authoriza-
 12 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
 13 Stat. 2573), as amended by section 722 of the Carl Levin
 14 and Howard P. “Buck” McKeon National Defense Au-
 15 thorization Act for Fiscal Year 2015 (Public Law 113–
 16 291) and section 723 of the National Defense Authoriza-
 17 tion Act for Fiscal Year 2016 (Public Law 114–92), is
 18 further amended by striking “September 30, 2017” and
 19 inserting “September 30, 2018”.

20 **SEC. 756. PROHIBITION ON CONDUCT OF CERTAIN MED-**
 21 **ICAL RESEARCH AND DEVELOPMENT**
 22 **PROJECTS.**

23 The Secretary of Defense and each Secretary of a
 24 military department may not fund or conduct a medical
 25 research and development project unless the Secretary

1 funding or conducting the project determines that the
2 project is designed to directly protect, enhance, or restore
3 the health and safety of members of the Armed Forces.

4 **SEC. 757. AUTHORIZATION OF REIMBURSEMENT BY DE-**
5 **PARTMENT OF DEFENSE TO ENTITIES CAR-**
6 **RYING OUT STATE VACCINATION PROGRAMS**
7 **FOR COSTS OF VACCINES PROVIDED TO COV-**
8 **ERED BENEFICIARIES.**

9 (a) REIMBURSEMENT.—

10 (1) IN GENERAL.—The Secretary of Defense
11 may reimburse an amount determined under para-
12 graph (2) to an entity carrying out a State vaccina-
13 tion program for the cost of vaccines provided to
14 covered beneficiaries through such program.

15 (2) AMOUNT OF REIMBURSEMENT.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), the amount determined
18 under this paragraph with respect to a State
19 vaccination program shall be the amount as-
20 sessed by the entity carrying out such program
21 to purchase vaccines provided to covered bene-
22 ficiaries through such program.

23 (B) LIMITATION.—The amount determined
24 under this paragraph may not exceed the
25 amount that the Department would reimburse

1 an entity for providing vaccines to covered
2 beneficiaries under the TRICARE program.

3 (b) DEFINITIONS.—In this section:

4 (1) COVERED BENEFICIARY; TRICARE PRO-
5 GRAM.—The terms “covered beneficiary” and
6 “TRICARE program” have the meanings given
7 those terms in section 1072 of title 10, United
8 States Code.

9 (2) STATE VACCINATION PROGRAM.—The term
10 “State vaccination program” means a vaccination
11 program that provides vaccinations to individuals in
12 a State and is carried out by an entity (including an
13 agency of the State) within the State.

14 **SEC. 758. MAINTENANCE OF CERTAIN REIMBURSEMENT**
15 **RATES FOR CARE AND SERVICES TO TREAT**
16 **AUTISM SPECTRUM DISORDER UNDER DEM-**
17 **ONSTRATION PROGRAM.**

18 Effective as of the date of the enactment of this Act,
19 in order to maintain access to care and services to treat
20 autism spectrum disorder under the Comprehensive Au-
21 tism Care Demonstration program of the Department of
22 Defense conducted under section 705 of the National De-
23 fense Authorization Act for Fiscal Year 2013 (Public Law
24 112–239; 10 U.S.C. 1092 note), as extended and modified
25 by the Secretary of Defense, the Secretary shall reinstate

1 the reimbursement rates for the provision of applied be-
2 havior analysis therapy under such program that were in
3 effect on March 31, 2016, and may not modify such reim-
4 bursement rates throughout the duration of such program.

5 **SEC. 759. INCORPORATION INTO CERTAIN SURVEYS BY DE-**
6 **PARTMENT OF DEFENSE OF QUESTIONS ON**
7 **SERVICEWOMEN EXPERIENCES WITH FAMILY**
8 **PLANNING SERVICES AND COUNSELING.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Secretary shall ini-
11 tiate action to integrate into the surveys by the Depart-
12 ment of Defense specified in subsection (b) questions de-
13 signed to obtain information on the experiences of women
14 members of the Armed Forces—

15 (1) in accessing family planning services and
16 counseling; and

17 (2) in using family planning methods, including
18 information on which method was preferred and
19 whether deployment conditions affected the decision
20 on which family planning method or methods to be
21 used.

22 (b) COVERED SURVEYS.—The surveys into which
23 questions shall be integrated as described in subsection (a)
24 are the following:

1 (1) The Health Related Behavior Survey of Ac-
2 tive Duty Military Personnel.

3 (2) The Health Care Survey of Department of
4 Defense Beneficiaries.

5 **SEC. 760. ASSESSMENT OF TRANSITION TO TRICARE PRO-**
6 **GRAM BY FAMILIES OF MEMBERS OF RE-**
7 **SERVE COMPONENTS CALLED TO ACTIVE**
8 **DUTY AND ELIMINATION OF CERTAIN**
9 **CHARGES FOR SUCH FAMILIES.**

10 (a) ASSESSMENT OF TRANSITION TO TRICARE
11 PROGRAM.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the Sec-
14 retary of Defense shall complete an assessment of
15 the extent to which families of members of the re-
16 serve components of the Armed Forces serving on
17 active duty pursuant to a call or order to active duty
18 for a period of more than 30 days experience dif-
19 ficulties in transitioning from health care arrange-
20 ments relied upon when the member is not in such
21 an active duty status to health care benefits under
22 the TRICARE program.

23 (2) ELEMENTS.—The assessment under para-
24 graph (1) shall address the following:

1 (A) The extent to which family members of
2 members of the reserve components of the
3 Armed Forces are required to change health
4 care providers when they become eligible for
5 health care benefits under the TRICARE pro-
6 gram.

7 (B) The extent to which health care pro-
8 viders in the private sector with whom such
9 family members have established relationships
10 when not covered under the TRICARE program
11 are providers who—

12 (i) are in a preferred provider network
13 under the TRICARE program;

14 (ii) are participating providers under
15 the TRICARE program; or

16 (iii) will agree to treat covered bene-
17 ficiaries at a rate not to exceed 115 per-
18 cent of the maximum allowable charge
19 under the TRICARE program.

20 (C) The extent to which such family mem-
21 bers encounter difficulties associated with a
22 change in health care claims administration,
23 health care authorizations, or other administra-
24 tive matters when transitioning to health care
25 benefits under the TRICARE program.

1 (D) Any particular reasons for, or cir-
2 cumstances that explain, the conditions de-
3 scribed in subparagraphs (A), (B), and (C).

4 (E) The effects of the conditions described
5 in subparagraphs (A), (B), and (C) on such
6 family members and the Department of De-
7 fense.

8 (F) Recommendations for changes in poli-
9 cies and procedures under the TRICARE pro-
10 gram, or other administrative action by the Sec-
11 retary, to remedy or mitigate difficulties faced
12 by such family members in transitioning to
13 health care benefits under the TRICARE pro-
14 gram.

15 (G) Recommendations for legislative action
16 to remedy or mitigate such difficulties.

17 (H) Such other matters as the Secretary
18 determines relevant to the assessment.

19 (3) REPORT.—

20 (A) IN GENERAL.—Not later than 180
21 days after completing the assessment under
22 paragraph (1), the Secretary shall submit to the
23 Committees on Armed Services of the Senate
24 and the House of Representatives a report de-
25 tailing the results of the assessment.

1 (B) ANALYSIS OF RECOMMENDATIONS.—

2 The report required by subparagraph (A) shall
 3 include an analysis of each recommendation for
 4 legislative action addressed under paragraph
 5 (2)(G), together with a cost estimate for imple-
 6 menting each such action.

7 (b) EXPANSION OF AUTHORITY TO ELIMINATE BAL-
 8 ANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10,
 9 United States Code, is amended by striking “in support
 10 of a contingency operation under a provision of law re-
 11 ferred to in section 101(a)(13)(B) of this title”.

12 (c) DEFINITIONS.—In this section, the terms “cov-
 13 ered beneficiary” and “TRICARE program” have the
 14 meanings given those terms in section 1072 of title 10,
 15 United States Code.

16 **SEC. 761. REQUIREMENT TO REVIEW AND MONITOR PRE-**
 17 **SCRIBING PRACTICES AT MILITARY TREAT-**
 18 **MENT FACILITIES OF PHARMACEUTICAL**
 19 **AGENTS FOR TREATMENT OF POST-TRAU-**
 20 **MATIC STRESS.**

21 (a) IN GENERAL.—Not later than 180 days after the
 22 date of the enactment of this Act, the Secretary of Defense
 23 shall—

24 (1) conduct a comprehensive review of the pre-
 25 scribing practices at military treatment facilities of

1 pharmaceutical agents for the treatment of post-
2 traumatic stress;

3 (2) implement a process or processes to monitor
4 the prescribing practices at military treatment facili-
5 ties of pharmaceutical agents that are discouraged
6 from use under the VA/DOD Clinical Practice
7 Guideline for Management of Post-Traumatic
8 Stress;

9 (3) implement a plan to address any deviations
10 from such guideline in prescribing practices of phar-
11 maceutical agents for management of post-traumatic
12 stress at such facilities; and

13 (4) implement a plan to address any instances
14 in which benzodiazepines and opioids are concur-
15 rently prescribed.

16 (b) PHARMACEUTICAL AGENT DEFINED.—In this
17 section, the term “pharmaceutical agent” has the meaning
18 given that term in section 1074g(g) of title 10, United
19 States Code.

20 **SEC. 762. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE**
21 **AND RELATED SERVICES FOR CHILDREN OF**
22 **MEMBERS OF THE ARMED FORCES.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of the enactment of this Act, the Secretary of Defense
25 shall submit to the Committees on Armed Services of the

1 Senate and the House of Representatives a report setting
2 forth a plan of the Department of Defense to improve pe-
3 diatric care and related services for children of members
4 of the Armed Forces.

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

7 (1) In order to ensure that children receive de-
8 velopmentally-appropriate and age-appropriate
9 health care services from the Department, a plan to
10 align preventive pediatric care under the TRICARE
11 program with—

12 (A) standards for such care as required by
13 the Patient Protection and Affordable Care Act
14 (Public Law 111–148);

15 (B) guidelines established for such care by
16 the Early and Periodic Screening, Diagnosis,
17 and Treatment program under the Medicaid
18 program carried out under title XIX of the So-
19 cial Security Act (42 U.S.C. 1396 et seq.); and

20 (C) recommendations by organizations that
21 specialize in pediatrics.

22 (2) A plan to develop a uniform definition of
23 “pediatric medical necessity” for the Department
24 that aligns with recommendations of organizations
25 that specialize in pediatrics in order to ensure that

1 a consistent definition of such term is used in pro-
2 viding health care in military treatment facilities and
3 by health care providers under the TRICARE pro-
4 gram.

5 (3) A plan to revise certification requirements
6 for residential treatment centers of the Department
7 to expand the access of children of members of the
8 Armed Forces to services at such centers.

9 (4) A plan to develop measures to evaluate and
10 improve access to pediatric care, coordination of pe-
11 diatric care, and health outcomes for such children.

12 (5) A plan to include an assessment of access
13 to pediatric specialty care in the annual report to
14 Congress on the effectiveness of the TRICARE pro-
15 gram.

16 (6) A plan to improve the quality of and access
17 to behavioral health care under the TRICARE pro-
18 gram for such children, including intensive out-
19 patient and partial hospitalization services.

20 (7) A plan to mitigate the impact of permanent
21 changes of station and other service-related reloca-
22 tions of members of the Armed Forces on the con-
23 tinuity of health care services received by such chil-
24 dren who have special medical or behavioral health
25 needs.

1 (8) A plan to mitigate deficiencies in data col-
2 lection, data utilization, and data analysis to im-
3 prove pediatric care and related services for children
4 of members of the Armed Forces.

5 (c) TRICARE PROGRAM DEFINED.—In this section,
6 the term “TRICARE program” has the meaning given
7 such term in section 1072 of title 10, United States Code.

8 **SEC. 763. COMPTROLLER GENERAL REPORT ON HEALTH**
9 **CARE DELIVERY AND WASTE IN MILITARY**
10 **HEALTH SYSTEM.**

11 (a) COMPTROLLER GENERAL REPORTS.—Not later
12 than one year after the date of the enactment of this Act,
13 and not less frequently than once each year thereafter for
14 four years, the Comptroller General of the United States
15 shall submit to the Committees on Armed Services of the
16 Senate and the House of Representatives a report assess-
17 ing various issues relating to the delivery of health care
18 in the military health system, with an emphasis on identi-
19 fying potential waste and inefficiency.

20 (b) ELEMENTS.—

21 (1) IN GENERAL.—Each report submitted
22 under subsection (a) shall, within the direct and pur-
23 chased care components of the military health sys-
24 tem, evaluate the following:

1 (A) Processes for ensuring that health care
2 providers adhere to clinical practice guidelines.

3 (B) Processes for reporting and resolving
4 adverse medical events.

5 (C) Processes for ensuring program integ-
6 rity by identifying and resolving medical fraud
7 and waste.

8 (D) Processes for coordinating care within
9 and between the direct and purchased care
10 components of the military health system.

11 (E) Procedures for administering the
12 TRICARE program.

13 (F) Processes for assessing and overseeing
14 the efficiency of clinical operations of military
15 hospitals and clinics, including access to care
16 for covered beneficiaries at such facilities.

17 (2) ADDITIONAL INFORMATION.—Each report
18 submitted under subsection (a) may include, if the
19 Comptroller General considers feasible—

20 (A) an estimate of the costs to the Depart-
21 ment of Defense relating to any waste or ineffi-
22 ciency identified in the report; and

23 (B) such recommendations for action by
24 the Secretary of Defense as the Comptroller
25 General considers appropriate, including elimi-

1 nating waste and inefficiency in the direct and
2 purchased care components of the military
3 health system.

4 (c) DEFINITIONS.—In this section, the terms “cov-
5 ered beneficiary” and “TRICARE program” have the
6 meaning given those terms in section 1072 of title 10,
7 United States Code.

8 **SEC. 764. TREATMENT OF CERTAIN PROVISIONS RELATING**
9 **TO LIMITATIONS, TRANSPARENCY, AND**
10 **OVERSIGHT REGARDING MEDICAL RE-**
11 **SEARCH CONDUCTED BY THE DEPARTMENT**
12 **OF DEFENSE.**

13 (a) MEDICAL RESEARCH AND DEVELOPMENT
14 PROJECTS.—Section 756, relating to a prohibition on
15 funding and conduct of certain medical research and de-
16 velopment projects by the Department of Defense, shall
17 have no force or effect.

18 (b) RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
19 TION EFFORTS AND PROCUREMENT ACTIVITIES RELATED
20 TO MEDICAL RESEARCH.—Section 898, relating to a limi-
21 tation on authority of the Secretary of Defense to enter
22 into contracts, grants, or cooperative agreements for con-
23 gressional special interest medical research programs
24 under the congressionally directed medical research pro-

1 gram of the Department of Defense, shall have no force
2 or effect.

3 **TITLE VIII—ACQUISITION POL-**
4 **ICY, ACQUISITION MANAGE-**
5 **MENT, AND RELATED MAT-**
6 **TERS**

7 **Subtitle A—Acquisition Policy**
8 **Management**

9 **SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.**

10 Section 806 of the Bob Stump National Defense Au-
11 thorization Act for Fiscal Year 2003 (Public Law 107–
12 314; 10 U.S.C. 2302 note) is amended—

13 (1) in subsection (a)(1)—

14 (A) in subparagraph (A), by striking “;
15 or” and inserting a semicolon;

16 (B) in subparagraph (B), by striking “;
17 and” and inserting “; or”; and

18 (C) by adding at the end the following new
19 subparagraph:

20 “(C) developed or procured under the rapid
21 fielding or rapid prototyping acquisition pathways
22 under section 804 of the National Defense Author-
23 ization Act for Fiscal Year 2016 (Public Law 114–
24 92; 10 U.S.C. 2302 note); and”;

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

3 “(3) Specific procedures in accordance with the
4 guidance developed under section 804(a) of the Na-
5 tional Defense Authorization Act for Fiscal Year
6 2016 (Public Law 114–92; 10 U.S.C. 2302 note).”;
7 and

8 (3) in subsection (c)—

9 (A) in paragraph (2)(A)—

10 (i) by striking “Whenever the Sec-
11 retary” and inserting “(i) Except as pro-
12 vided under clause (ii), whenever the Sec-
13 retary”; and

14 (ii) by adding at the end the following
15 new clause:

16 “(ii) Clause (i) does not apply to acquisitions
17 initiated in the case of a determination by the Sec-
18 retary that funds are necessary to immediately ini-
19 tiate a project under the rapid fielding or rapid
20 prototyping acquisition pathways under section 804
21 of the National Defense Authorization Act for Fiscal
22 Year 2016 (Public Law 114–92; 10 U.S.C. 2302
23 note) if the designated official for acquisitions using
24 such pathways is the Service Acquisition Execu-
25 tive.”;

1 (B) in paragraph (3)—

2 (i) in subparagraph (A), by inserting
3 “or upon the Secretary making a deter-
4 mination that funds are necessary to im-
5 mediately initiate a project under the rapid
6 fielding or rapid prototyping acquisition
7 pathways under section 804 of the Na-
8 tional Defense Authorization Act for Fiscal
9 Year 2016 (Public Law 114–92; 10 U.S.C.
10 2302 note) based on a compelling national
11 security need” after “of paragraph (1)”;

12 (ii) in subparagraph (B)—

13 (I) by striking “The authority”
14 and inserting “Except as provided
15 under subparagraph (C), the author-
16 ity”;

17 (II) in clause (ii), by striking “;
18 and” and inserting a semicolon;

19 (III) in clause (iii), by striking
20 the period at the end and inserting “;
21 and”;

22 (IV) by adding at the end the fol-
23 lowing new clause:

24 “(iv) in the case of a determination by the
25 Secretary that funds are necessary to imme-

1 diately initiate a project under the rapid field-
2 ing or rapid prototyping acquisition pathways
3 under section 804 of the National Defense Au-
4 thorization Act for Fiscal Year 2016 (Public
5 Law 114–92; 10 U.S.C. 2302 note), in an
6 amount not more than \$200,000,000 during
7 any fiscal year.”; and

8 (iii) by adding at the end the fol-
9 lowing new subparagraph:

10 “(C) For each of fiscal years 2017 and 2018,
11 the limits set forth in clauses (i) and (ii) of subpara-
12 graph (B) do not apply to the exercise of authority
13 under such clauses provided that the total amount of
14 supplies and associated support services acquired as
15 provided under such subparagraph does not exceed
16 \$800,000,000 during such fiscal year.”;

17 (C) in paragraph (4)—

18 (i) by redesignating subparagraphs
19 (C), (D), and (E) as subparagraphs (D),
20 (E), and (F), respectively; and

21 (ii) by inserting after subparagraph
22 (B) the following new subparagraph:

23 “(C) In the case of a determination by the Sec-
24 retary under paragraph (3)(A) that funds are nec-
25 essary to immediately initiate a project under the

1 rapid fielding or rapid prototyping acquisition path-
2 ways under section 804 of the National Defense Au-
3 thorization Act for Fiscal Year 2016 (Public Law
4 114–92; 10 U.S.C. 2302 note), the Secretary shall
5 notify the congressional defense committees of the
6 determination within 10 days after the date of the
7 use of such funds.”; and

8 (D) in paragraph (5)—

9 (i) by striking “Any acquisition” and
10 inserting “(A) Any acquisition”; and

11 (ii) by adding at the end the following
12 new subparagraph:

13 “(B) Subparagraph (A) does not apply to ac-
14 quisitions initiated in the case of a determination by
15 the Secretary that funds are necessary to imme-
16 diately initiate a project under the rapid fielding or
17 rapid prototyping acquisition pathways under section
18 804 of the National Defense Authorization Act for
19 Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
20 2302 note).”.

1 **SEC. 802. AUTHORITY FOR TEMPORARY SERVICE OF PRIN-**
2 **CIPAL MILITARY DEPUTIES TO THE ASSIST-**
3 **ANT SECRETARIES OF THE MILITARY DE-**
4 **PARTMENTS FOR ACQUISITION AS ACTING**
5 **ASSISTANT SECRETARIES.**

6 (a) ASSISTANT SECRETARY OF THE ARMY FOR AC-
7 QUISTION, TECHNOLOGY, AND LOGISTICS.—Section
8 3016(b)(5)(B) of title 10, United States Code, is amended
9 by adding at the end the following new sentence: “In the
10 event of a vacancy in the position of Assistant Secretary
11 of the Army for Acquisition Technology, and Logistics, the
12 Principal Military Deputy may serve as acting Assistant
13 Secretary for a period of not more than one year.”.

14 (b) ASSISTANT SECRETARY OF THE NAVY FOR RE-
15 SEARCH, DEVELOPMENT, AND ACQUISITION.—Section
16 5016(b)(4)(B) of such title is amended by adding at the
17 end the following new sentence: “In the event of a vacancy
18 in the position of Assistant Secretary of the Navy for Re-
19 search, Development, and Acquisition, the Principal Mili-
20 tary Deputy may serve as acting Assistant Secretary for
21 a period of not more than one year.”.

22 (c) ASSISTANT SECRETARY OF THE AIR FORCE FOR
23 ACQUISITION.—Section 8016(b)(4)(B) of such title is
24 amended by adding at the end the following new sentence:
25 “In the event of a vacancy in the position of Assistant
26 Secretary of the Air Force for Acquisition, the Principal

1 Military Deputy may serve as acting Assistant Secretary
2 for a period of not more than one year.”.

3 **SEC. 803. CONDUCT OF INDEPENDENT COST ESTIMATION**
4 **AND COST ANALYSIS.**

5 (a) IN GENERAL.—Section 2334 of title 10, United
6 States Code, is amended—

7 (1) in subsection (a)(6), by striking “conduct
8 independent cost estimates and cost analyses for
9 major defense acquisition programs and major auto-
10 mated information system programs for which the
11 Under Secretary of Defense for Acquisition, Tech-
12 nology, and Logistics is the Milestone Decision Au-
13 thority” and inserting “prepare or approve inde-
14 pendent cost estimates and cost analyses for major
15 defense acquisition programs, major automated in-
16 formation system programs, and major subpro-
17 grams”;

18 (2) by redesignating subsections (b), (c), (d),
19 (e), and (f) as subsections (c), (d), (e), (f), and (g),
20 respectively; and

21 (3) by inserting after subsection (a) the fol-
22 lowing new subsection:

23 “(b) INDEPENDENT COST ESTIMATES.—(1) The Sec-
24 retary of Defense may not approve the technology matura-
25 tion and risk reduction, the engineering and manufac-

1 turing development, or the production and deployment of
2 a major defense acquisition program, major automated in-
3 formation system program, or major subprogram unless
4 an independent cost estimate of the full life-cycle cost of
5 the program prepared or approved by Director of Cost As-
6 sessment and Program Evaluation has been considered by
7 the Secretary.

8 “(2) The regulations governing the content and sub-
9 mission of independent cost estimates shall require that
10 the independent estimate of the full life-cycle cost of a pro-
11 gram include—

12 “(A) all costs of development, procurement,
13 military construction, operations and support, and
14 manpower to operate, maintain, and support the
15 program upon full operational deployment without
16 regard to funding source or management control;
17 and

18 “(B) an analysis to support decision making
19 that identifies and evaluates alternative courses of
20 action that may reduce cost and risk and result in
21 more affordable and less costly systems.”.

22 (b) REPEAL OF OBSOLETE AUTHORITY.—

23 (1) IN GENERAL.—Section 2434 of title 10,
24 United States Code, is repealed.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 144 of such title
3 is amended by striking the item relating to section
4 2434.

5 **SEC. 804. MODERNIZATION OF SERVICES ACQUISITION.**

6 (a) SERVICES ACQUISITION CATEGORIES.—Not later
7 than 180 days after the date of the enactment of this Act,
8 the Secretary of Defense shall revise Department of De-
9 fense Instruction 5000.74, dated January 6, 2016 (in this
10 section referred to as the “Services Acquisition Instruc-
11 tion”)—

12 (1) to provide guidance on how the acquisition
13 community should consider the changing nature of
14 the technology and professional services markets,
15 particularly the convergence of hardware and serv-
16 ices, in its application of the Services Acquisition
17 Categories Instruction;

18 (2) to reflect a review of, and as appropriate re-
19 visions to, the current categories of services acquisi-
20 tion referenced in the Services Acquisition Cat-
21 egories Instruction in order to ensure the categories
22 are fully reflective of changes to the technology and
23 professional services market; and

1 (3) to reflect a review of existing service con-
2 tracts of the Department of Defense for purposes of
3 reducing redundancy and duplication.

4 (b) GUIDANCE REGARDING TRAINING AND DEVEL-
5 OPMENT OF THE ACQUISITION WORKFORCE.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall issue new guidance address-
9 ing the training and development of the acquisition
10 workforce, particularly the components of the work-
11 force that are engaged in the procurement of serv-
12 ices.

13 (2) IDENTIFICATION OF TRAINING AND PRO-
14 FESSIONAL DEVELOPMENT OPPORTUNITIES AND AL-
15 TERNATIVES.—The guidance required under para-
16 graph (1) shall identify training and professional de-
17 velopment opportunities and alternatives, not limited
18 to existing Department of Defense institutions, that
19 focus on and provide relevant training and profes-
20 sional development in commercial business models
21 and contracting.

22 (3) TREATMENT OF TRAINING AND PROFES-
23 SIONAL DEVELOPMENT.—The training and profes-
24 sional development provided pursuant to this sub-
25 section shall be deemed to be equivalent to the re-

1 spective and appropriate training currently certified
2 or provided by the Defense Acquisition University.

3 **SEC. 805. MODIFIED NOTIFICATION REQUIREMENT FOR EX-**
4 **ERCISE OF WAIVER AUTHORITY TO ACQUIRE**
5 **VITAL NATIONAL SECURITY CAPABILITIES.**

6 Subsection (d) of section 806 of the National Defense
7 Authorization Act for Fiscal Year 2016 (Public Law 114–
8 92; 10 U.S.C. 2302 note) is amended to read as follows:

9 “(d) NOTIFICATION REQUIREMENT.—Not later than
10 10 days after exercising the waiver authority under sub-
11 section (a), the Secretary of Defense shall provide a writ-
12 ten notification to Congress providing the details of the
13 waiver and the expected benefits it provides to the Depart-
14 ment of Defense.”.

15 **SEC. 806. REPEAL OF TEMPORARY SUSPENSION OF PUBLIC-**
16 **PRIVATE COMPETITIONS FOR CONVERSION**
17 **OF DEPARTMENT OF DEFENSE FUNCTIONS**
18 **TO PERFORMANCE BY CONTRACTORS.**

19 Section 325 of the National Defense Authorization
20 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
21 2253) is hereby repealed.

1 **Subtitle B—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 811. DEFENSE COST ACCOUNTING STANDARDS.**

5 (a) DEFENSE COST ACCOUNTING STANDARDS
6 BOARD.—

7 (1) IN GENERAL.—Chapter 7 of title 10, United
8 States Code, is amended by adding at the end the
9 following new section:

10 **“§ 190. Defense Cost Accounting Standards Board**

11 “(a) ORGANIZATION.—The Defense Cost Accounting
12 Standards Board is an independent board in the Office
13 of the Secretary of Defense.

14 “(b) MEMBERSHIP.—(1) The Board consists of 7
15 members. One member is the Chief Financial Officer of
16 the Department of Defense or his or her designee, who
17 serves as Chairman. The other 6 members, who shall have
18 experience in contract pricing, finance, or cost accounting
19 in either the Federal government or the private sector, are
20 as follows:

21 “(A) 3 representatives of the Department of
22 Defense appointed by the Secretary of Defense; and

23 “(B) 3 individuals from the private sector, each
24 of whom is appointed by the Secretary, and—

1 “(i) 1 of whom is a representative of an
2 nontraditional defense contractor as defined in
3 section 2302(9) of this title; and

4 “(ii) 1 of whom is a representative from a
5 public accounting firm.

6 “(2) A member appointed under paragraph (1)(A)
7 may not continue to serve after ceasing to be an officer
8 or employee of the Department of Defense.

9 “(c) DUTIES.—

10 “(1) The Defense Cost Accounting Standards
11 Board has exclusive authority, with respect to the
12 Department of Defense, to prescribe, amend, and re-
13 scind cost accounting standards, and interpretations
14 of the standards, designed to achieve uniformity and
15 consistency in the cost accounting standards gov-
16 erning measurement, assignment, and allocation of
17 costs to contracts with the Department of Defense.

18 “(2) The Chief Financial Officer of the Depart-
19 ment of Defense, after consultation with the Board,
20 shall prescribe rules and procedures governing ac-
21 tions of the Board under this section. The Under
22 Secretary when prescribing rules shall ensure the
23 following:

24 “(A) Cost accounting standards used by
25 contractors to the Department of Defense shall

1 to the maximum extent practicable rely on com-
2 mercial standards and accounting practices and
3 systems.

4 “(B)(i) The Secretary, in consultation with
5 the Defense Cost Accounting Standards Board,
6 shall review the cost accounting standards
7 under section 1502 of title 41 and make rec-
8 ommendations to the Cost Accounting Stand-
9 ards Board to conform these standards where
10 practicable to United States Generally Accepted
11 Accounting Principles (GAAP).

12 “(ii) 180 days after this review, the Under
13 Secretary of Acquisitions, Technology, and Lo-
14 gistics may promulgate new cost accounting
15 standards as they apply to direct costs under
16 cost type contracts at the Department of De-
17 fense to conform to the Secretary’s rec-
18 ommendations.

19 “(C) Indirect costs under cost type con-
20 tracts shall be determined under procedures de-
21 veloped by the Department of Defense Cost Ac-
22 counting Standards Board using cost account-
23 ing records in compliance with United States
24 Generally Accepted Accounting Principles
25 (GAAP).

1 “(D) Any cost information necessary to al-
2 locate incentives on fixed-price incentive con-
3 tracts shall be determined using cost accounting
4 records in compliance with United States Gen-
5 erally Accepted Accounting Principles (GAAP).
6 However, incentives under fixed price incentive
7 contracts should to the maximum extent prac-
8 ticable be performance-based and not cost-
9 based.

10 “(3) The Board shall develop standards to en-
11 sure that commercial operations performed by gov-
12 ernment employees at the Department of Defense
13 adhere to cost accounting standards that inform
14 managerial decision making. These standards should
15 be based on cost accounting standards established
16 under this section or United States Generally Ac-
17 cepted Accounting Principles (GAAP).

18 “(d) COMPENSATION.—(1) Members of the Board
19 who are officers or employees of the Department of De-
20 fense shall not receive additional compensation for services
21 but shall continue to be compensated by the employing de-
22 partment or agency of the officer or employee.

23 “(2) Each member of the Board appointed from the
24 private sector shall receive compensation at a rate not to
25 exceed the daily equivalent of the rate for level IV of the

1 Executive Schedule for each day (including travel time)
 2 in which the member is engaged in the actual performance
 3 of duties vested in the Board.

4 “(3) While serving away from home or regular place
 5 of business, Board members and other individuals serving
 6 on an intermittent basis shall be allowed travel expenses
 7 in accordance with section 5703 of title 5.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
 9 tions at the beginning of chapter 7 of such title is
 10 amended by adding after the item relating to section
 11 189 the following new item:

“190. Defense Cost Accounting Standards Board.”.

12 (b) USE OF STANDARDS.—

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

16 **“§ 2338. Defense Cost Accounting Standards**

17 “(a) MANDATORY USE OF STANDARDS.—(1) Cost ac-
 18 counting standards prescribed under section 190(c)(2) of
 19 this title are mandatory for use by the Department of De-
 20 fense and by contractors and subcontractors in estimating,
 21 accumulating, and reporting costs in connection with the
 22 pricing and administration of, and settlement of disputes
 23 concerning, all negotiated prime contract and subcontract
 24 procurements with the Federal Government in excess of
 25 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

1 “(B) establish procedures for the waiver of the
2 requirements of this section for individual contracts
3 and subcontracts.

4 “(2) The Secretary of Defense may waive the applica-
5 bility of the cost accounting standards for a contract or
6 subcontract if the Secretary determines in writing that the
7 segment of the contractor or subcontractor that will per-
8 form the work—

9 “(A) is primarily engaged in the sale of com-
10 mercial items; and

11 “(B) would not otherwise be subject to the cost
12 accounting standards under this section.

13 “(3) In exceptional circumstances, the head of a mili-
14 tary service or defense agency may waive the applicability
15 of the cost accounting standards for a contract or sub-
16 contract under exceptional circumstances when necessary
17 to meet the needs of the service or agency. A determina-
18 tion to waive the applicability of the standards under this
19 paragraph shall be set forth in writing and shall include
20 a statement of the circumstances justifying the waiver.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 137 of such chap-
23 ter is amended by adding at the end the following
24 new item:

“2338. Defense cost accounting standards.”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by paragraphs (1) and (2) shall take effect on Octo-
3 ber 1, 2018.

4 (c) COMPTROLLER GENERAL REPORT.—Not later
5 than December 31, 2019, the Comptroller General of the
6 United States shall submit to the congressional defense
7 committees an annual report on the adequacy of the De-
8 partment of Defense’s approach to applying commercial
9 cost accounting standards to indirect and fixed price in-
10 centive contracts.

11 (d) AUDITING REQUIREMENTS.—

12 (1) GAAP.—Commercial accounting firms shall
13 audit the adequacy of information presented in com-
14 pliance with United States Generally Accepted Ac-
15 counting Principles (GAAP).

16 (2) DCAA AUDITS.—DCAA shall audit direct
17 costs on cost contracts and rely on commercial au-
18 dits of indirect costs, except that in the case of com-
19 panies or business units that have more than 50 per-
20 cent of government cost type contracts as a percent-
21 age of sales, DCAA shall audit both direct and indi-
22 rect costs.

1 **SEC. 812. INCREASED MICRO-PURCHASE THRESHOLD AP-**
2 **PLICABLE TO DEPARTMENT OF DEFENSE**
3 **PROCUREMENTS.**

4 (a) INCREASED MICRO-PURCHASE THRESHOLD.—

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

8 **“§ 2338. Micro-purchase threshold**

9 “Notwithstanding subsection (a) of section 1902 of
10 title 41, the micro-purchase threshold for the Department
11 of Defense for purposes of such section is \$5,000.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 by adding at the end the following new item:

“2338. Micro-purchase threshold.”.

15 (b) CONFORMING AMENDMENT.—Section 1902(a) of
16 title 41, United States Code, is amended by striking “For
17 purposes” and inserting “Except as provided in section
18 2338 of title 10, for purposes”.

19 **SEC. 813. ENHANCED COMPETITION REQUIREMENTS.**

20 Section 2306a of title 10, United States Code, is
21 amended—

22 (1) in subsection (a)(1)(A), by inserting “that
23 is only expected to receive one bid” after “entered
24 into using procedures other than sealed-bid proce-
25 dures”; and

1 (2) in subsection (b)—

2 (A) in paragraph (1)(A)(i), by striking
3 “price competition” and inserting “competition
4 that results in at least two or more responsive
5 and viable competing bids”; and

6 (B) by adding at the end the following new
7 paragraph:

8 “(6) DETERMINATION BY PRIME CON-
9 TRACTOR.—A prime contractor required to submit
10 certified cost or pricing data under subsection (a)
11 with respect to a prime contract shall be responsible
12 for determining whether a subcontract under such
13 contract qualifies for an exception under paragraph
14 (1)(A) from such requirement.”.

15 **SEC. 814. ELIMINATION OF BID AND PROPOSAL COSTS AND**
16 **OTHER EXPENSES AS ALLOWABLE INDE-**
17 **PENDENT RESEARCH AND DEVELOPMENT**
18 **COSTS ON CERTAIN CONTRACTS.**

19 (a) IN GENERAL.—Section 2372 of title 10, United
20 States Code, is amended to read as follows:

21 **“§ 2372. Independent research and development**
22 **costs: allowable costs**

23 “(a) REGULATIONS.—The Secretary of Defense shall
24 prescribe regulations governing the payment, by the De-

1 partment of Defense, of expenses incurred by contractors
2 for independent research and development costs.

3 “(b) COSTS TREATED AS FAIR AND REASONABLE
4 AND ALLOWABLE EXPENSES.—The regulations prescribed
5 pursuant to subsection (a) shall provide that independent
6 research and development costs shall be considered a fair
7 and reasonable and allowable expense on Department of
8 Defense contracts.

9 “(c) ADDITIONAL CONTROLS.—Subject to subsection
10 (f), the regulations prescribed pursuant to subsection (a)
11 may include the following provisions:

12 “(1) A limitation on the fair and reasonableness
13 determination with respect to costs of independent
14 research and development which the Secretary of
15 Defense determines is of potential interest to the
16 Department of Defense.

17 “(2) A limitation that the total amount of the
18 independent research and development costs of the
19 contractor that are determined as fair and reason-
20 able may not exceed the contractor’s adjusted max-
21 imum reimbursement amount.

22 “(3) Implementation of regular methods for
23 transmission—

24 “(A) from the Department of Defense to
25 contractors, in a reasonable manner, of timely

1 and comprehensive information regarding
2 planned or expected Department of Defense fu-
3 ture technology and advanced capability needs;
4 and

5 “(B) from contractors to the Department
6 of Defense, in a reasonable manner, of informa-
7 tion regarding progress by the contractor on the
8 contractor’s independent research and develop-
9 ment programs.

10 “(d) ADJUSTED MAXIMUM REIMBURSEMENT
11 AMOUNT.—For purposes of subsection (c)(2), the ad-
12 justed maximum reimbursement amount for a contractor
13 for a fiscal year is 5 percent of the total amount of the
14 work performed by the contractor during the preceding
15 fiscal year on Department of Defense contracts funded
16 through procurement or research development, test, and
17 evaluation accounts using authorized appropriations.

18 “(e) WAIVER OF ADJUSTED MAXIMUM REIMBURSE-
19 MENT AMOUNT.—The Secretary of Defense may waive the
20 applicability of any limitation prescribed under subsection
21 (c)(2) to any contractor for a fiscal year to the extent that
22 the Secretary determines that allowing the contractor to
23 exceed the contractor’s adjusted maximum reimbursement
24 amount for such year is otherwise in the best interest of
25 the Government.

1 “(f) LIMITATIONS ON REGULATIONS.—Regulations
 2 prescribed pursuant to subsection (c) may not include pro-
 3 visions that would infringe on the independence of a con-
 4 tractor to choose which technologies to pursue in its inde-
 5 pendent research and development program so long as the
 6 chief executive officer certifies that the expenditures will
 7 advance Department of Defense future technology and ad-
 8 vanced capability needs as transmitted pursuant to sub-
 9 section (c)(3)(A).”.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of chapter 139 of such title is amended
 12 by striking the item relating to section 2372 and inserting
 13 the following new item:

“2372. Independent research and development costs: payments to contractors.”.

14 **SEC. 815. EXCEPTION TO REQUIREMENT TO INCLUDE COST**
 15 **OR PRICE TO THE GOVERNMENT AS A FAC-**
 16 **TOR IN THE EVALUATION OF PROPOSALS**
 17 **FOR CERTAIN MULTIPLE-AWARD TASK OR**
 18 **DELIVERY ORDER CONTRACTS.**

19 Section 2305(a)(3) of title 10, United States Code,
 20 is amended—

21 (1) in subparagraph (A)—

22 (A) in clause (i), by inserting “(except as
 23 provided in subparagraph (C))” after “shall”;

24 and

1 (B) in clause (ii), by inserting “(except as
2 provided in subparagraph (C))” after “shall”
3 and

4 (2) by adding at the end the following new sub-
5 paragraphs:

6 “(C) If the head of an agency issues a solicitation
7 for multiple task or delivery order contracts under section
8 2304a(d)(1)(B) of this title for the same or similar serv-
9 ices and intends to make a contract award to each quali-
10 fying offeror—

11 “(i) cost or price to the Federal Government
12 need not, at the Government’s discretion, be consid-
13 ered under clause (ii) of subparagraph (A) as an
14 evaluation factor for the contract award; and

15 “(ii) if, pursuant to clause (i), cost or price to
16 the Federal Government is not considered as an
17 evaluation factor for the contract award—

18 “(I) the disclosure requirement of clause
19 (iii) of subparagraph (A) shall not apply; and

20 “(II) cost or price to the Federal Govern-
21 ment shall be considered in conjunction with
22 the issuance pursuant to section 2304c(b) of
23 this title of a task or delivery order under any
24 contract resulting from the solicitation.

1 “(D) In subparagraph (C), the term ‘qualifying offer-
2 or’ means an offeror that—

3 “(i) is determined to be a responsible source;

4 “(ii) submits a proposal that conforms to the
5 requirements of the solicitation; and

6 “(iii) the contracting officer has no reason to
7 believe would likely offer other than fair and reason-
8 able pricing.”.

9 **SEC. 816. MODIFIED RESTRICTIONS ON UNDEFINITIZED**
10 **CONTRACTUAL ACTIONS.**

11 Section 2326 of title 10, United States Code, is
12 amended—

13 (1) in subsection (a), by adding at the end the
14 following: “Any undefinitized contract shall be
15 awarded on a fixed-price level of effort basis.”;

16 (2) by redesignating subsections (f) and (g) as
17 subsections (h) and (i), respectively;

18 (3) by inserting after subsection (e) the fol-
19 lowing new subsections:

20 “(f) **TIME LIMIT.**—No undefinitized contractual ac-
21 tion may extend beyond 90-days without a written deter-
22 mination by the Secretary of the military department or
23 head of a Defense Agency that it is in the best interests
24 of the military department or Defense Agency to continue
25 the action.

1 “(g) FOREIGN MILITARY CONTRACTS.—(1) Except
2 as provided in paragraph (2), a contracting officer of the
3 Department of Defense may not enter into an
4 undefinitized contractual action for a foreign military sale
5 unless the contractual action provides for agreement upon
6 contractual terms, specifications, and price by the end of
7 the 180-day period described in subsection (b)(1)(A).

8 “(2) The requirement under paragraph (1) may be
9 waived in accordance with subsection (b)(4).”; and

10 (4) in subsection (i)(1), as redesignated by
11 paragraph (2)—

12 (A) by striking subparagraph (A); and

13 (B) by redesignating subparagraphs (B),
14 (C), and (D) as subparagraphs (A), (B), and
15 (C), respectively.

16 **SEC. 817. NON-TRADITIONAL CONTRACTOR DEFINITION.**

17 Section 2302(9) of title 10, United States Code, is
18 amended—

19 (1) by striking “of this title, means an entity
20 that is not currently performing” and inserting the
21 following: “of this title—

22 “(A) means a specific business unit or
23 function with a unique entity identifier that is
24 not currently performing”;

1 (2) by striking the period at the end and insert-
2 ing “; and”; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(B) does not mean a business unit that
6 received a transfer of procurement or trans-
7 action from another business unit within the
8 same corporate entity that is currently per-
9 forming or performed, for at least the one-year
10 period preceding the solicitation of sources by
11 the Department of Defense for the procurement
12 or transaction, any contract or subcontract for
13 the Department of Defense that is subject to
14 full coverage under the cost accounting stand-
15 ards prescribed pursuant to section 1502 of
16 title 41 and the regulations implementing such
17 section.”.

18 **SEC. 818. COMPREHENSIVE SMALL BUSINESS CON-**
19 **TRACTING PLANS.**

20 (a) **AUTHORITY.**—

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

1 **“§ 2338. Comprehensive small business contracting**
2 **plans**

3 “(a) AUTHORITY.—The Secretary of Defense may ne-
4 gotiate and administer comprehensive subcontracting
5 plans for the purpose of reducing administrative burdens
6 on contractors while enhancing opportunities provided
7 under Department of Defense contracts for small business
8 concerns and covered small business concerns.

9 “(b) COMPREHENSIVE SMALL BUSINESS SUBCON-
10 TRACTING PLAN.—

11 “(1) The Secretary of a military department or
12 head of a Defense Agency shall negotiate, monitor,
13 and enforce compliance with a comprehensive sub-
14 contracting plan with a Department of Defense con-
15 tractor described in paragraph (4).

16 “(2) The comprehensive subcontracting plan of
17 a contractor—

18 “(A) shall apply to the entire business or-
19 ganization of the contractor or to one or more
20 of the contractor’s divisions or operating ele-
21 ments, as specified in the subcontracting plan;
22 and

23 “(B) shall cover each Department of De-
24 fense contract that is entered into by the con-
25 tractor and each subcontract that is entered

1 into by the contractor as the subcontractor
2 under a Department of Defense contract.

3 “(3) Each comprehensive subcontracting plan
4 of a contractor shall require that the contractor re-
5 port to the Secretary of Defense on a semi-annual
6 basis the following information:

7 “(A) The amount of first-tier subcontract
8 dollars awarded during the six-month period
9 covered by the report to covered small business
10 concerns, with the information set forth sepa-
11 rately—

12 “(i) by North American Industrial
13 Classification System code;

14 “(ii) by major defense acquisition pro-
15 gram, as defined in section 2430(a) of this
16 title, that meets the criteria of Acquisition
17 Category 1;

18 “(iii) by contract, if the contract is for
19 the maintenance, overhaul, repair, serv-
20 icing, rehabilitation, salvage, moderniza-
21 tion, or modification of supplies, systems,
22 or equipment and the total value of the
23 contract, including options, exceeds
24 \$250,000,000; and

25 “(iv) by military department.

1 “(B) The total number of subcontracts ac-
2 tive under the test program during the six-
3 month period covered by the report that would
4 have otherwise required a subcontracting plan
5 under paragraph (4) or (5) of section 8(d) of
6 the Small Business Act (15 U.S.C. 637(d)).

7 “(C) Costs incurred in negotiating, com-
8 plying with, and reporting on comprehensive
9 subcontracting plans.

10 “(D) Costs avoided by adoption of a com-
11 prehensive subcontracting plan.

12 “(4) A Department of Defense contractor re-
13 ferred to in paragraph (1) is, with respect to a com-
14 prehensive subcontracting plan negotiated in any fis-
15 cal year, a business concern that, during the imme-
16 diately preceding fiscal year, furnished the Depart-
17 ment of Defense with supplies or services (including
18 professional services, research and development serv-
19 ices, and construction services) pursuant to at least
20 three Department of Defense contracts having an
21 aggregate value of at least \$100,000,000.

22 “(c) WAIVER OF CERTAIN SMALL BUSINESS ACT
23 SUBCONTRACTING PLAN REQUIREMENTS.—A Depart-
24 ment of Defense contractor is not required to negotiate
25 or submit a subcontracting plan under paragraph (4) or

1 (5) of section 8(d) of the Small Business Act (15 U.S.C.
2 637(d)) with respect to a Department of Defense contract
3 if—

4 “(1) the contractor has negotiated a com-
5 prehensive subcontracting plan under the test pro-
6 gram that includes the matters specified in section
7 8(d)(6) of the Small Business Act (15 U.S.C.
8 637(d)(6));

9 “(2) such matters have been determined accept-
10 able by the Secretary of the military department or
11 head of a Defense Agency negotiating such com-
12 prehensive subcontracting plan; and

13 “(3) the comprehensive subcontracting plan ap-
14 plies to the contract.

15 “(d) FAILURE TO MAKE A GOOD FAITH EFFORT TO
16 COMPLY WITH A COMPREHENSIVE SUBCONTRACTING
17 PLAN.—

18 “(1) A contractor that has negotiated a com-
19 prehensive subcontracting plan under the test pro-
20 gram shall be subject to section 8(d)(4)(F) of the
21 Small Business Act (15 U.S.C. 637(d)(4)(F)) re-
22 garding the assessment of liquidated damages for
23 failure to make a good faith effort to comply with
24 its comprehensive subcontracting plan and the goals
25 specified in that plan. In addition, any such failure

1 shall be a factor considered as part of the evaluation
2 of past performance of an offeror.

3 “(2) Effective in fiscal year 2017 and each fis-
4 cal year thereafter, the Secretary of Defense shall
5 report to Congress on any negotiated comprehensive
6 subcontracting plan that the Secretary determines
7 did not meet the subcontracting goals negotiated in
8 the plan for the prior fiscal year.

9 “(e) DEFINITIONS.—In this section, the term ‘cov-
10 ered small business concern’ includes each of the following:

11 “(1) A small business concern, as that term is
12 defined under section 3(a) of the Small Business Act
13 (15 U.S.C. 632(a)).

14 “(2) A small business concern owned and con-
15 trolled by veterans, as that term is defined in section
16 3(q)(3) of such Act (15 U.S.C. 632(q)(3)).

17 “(3) A small business concern owned and con-
18 trolled by service-disabled veterans, as that term is
19 defined in section 3(q)(2) of such Act (15 U.S.C.
20 632(q)(2)).

21 “(4) A qualified HUBZone small business con-
22 cern, as that term is defined under section 3(p)(5)
23 of such Act (15 U.S.C. 632(p)(5)).

24 “(5) A small business concern owned and con-
25 trolled by socially and economically disadvantaged

1 individuals, as that term is defined in section
2 8(d)(3)(C) of such Act (15 U.S.C. 637(d)(3)(C)).

3 “(6) A small business concern owned and con-
4 trolled by women, as that term is defined under sec-
5 tion 3(n) of such Act (15 U.S.C. 632(n)).”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by adding at the end the following new item:

“2338. Comprehensive small business contracting plans.”.

9 (b) REPEAL OF OBSOLETE AUTHORITY.—Section
10 834 of the National Defense Authorization Act for Fiscal
11 Years 1990 and 1991 (15 U.S.C. 637 note) is hereby re-
12 pealed.

13 **SEC. 819. LIMITATION ON TASK AND DELIVERY ORDER**
14 **PROTESTS.**

15 Section 2304c(e) of title 10, United States Code, is
16 amended—

17 (1) by redesignating paragraph (2) as para-
18 graph (3); and

19 (2) by inserting after paragraph (1) the fol-
20 lowing new paragraph:

21 “(2) A protest is not authorized in connection with
22 the issuance or proposed issuance of a task or delivery
23 order if the Secretary of Defense determines that a task
24 and delivery order ombudsman responsible for reviewing
25 complaints related to task and delivery order contracts of

1 the issuing agency has been appointed or designated pur-
2 suant to subsection (f) and a process for reviewing such
3 complaints has been established.”.

4 **SEC. 820. MODIFIED DATA COLLECTION REQUIREMENTS**
5 **APPLICABLE TO PROCUREMENT OF SERV-**
6 **ICES.**

7 (a) INCREASED THRESHOLD.—Subsection (a) of sec-
8 tion 2330a of title 10, United States Code, is amended
9 by striking “in excess of the simplified acquisition thresh-
10 old” and inserting “in excess of \$5,000,000”.

11 (b) CLARIFICATION OF APPLICABILITY OF INVEN-
12 TORY REQUIREMENT TO STAFF AUGMENTATION CON-
13 TRACTS.—Subsection (c) of such section is amended—

14 (1) in paragraph (1), by striking “contracts for
15 services” and inserting “staff augmentation con-
16 tracts”; and

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

19 “(4) The term ‘staff augmentation contracts’ means
20 contracts for personnel who are subject to the direction
21 of a government official other than the contracting officer
22 for the contract, including contractor personnel who per-
23 form personal services contracts (as that term is defined
24 in section 2330a(g)(5) of this title).”.

1 (c) ELIMINATION OF REPORTING REQUIREMENTS.—

2 Such section is further amended—

3 (1) by striking subsections (g) and (h); and

4 (2) by redesignating subsections (i) and (j) as
5 subsections (g) and (h), respectively.

6 **SEC. 821. GOVERNMENT ACCOUNTABILITY OFFICE BID**
7 **PROTEST REFORMS.**

8 (a) IN GENERAL.—Chapter 137 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 2338. Government Accountability Office bid pro-**
12 **tests**

13 “(a) PAYMENT OF COSTS FOR DENIED PROTESTS.—

14 “(1) IN GENERAL.—A contractor who files a
15 protest described under paragraph (2) with the Gov-
16 ernment Accountability Office on a contract with the
17 Department of Defense shall pay to the Government
18 Accountability Office costs incurred for processing a
19 protest.

20 “(2) COVERED PROTESTS.—A protest described
21 under this paragraph is a protest—

22 “(A) all of the elements of which are de-
23 nied in an opinion issued by the Government
24 Accountability Office; and

1 “(B) filed by a party with revenues in ex-
2 cess of \$100,000,000 during the previous year.

3 “(b) WITHHOLDING OF PAYMENTS ABOVE IN-
4 CURRED COSTS OF INCUMBENT CONTRACTORS.—

5 “(1) IN GENERAL.—Contractors who file a pro-
6 test on a contract on which they are the incumbent
7 contractor shall have all payments above incurred
8 costs withheld on any bridge contracts or temporary
9 contract extensions awarded to the contractor as a
10 result of a delay in award resulting from the filing
11 of such protest.

12 “(2) DISPOSITION OF WITHHELD PAYMENTS
13 ABOVE INCURRED COSTS.—

14 “(A) RELEASE TO INCUMBENT CON-
15 TRACTOR.—All payments above incurred costs
16 of a protesting incumbent contractor withheld
17 pursuant to paragraph (1) shall be released to
18 the protesting incumbent contractor if—

19 “(i) the solicitation that is the subject
20 of the protest is cancelled and no subse-
21 quent request for proposal is released or
22 planned for release; or

23 “(ii) if the Government Accountability
24 Office issues an opinion that upholds any

1 of the protest grounds filed under the pro-
2 test.

3 “(B) RELEASE TO AWARDEE.—Except for
4 the exceptions set forth in subparagraph (A),
5 all payments above incurred costs of a pro-
6 testing incumbent contractor withheld pursuant
7 to paragraph (1) shall be released to the con-
8 tractor that was awarded the protested contract
9 prior to the protest.

10 “(C) RELEASE TO GAO IN EVENT OF NO
11 CONTRACT AWARD.—Except for the exceptions
12 set forth in subparagraph (A), if a protested
13 contract for which payments above incurred
14 costs are withheld under paragraph (1) is not
15 awarded to a contractor, the withheld payments
16 shall be released to the Government Account-
17 ability Office and deposited into an account
18 that can be used by the Office to offset costs
19 associated with Government Accountability Of-
20 fice bid protests in which the Government Ac-
21 countability Office issues an opinion in favor of
22 a small business concern, either as a direct or
23 third party beneficiary.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for such chapter is amended by inserting after the item
 3 relating to section 2337 the following new item:

“2338. Government Accountability Office bid protests.”.

4 **SEC. 822. REPORT ON BID PROTESTS.**

5 (a) REPORT REQUIRED.—Not later than 270 days
 6 after the date of the enactment of this Act, the Secretary
 7 of Defense shall enter into a contract with an independent
 8 research entity that is a not-for-profit entity or a Feder-
 9 ally funded research and development center with appro-
 10 priate expertise and analytical capability to carry out a
 11 comprehensive study on the prevalence and impact of bid
 12 protests on Department of Defense acquisitions, including
 13 protests filed with contracting agencies, the Government
 14 Accountability Office, and the Court of Federal Claims.

15 (b) ELEMENTS.—The report required by subsection
 16 (a) shall cover Department of Defense contracts and in-
 17 clude, at a minimum, the following elements:

18 (1) A description of trends in the number of bid
 19 protests filed, and the rate of such bid protests com-
 20 pared to contract obligations and the number of con-
 21 tracts.

22 (2) An analysis of bid protests filed by incum-
 23 bent contractors, including—

24 (A) the rate at which such protesters are
 25 awarded bridge contracts or contract extensions

1 over the period that the protest remains unre-
2 solved; and

3 (B) an assessment of the cost and schedule
4 impact of successful and unsuccessful bid pro-
5 tests filed by incumbent contractors on con-
6 tracts for services with a value in excess of
7 \$100,000,000.

8 (3) A description of trends in the number of bid
9 protests filed and the rate of such bid protests on—

10 (A) contracts valued in excess of
11 \$3,000,000,000;

12 (B) contracts valued between
13 \$500,000,000 and \$3,000,000,000;

14 (C) contracts valued between \$50,000,000
15 and \$500,000,000; and

16 (D) contracts valued under \$50,000,000.

17 (4) An assessment of the cost and schedule im-
18 pact of successful and unsuccessful bid protests filed
19 on contracts valued in excess of \$3,000,000,000.

20 (5) An analysis of how often protestors win the
21 protested contract.

22 (6) A summary of the results of protests in
23 which the contracting agencies took unilateral cor-
24 rective action, including—

1 (A) the average time for remedial action to
2 be completed; and

3 (B) a determination as to what extent such
4 unilateral action was a result of a violation of
5 law or regulation by the agency, or such action
6 was a result of some other factor.

7 (7) A description of the time it takes agencies
8 to implement corrective actions after a ruling or de-
9 cision.

10 (c) REPORT.—Not later than one year after the date
11 of the enactment of this Act, the independent entity that
12 conducts the study under subsection (a) shall provide to
13 the Secretary of Defense and the congressional defense
14 committees a report on the results of the study, along with
15 any related recommendations.

16 **SEC. 823. TREATMENT OF SIDE-BY-SIDE TESTING OF CER-**
17 **TAIN EQUIPMENT, MUNITIONS, AND TECH-**
18 **NOLOGIES MANUFACTURED AND DEVELOPED**
19 **UNDER COOPERATIVE RESEARCH AND DE-**
20 **VELOPMENT AGREEMENTS AS USE OF COM-**
21 **PETITIVE PROCEDURES.**

22 Section 2350a(g) of title 10, United States Code, is
23 amended by inserting after paragraph (2) the following
24 new paragraph:

1 “(3) The use of side-by-side testing under this sub-
2 section shall be considered to be the use of competitive
3 procedures for purposes of chapter 137 of this title, when
4 procuring items that have been successfully tested and
5 found to satisfy United States military requirements or
6 to correct operational deficiencies.”.

7 **SEC. 824. DEFENSE ACQUISITION CHALLENGE PROGRAM.**

8 (a) **EXPANSION OF SCOPE TO INCLUDE ALTER-**
9 **NATIVES TO EXISTING ACQUISITION PROGRAMS.**—Sub-
10 section (a)(2) of section 2359b of title 10, United States
11 Code, is amended—

12 (1) by inserting “, or an alternative approach to
13 an existing Department of Defense acquisition pro-
14 gram,” after “of an existing Department of Defense
15 acquisition program”; and

16 (2) by inserting “or function” after “capability
17 of that acquisition program”.

18 (b) **TREATMENT OF CHALLENGE PROPOSAL PROCE-**
19 **DURES AS USE OF COMPETITIVE PROCEDURES.**—Such
20 section is further amended—

21 (1) by redesignating subsections (j) and (k) as
22 subsections (k) and (l), respectively; and

23 (2) by inserting after subsection (i) the fol-
24 lowing new subsection:

1 “(j) TREATMENT OF USE OF DEVELOPED PROCE-
2 DURES AS USE OF COMPETITIVE PROCEDURES.—The use
3 of general solicitation competitive procedures developed
4 pursuant to subsection (e)(3) shall be considered to be the
5 use of competitive procedures for purposes of chapter 137
6 of this title.”.

7 (c) EXTENSION OF SUNSET FOR PILOT PROGRAM
8 FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISI-
9 TION PROGRAMS.—Such section is further amended in
10 paragraph (5) of subsection (l), as redesignated by sub-
11 section (b)(1) of this subsection, by striking “2016” and
12 inserting “2021”.

13 **SEC. 825. USE OF LOWEST PRICE TECHNICALLY ACCEPT-**
14 **ABLE SOURCE SELECTION PROCESS.**

15 (a) STATEMENT OF POLICY.—It shall be the policy
16 of the Department of Defense to avoid using Lowest Price
17 Technically Acceptable source selection criteria in inappro-
18 priate circumstances that potentially deny the Department
19 the benefits of cost and technical tradeoffs in the source
20 selection process.

21 (b) REVISION OF DEFENSE FEDERAL ACQUISITION
22 REGULATION SUPPLEMENT.—Not later than 120 days
23 after the date of the enactment of this Act, the Depart-
24 ment of Defense shall revise the Defense Federal Acquisi-
25 tion Regulation Supplement (DFARS) to require that, for

1 new solicitations issued on or after the date that is 120
2 days after the date of the enactment of this Act, Lowest
3 Price Technically Acceptable source selection criteria are
4 used only in situations in which—

5 (1) the Department of Defense is able to com-
6 prehensively and clearly describe the minimum re-
7 quirements expressed in term of performance objec-
8 tives, measures, and standards that will be used to
9 determine acceptability of offers;

10 (2) the Department of Defense would realize
11 no, or minimal, value from a contract proposal ex-
12 ceeding the minimum technical or performance re-
13 quirements set forth in the Request for Proposal;

14 (3) the proposed technical approaches will re-
15 quire no, or minimal, subjective judgment by the
16 source selection authority as to the desirability of
17 one offeror's proposal versus a competing proposal;

18 (4) a review of technical proposals of offerors
19 other than the lowest bidder would result in no, or
20 minimal, benefit to the Department; and

21 (5) the contracting officer has included a jus-
22 tification for the use of a Lowest Price Technically
23 Acceptable evaluation methodology in the contract
24 file, if the contract to be awarded is predominately
25 for the acquisition of information technology serv-

1 2018, the Secretary of each military department and the
2 head of each of the Defense Agencies shall pay a penalty
3 for the use of cost-type contracts.

4 (b) CALCULATION OF COST-TYPE CONTRACT PEN-
5 ALTY.—

6 (1) IN GENERAL.—For the purposes of this sec-
7 tion, the amount of the cost-type contract penalty
8 per fiscal year for a military department or Defense
9 Agency is the total amount of penalties assessed in
10 accordance with paragraph (2) for the use by such
11 military department or Defense Agency during such
12 fiscal year of cost-type contracts awarded on or after
13 October 1, 2017, including cost no fee, cost plus
14 award fee, cost plus fixed fee, and cost plus incentive
15 fee contracts.

16 (2) PENALTY PER CONTRACT.—the cost-type
17 contract penalty for using a cost-type contract is—

18 (A) 2 percent of obligated funds in the
19 case of a contract using procurement funds;
20 and

21 (B) 1 percent of obligated funds in the
22 case of a contract using research, development,
23 test and evaluation funds.

24 (c) TRANSFER OF FUNDS.—

1 (1) REDUCTION OF RESEARCH, DEVELOPMENT,
2 TEST, AND EVALUATION, AND PROCUREMENT AC-
3 COUNTS.—Not later than 60 days after the end of
4 each fiscal year beginning with fiscal year 2018, the
5 Secretary of each military department and the head
6 of each Defense Agency shall reduce the applicable
7 research, development, test, and evaluation account
8 and procurement account of the military department
9 or Defense Agency that incurs obligations for cost-
10 type contracts by the percentage determined under
11 paragraph (2), and remit such amount to the Sec-
12 retary of Defense.

13 (2) DETERMINATION OF AMOUNT.—The per-
14 centage reduction to research, development, test, and
15 evaluation and procurement accounts of a military
16 department or Defense Agency referred to in para-
17 graph (1) is the percentage reduction to such ac-
18 counts necessary to equal the cost-type contract pen-
19 alty for the fiscal year for such department or De-
20 fense Agency determined pursuant to subsection (b).

21 (3) CREDITING OF FUNDS.—Any amount remit-
22 ted under paragraph (1) shall be credited to the De-
23 partment of Defense Rapid Prototyping Fund estab-
24 lished pursuant to section 804 of the National De-

1 fense Authorization Act for Fiscal Year 2016 (Pub-
2 lic Law 114–92; 10 U.S.C. 2302 note).

3 (d) EXCEPTIONS.—

4 (1) FIRST LEAD SHIPS IN A CLASS.—There
5 shall be no penalty assessed under this section for
6 the use of cost-type contracts for first lead ships in
7 a class.

8 (2) DELAYED APPLICABILITY TO SCIENCE AND
9 TECHNOLOGY AND SBIR/STTR PROGRAMS.—There
10 shall be no penalty assessed under this section until
11 fiscal year 2019 for the following types of contracts:

12 (A) Contracts awarded under the Small
13 Business Innovation Research (SBIR) and
14 Small Business Technology Transfer Program
15 (STTR) programs (as those terms are defined
16 in section 9(e) of the Small Business Act (15
17 U.S.C. 638(e)).

18 (B) Contracts awarded using funds under
19 the Basic Research, Applied Research, and Ad-
20 vanced Technology Development budget activity
21 titles.

22 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed as limiting or otherwise modifying
24 transfer authorities available to the Secretary of Defense.

1 (f) SUNSET.—This section shall terminate at the
2 close of September 30, 2021.

3 **SEC. 827. PREFERENCE FOR FIXED-PRICE CONTRACTS.**

4 (a) ESTABLISHMENT OF PREFERENCE.—Not later
5 than 180 days after the date of the enactment of this Act,
6 the Defense Federal Acquisition Regulation Supplement
7 shall be revised to establish a preference for fixed-price
8 contracts, including fixed-price incentive fee contracts, in
9 the determination of contract type.

10 (b) APPROVAL REQUIREMENT FOR CERTAIN COST-
11 TYPE CONTRACTS.—

12 (1) IN GENERAL.—A contracting officer of the
13 Department of Defense may not enter into a cost-
14 type contract described in paragraph (2) unless the
15 contract is approved by—

16 (A) the Service Acquisition Executive, in
17 the case of a contract entered into by a military
18 service; or

19 (B) the Under Secretary of Defense for
20 Acquisition, Technology, and Logistics, in the
21 case of a Defense Agency contract.

22 (2) COVERED CONTRACTS.—A contract de-
23 scribed in this paragraph is—

24 (A) a cost-type contract in excess of
25 \$50,000,000, in the case of a contract entered

1 into after the date that is 180 days after the
2 date of the enactment of this Act and before
3 October 1, 2018;

4 (B) a cost-type contract in excess of
5 \$20,000,000, in the case of a contract entered
6 into on or after October 1, 2018, and before
7 October 1, 2019; and

8 (C) a cost-type contract in excess of
9 \$5,000,000, in the case of a contract entered
10 into on or after October 1, 2019.

11 **SEC. 828. REQUIREMENT TO USE FIRM FIXED-PRICE CON-**
12 **TRACTS FOR FOREIGN MILITARY SALES.**

13 (a) **REQUIREMENT.**—Not later than 180 days after
14 the date of the enactment of this Act, the Secretary of
15 Defense shall prescribe regulations to require the use of
16 firm fixed-price contracts for foreign military sales.

17 (b) **WAIVER AUTHORITY.**—The regulations pre-
18 scribed pursuant to subsection (a) shall include a waiver
19 that may be exercised by the Secretary of Defense if the
20 Secretary certifies that a different contract type is in the
21 best interest of United States taxpayers.

22 **SEC. 829. PREFERENCE FOR PERFORMANCE-BASED CON-**
23 **TRACTUAL PAYMENTS.**

24 (a) **IN GENERAL.**—Section 2307(b) of title 10,
25 United States Code, is amended—

1 (1) in the subsection heading, by inserting
2 “PREFERENCE FOR” before “PERFORMANCE-
3 BASED”;

4 (2) by redesignating paragraphs (1), (2), and
5 (3) as subparagraphs (A), (B), and (C), respectively;

6 (3) by striking “Wherever practicable, payment
7 under subsection (a) shall be made” and inserting
8 “(1) Whenever practicable, payments under sub-
9 section (a) shall be made using performance-based
10 payments”; and

11 (4) by adding at the end the following new
12 paragraphs:

13 “(2) Performance-based payments shall not be condi-
14 tioned upon costs incurred in contract performance but
15 on the achievement of milestones or events based on the
16 performance outcomes listed in paragraph (1).

17 “(3) The Secretary of Defense shall ensure that non-
18 traditional contractors and commercial companies shall be
19 eligible for performance based payments, consistent with
20 best commercial practices.

21 “(4) In order to receive performance-based payments,
22 a contractor’s accounting system shall be in compliance
23 with Generally Accepted Accounting Principles, and there
24 shall be no requirement for a contractor to develop govern-
25 ment unique accounting systems or practices as a pre-

1 requisite for agreeing to use performance-based pay-
2 ments.”.

3 (b) REGULATIONS.—Not later than 120 days after
4 the date of the enactment of this Act, the Secretary of
5 Defense shall revise the Department of Defense Supple-
6 ment to the Federal Acquisition Regulation to conform
7 with section 2307(b) of title 10, United States Code, as
8 amended by subsection (a).

9 **SEC. 829A. SHARE-IN-SAVINGS CONTRACTS.**

10 **SEC. 829B. COMPETITIVE PROCUREMENT AND PHASE OUT**
11 **OF ROCKET ENGINES FROM THE RUSSIAN**
12 **FEDERATION IN THE EVOLVED EXPENDABLE**
13 **LAUNCH VEHICLE PROGRAM FOR SPACE**
14 **LAUNCH OF NATIONAL SECURITY SAT-**
15 **ELLITES.**

16 (a) INEFFECTIVENESS OF SUPERSEDED REQUIRE-
17 MENTS.—Sections 1036 and 1037 shall have no force or
18 effect, and the amendments proposed to be made by sec-
19 tion 1037 shall not be made.

20 (b) IN GENERAL.—Any competition for a contract for
21 the provision of launch services for the evolved expendable
22 launch vehicle program shall be open for award to all cer-
23 tified providers of evolved expendable launch vehicle-class
24 systems.

1 (c) AWARD OF CONTRACTS.—In awarding a contract
2 under subsection (b), the Secretary of Defense—

3 (1) subject to paragraphs (2) and (3), and not-
4 withstanding any other provision of law, may, during
5 the period beginning on the date of the enactment
6 of this Act and ending on December 31, 2022,
7 award the contract to a provider of launch services
8 that intends to use any certified launch vehicle in its
9 inventory without regard to the country of origin of
10 the rocket engine that will be used on that launch
11 vehicle;

12 (2) may award contracts utilizing an engine de-
13 signed or manufactured in the Russian Federation
14 for only phase 1(a) and phase 2 evolved expendable
15 launch vehicle procurements; and

16 (3) LIMITATION.—The total number of rocket
17 engines designed or manufactured in the Russian
18 Federation and used on launch vehicles for the
19 evolved expendable launch vehicle program shall not
20 exceed 18.

21 Section 2332 of title 10, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(d) TRAINING.—Not later than 180 days after the
25 date of the enactment of the National Defense Authoriza-

1 tion Act for Fiscal Year 2017, the Defense Acquisition
 2 University shall develop and implement a training pro-
 3 gram for Department of Defense acquisition personnel on
 4 share-in-savings contracts.”.

5 **SEC. 829C. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
 6 **ITY TO FACILITATE THE DEFENSE AGAINST**
 7 **OR RECOVERY FROM A CYBER, NUCLEAR, BI-**
 8 **OLOGICAL, CHEMICAL, OR RADIOLOGICAL**
 9 **ATTACK.**

10 (a) IN GENERAL.—Chapter 137 of title 10, United
 11 States Code, is amended by adding at the end the fol-
 12 lowing new section:

13 **“§ 2338. Special emergency procurement authority**

14 “(a) APPLICABILITY.—The authorities provided in
 15 subsections (b) and (c) apply with respect to a procure-
 16 ment of property or services by or for the Department of
 17 Defense that the Secretary of Defense determines are to
 18 be used—

19 “(1) in support of a contingency operation; or

20 “(2) to facilitate the defense against or recovery
 21 from cyber, nuclear, biological, chemical, or radio-
 22 logical attack against the United States.

23 “(b) INCREASED THRESHOLDS AND LIMITATION.—

24 For a procurement to which this section applies under
 25 subsection (a)—

1 “(1) the amount specified in subsections (a),
2 (d), and (e) of section 1902 of title 41 shall be
3 deemed to be—

4 “(A) \$15,000 in the case of a contract to
5 be awarded and performed, or purchase to be
6 made, in the United States; and

7 “(B) \$25,000 in the case of a contract to
8 be awarded and performed, or purchase to be
9 made, outside the United States;

10 “(2) the term ‘simplified acquisition threshold’
11 means—

12 “(A) \$750,000 in the case of a contract to
13 be awarded and performed, or purchase to be
14 made, in the United States; and

15 “(B) \$1,500,000 in the case of a contract
16 to be awarded and performed, or purchase to be
17 made, outside the United States; and

18 “(3) the \$5,000,000 limitation in section
19 1901(a)(2) of title 41 and sections 3305(a)(2) and
20 2304(g)(1)(B) of this title is deemed to be
21 \$10,000,000.

22 “(c) **AUTHORITY TO TREAT PROPERTY OR SERVICE**
23 **AS COMMERCIAL ITEM.**—

24 “(1) **IN GENERAL.**—The Secretary of Defense,
25 in carrying out a procurement of property or a serv-

1 ice to which this section applies under subsection
 2 (a)(2), may treat the property or service as a com-
 3 mercial item for the purpose of carrying out the pro-
 4 curement.

5 “(2) CERTAIN CONTRACTS NOT EXEMPT FROM
 6 STANDARDS OR REQUIREMENTS.—A contract in an
 7 amount of more than \$15,000,000 that is awarded
 8 on a sole source basis for an item or service treated
 9 as a commercial item under paragraph (1) is not ex-
 10 empt from—

11 “(A) cost accounting standards prescribed
 12 under section 1502 of title 41; or

13 “(B) cost or pricing data requirements
 14 (commonly referred to as truth in negotiating)
 15 under chapter 35 of title 41 and section 2306a
 16 of this title.”.

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

“2338. Special emergency procurement authority.”.

20 **SEC. 829D. LIMITATION ON USE OF REVERSE AUCTION AND**
 21 **LOWEST PRICE TECHNICALLY ACCEPTABLE**
 22 **CONTRACTING METHODS.**

23 (a) LIMITATION.—Not later than 90 days after the
 24 date of the enactment of this Act, the Defense Supplement
 25 to the Federal Acquisition Regulation shall be amended—

1 (1) PLANTATIONS AND FARMS: OPERATION,
2 MAINTENANCE, AND IMPROVEMENT.—Section 2421
3 of title 10, United States Code, is amended by add-
4 ing at the end the following new subsection:

5 “(e) SUNSET.—This section shall terminate at the
6 close of September 30, 2018.”.

7 (2) OBLIGATIONS FOR CONTRACT SERVICES:
8 REPORTING IN BUDGET OBJECT CLASSES.—Section
9 2212 of title 10, United States Code, is amended by
10 adding at the end the following new subsection:

11 “(g) SUNSET.—This section shall terminate at the
12 close of September 30, 2018.”.

13 (3) REQUIREMENT TO ESTABLISH COST, PER-
14 FORMANCE, AND SCHEDULE GOALS FOR MAJOR DE-
15 FENSE ACQUISITION PROGRAMS AND EACH PHASE
16 OF RELATED ACQUISITION CYCLES.—Section 2220
17 of title 10, United States Code, is amended by add-
18 ing at the end the following new subsection:

19 “(c) SUNSET.—This section shall terminate at the
20 close of September 30, 2018.”.

21 (4) GOVERNMENT PERFORMANCE OF CERTAIN
22 ACQUISITION FUNCTIONS.—Section 1706 of title 10,
23 United States Code, is amended by adding at the
24 end the following new subsection:

1 “(d) SUNSET.—This section shall terminate at the
2 close of September 30, 2019.”.

3 (b) REPEALS.—

4 (1) LIMITATION ON USE OF OPERATION AND
5 MAINTENANCE FUNDS FOR PURCHASE OF INVEST-
6 MENT ITEMS.—

7 (A) IN GENERAL.—Section 2245a of title
8 10, United States Code, is repealed.

9 (B) CLERICAL AMENDMENT.—The table of
10 sections at the beginning of subchapter I of
11 chapter 134 of such title is amended by striking
12 the item relating to section 2245a.

13 (C) CONFORMING AMENDMENT.—Section
14 166a(e)(1)(A) of such title is amended by strik-
15 ing “in effect under section 2245a of this title”.

16 (2) INFORMATION TECHNOLOGY PURCHASES:
17 TRACKING AND MANAGEMENT.—

18 (A) IN GENERAL.—Section 2225 of title
19 10, United States Code, is repealed.

20 (B) CLERICAL AMENDMENT.—The table of
21 sections at the beginning of chapter 131 of such
22 title is amended by striking the item relating to
23 section 2225.

24 (C) CONFORMING AMENDMENTS.—

1 (i) SECTION 2330A OF TITLE 10,
2 UNITED STATES CODE.—Section 2330a(j)
3 of such title is amended—

4 (I) by striking paragraph (2);

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

8 (III) by adding at the end the
9 following new paragraphs:

10 “(5) SIMPLIFIED ACQUISITION THRESHOLD.—

11 The term ‘simplified acquisition threshold’ has the
12 meaning given the term in section 134 of title 41.

13 “(6) SMALL BUSINESS CONCERN.—The term
14 ‘small business concern’ means a business concern
15 that meets the applicable size standards prescribed
16 pursuant to section 3(a) of the Small Business Act
17 (15 U.S.C. 632(a)) of title 41.

18 “(7) SMALL BUSINESS CONCERN OWNED AND
19 CONTROLLED BY SOCIALLY AND ECONOMICALLY DIS-
20 ADVANTAGED INDIVIDUALS.—The term ‘small busi-
21 ness concern owned and controlled by socially and
22 economically disadvantaged individuals’ has the
23 meaning given that term in section 8(d)(3)(C) of the
24 Small Business Act (15 U.S.C. 637(d)(3)(C)).

1 “(8) SMALL BUSINESS CONCERN OWNED AND
2 CONTROLLED BY WOMEN.—The term ‘small business
3 concern owned and controlled by women’ has the
4 meaning given that term in section 8(d)(3)(D) of the
5 Small Business Act (15 U.S.C. 637(d)(3)(D)).”.

6 (ii) SECTION 222 OF THE NATIONAL
7 DEFENSE AUTHORIZATION ACT FOR FISCAL
8 YEAR 2012.—Section 222(d) of the Na-
9 tional Defense Authorization Act for Fiscal
10 Year 2012 (Public Law 112–81; 10 U.S.C.
11 2358 note) is amended by striking “as de-
12 fined in section 2225(f)(3)” and inserting
13 “as defined in section 2330a(j)”.

14 (3) PROCUREMENT OF COPIER PAPER CON-
15 TAINING SPECIFIED PERCENTAGES OF POST-CON-
16 SUMER RECYCLED CONTENT.—

17 (A) IN GENERAL.—Section 2378 of title
18 10, United States Code, is repealed.

19 (B) CLERICAL AMENDMENT.—The table of
20 sections at the beginning of chapter 140 of such
21 title is amended by striking the item relating to
22 section 2378.

23 (4) LIMITATION ON PROCUREMENT OF TABLE
24 AND KITCHEN EQUIPMENT FOR OFFICERS’ QUAR-
25 TERS.—

1 (A) IN GENERAL.—Section 2387 of title
2 10, United States Code, is repealed.

3 (B) CLERICAL AMENDMENT.—The table of
4 sections at the beginning of chapter 141 of such
5 title is amended by striking the item relating to
6 section 2387.

7 (5) IMPLEMENTATION OF ELECTRONIC COM-
8 MERCE CAPABILITY.—

9 (A) REPEAL.—

10 (i) IN GENERAL.—Section 2302c of
11 title 10, United States Code, is repealed.

12 (ii) EXEMPTION FROM GENERAL FED-
13 ERAL PROCUREMENT REQUIREMENT.—
14 Section 2301 of title 41, United States
15 Code, is amended by inserting “other than
16 the Department of Defense” after “each
17 executive agency” each place it appears.

18 (B) CLERICAL AMENDMENT.—The table of
19 sections at the beginning of chapter 137 of such
20 title is amended by striking the item relating to
21 section 2302c.

22 **SEC. 829G. FLEXIBILITY IN CONTRACTING AWARD PRO-**
23 **GRAM.**

24 (a) ESTABLISHMENT OF AWARD PROGRAM.—The
25 Secretary of Defense shall create an award to recognize

1 those acquisition programs and professionals that make
2 the best use of the flexibilities and authorities granted by
3 the Federal Acquisition Regulation and Department of
4 Defense Instruction 5000.02 (Operation of the Defense
5 Acquisition System).

6 (b) PURPOSE OF AWARD.—The award established
7 under subsection (a) shall recognize outstanding per-
8 formers whose approach to program management empha-
9 sizes innovation and local adaptation, including the use
10 of—

11 (1) simplified acquisition procedures;

12 (2) inherent flexibilities within the Federal Ac-
13 quisition Regulation;

14 (3) commercial contracting approaches;

15 (4) public-private partnership agreements and
16 practices;

17 (5) cost sharing arrangements;

18 (6) innovative contractor incentive practices;

19 and

20 (7) other innovative implementations of acquisi-
21 tion flexibilities.

22 (c) BENCHMARKS.—The Secretary of Defense shall,
23 for purposes of administering the award program estab-
24 lished under this section, establish specific, measurable
25 benchmarks for measuring successful application of Fed-

1 eral Acquisition Regulation flexibilities, both in terms of
2 assessing the level of innovation being applied and in
3 terms of program outcomes.

4 **SEC. 829H. PRODUCTS AND SERVICES PURCHASED**
5 **THROUGH CONTRACTING PROGRAM FOR**
6 **FIRMS THAT HIRE THE SEVERELY DISABLED.**

7 (a) **LIMITATION ON CONTRACTING WITH**
8 **ABILITYONE PROGRAM.—**

9 (1) **IN GENERAL.—**For purposes of procuring
10 goods and services on the procurement list described
11 in section 8503 of title 41, United States Code (in
12 this section referred to as the “procurement list”) to
13 be performed by other severely disabled, the Sec-
14 retary of Defense shall not contract with the
15 AbilityOne nonprofit agency or the AbilityOne Cen-
16 tral Nonprofit Agency responsible for contracting
17 with other severely disabled, or use the AbilityOne
18 Central Nonprofit Agency responsible for contracting
19 with other severely disabled to identify vendors who
20 are other severely disabled, but shall contract di-
21 rectly with qualified nonprofit agencies for other se-
22 verely disabled, until such time that the Inspector
23 General for the Department of Defense certifies to
24 Congress as follows:

1 (A) The internal controls and financial
2 management systems of the AbilityOne non-
3 profit agency and the AbilityOne Central Non-
4 profit Agency responsible for contracting with
5 the other severely disabled are sufficient to pro-
6 tect the Department of Defense against waste,
7 fraud, and abuse.

8 (B) There are fair opportunities for quali-
9 fied nonprofit agencies for other severely dis-
10 abled to compete to provide goods and services
11 to the Department of Defense under the pro-
12 curement list.

13 (C) Pass-through contracts to contractors
14 who are not qualified nonprofit agencies for
15 other severely disabled are limited to the max-
16 imum extent practicable to providing services
17 and supplies necessary for qualified nonprofit
18 agencies for other severely disabled to assemble
19 a final product for use by the Department of
20 Defense.

21 (D) Department of Defense contracts for
22 items on the procurement list to the maximum
23 extent practicable create opportunities in the
24 production of products and the provision of
25 services by qualified nonprofit agencies for

1 other severely disabled during the fiscal year
2 that result in the employment of other severely
3 disabled individuals for at least 75 percent of
4 the hours of direct labor required for the pro-
5 duction or provision of the products or services.

6 (E) Opportunities for wounded and dis-
7 abled veterans are maximized in qualified non-
8 profit agencies for other severely disabled when
9 participating in Department of Defense con-
10 tracts.

11 (F) The Department of Defense is receiv-
12 ing fair and reasonable prices for items on the
13 procurement list.

14 (2) RECOMMENDATIONS BY THE COMPTROLLER
15 GENERAL OF THE UNITED STATES.—In conducting
16 its review of the internal controls and financial man-
17 agement systems of the AbilityOne nonprofit agency
18 and the AbilityOne Central Nonprofit Agency re-
19 sponsible for contracting with the other severely dis-
20 abled, the Inspector General of the Department of
21 Defense shall consider recommendations previously
22 made by the Comptroller General of the United
23 States pertaining to the AbilityOne program.

1 (b) PURCHASING CRITERIA.—Contracting officers for
2 the Department of Defense, when purchasing items off the
3 procurement list under subsection (a), shall ensure that—

4 (1) there are fair opportunities for qualified
5 nonprofit agencies for other severely disabled to
6 compete to provide goods and services to the Depart-
7 ment of Defense under the procurement list;

8 (2) pass-through contracts to contractors that
9 are not qualified nonprofit agencies for other se-
10 verely disabled are limited to the maximum extent
11 practicable to providing services and supplies nec-
12 essary for qualified nonprofit agencies for other se-
13 verely disabled to assemble a final product for use
14 by the Department of Defense;

15 (3) Department of Defense contracts for items
16 on the procurement list to the maximum extent
17 practicable create opportunities in the production of
18 products and the provision of services by the quali-
19 fied nonprofit agencies for other severely disabled
20 during the fiscal year that result in the employment
21 of other severely disabled individuals for at least 75
22 percent of the hours of direct labor required for the
23 production or provision of the products or services;

24 (4) opportunities for wounded and disabled vet-
25 erans are maximized in qualified nonprofit agencies

1 for other severely disabled when participating in De-
2 partment of Defense contracts; and

3 (5) the Department of Defense is receiving fair
4 and reasonable prices for items on the procurement
5 list.

6 (c) **QUALIFIED NONPROFIT FOR OTHER SEVERELY**
7 **DISABLED.**—In this section, the term “qualified nonprofit
8 for other severely disabled” has the meaning given the
9 term in section 8501(6) of title 41, United States Code.

10 **SEC. 829I. APPLICABILITY OF EXECUTIVE ORDER 13673**

11 **“FAIR PAY AND SAFE WORKPLACES” TO DE-**
12 **PARTMENT OF DEFENSE CONTRACTORS.**

13 (a) **LIMITATION.**—The Secretary of Defense shall
14 apply any acquisition regulations promulgated pursuant to
15 Executive Order 13673 or any successor executive order
16 only to contractors or subcontractors who have been sus-
17 pended or debarred as a result of a Federal labor law vio-
18 lations covered by Executive Order 13673.

19 (b) **COMPLIANCE REQUIREMENTS.**—The Secretary
20 shall ensure that Department of Defense contractors or
21 subcontractors who are not described under subsection (a)
22 are not compelled or required to comply with the condi-
23 tions for contracting eligibility as stated in any acquisition
24 regulations promulgated to implement Executive Order
25 13673.

1 **SEC. 829J. CONTRACT CLOSEOUT AUTHORITY.**

2 (a) **AUTHORITY.**—The Secretary of Defense may
3 close out a contract or group of contracts as described in
4 subsection (b) through the issuance of one or more modi-
5 fications to existing Department of Defense contracts
6 without completing a reconciliation audit or other correc-
7 tive action. To accomplish closeout of such contracts—

8 (1) remaining contract balances may be offset
9 with balances in other contract line items within a
10 contract regardless of the year or type of appropria-
11 tion previously or currently obligated to fund each
12 contract line item and regardless of whether the ap-
13 propriation has closed; and

14 (2) remaining contract balances may be offset
15 with balances on other contracts regardless of the
16 year or type of appropriation previously or currently
17 obligated to fund each contract and regardless of
18 whether the appropriation has closed.

19 (b) **COVERED CONTRACTS.**—Contracts covered by
20 this section are contracts or a group of contracts between
21 the Department of Defense and a defense contractor
22 that—

23 (1) were entered into prior to fiscal year 2000;

24 (2) have no further supplies or services
25 deliverables due under their terms and conditions;
26 and

1 (3) are determined by the Secretary of Defense
2 to be not otherwise reconcilable because—

3 (A) the records have been destroyed or
4 lost; or

5 (B) the records are available but the Sec-
6 retary of Defense has determined that the time
7 or effort required to determine the exact
8 amount owed to the United States Government
9 or amount owed to the contractor is dispropor-
10 tionate to the amount at issue.

11 (c) NEGOTIATED SETTLEMENT AUTHORITY.—Any
12 contract or contracts covered by this section may be closed
13 out through a negotiated settlement with the contractor.

14 (d) WAIVER AUTHORITY.—The Secretary of Defense
15 is authorized to waive any provision of acquisition law or
16 regulation to carry out the authority under subsection (a).

17 (e) ADJUSTMENT OF RECORDS.—In any case where
18 the authority under this section is exercised, the cognizant
19 payment or accounting offices may adjust and close any
20 open finance and accounting records.

21 (f) NO LIABILITY.—No liability will attach to any ac-
22 counting, certifying, or payment official or contracting of-
23 ficer for any adjustments or closeout made pursuant to
24 the authority provided under this section.

1 (g) REGULATIONS.—The Secretary of Defense shall
2 prescribe regulations for the administration of the author-
3 ity under this section.

4 (h) NOTIFICATION REQUIREMENT.—The Secretary
5 of Defense shall notify the congressional defense commit-
6 tees not later than 10 days after exercising the authority
7 under subsection (d). The notice shall include an identi-
8 fication of each provision of law or regulation waived.

9 **SEC. 829K. CLOSEOUT OF OLD NAVY CONTRACTS.**

10 (a) AUTHORITY.—The Secretary of the Navy may
11 close out contracts described in subsection (b) through the
12 issuance of one or more modifications to existing Depart-
13 ment of the Navy contracts without completing further
14 reconciliation audits or corrective actions other than those
15 described in this section. To accomplish closeout of such
16 contracts—

17 (1) remaining contract balances may be offset
18 with balances in other contract line items within a
19 contract regardless of the year or type of appropria-
20 tion previously or currently obligated to fund each
21 contract line item and regardless of whether either
22 appropriation has closed; and

23 (2) remaining contract balances may be offset
24 with balances on other contracts regardless of the
25 year or type of appropriation previously or currently

1 obligated to find each contract and regardless of
2 whether either appropriation has closed.

3 (b) COVERED CONTRACTS.—The contracts covered
4 by this section are contracts to design, construct, repair,
5 or support the construction or repair of Navy submarines
6 that—

7 (1) were entered into between fiscal years 1974
8 and 1998;

9 (2) have no further supply or services
10 deliverables due under their terms and conditions;

11 (3) for which the Secretary of the Navy has es-
12 tablished the total final contract value; and

13 (4) the final allowable cost for which the Sec-
14 retary of the Navy has determined may have a nega-
15 tive or positive unliquidated obligation balance with
16 respect to which it would be difficult to determine
17 the year or type of appropriation because—

18 (A) the records have been destroyed or
19 lost; or

20 (B) the records are available but the con-
21 tracting officer in collaboration with the certi-
22 fying official has determined that a discrepancy
23 is of a de minimis value such that the time and
24 effort required to determine the cause of an

1 out-of-balance condition is disproportionate to
2 the amount of the discrepancy.

3 (c) CLOSEOUT TERMS.—The contracts identified in
4 subsection (b) may be closed out—

5 (1) upon receipt of \$581,803 from the con-
6 tractor to be deposited into the Treasury as mis-
7 cellaneous receipts;

8 (2) without seeking further amounts from the
9 contractor; and

10 (3) without payment to the contractor of any
11 amounts that may be due under any such contracts.

12 (d) WAIVER AUTHORITY.—The Secretary of the
13 Navy is authorized to waive any provision of acquisition
14 law or regulation to carry out the authority under sub-
15 section (a).

16 (e) ADJUSTMENT OF RECORDS.—In any case where
17 the authority under this section is exercised, the cognizant
18 payment or accounting offices may adjust and close any
19 open finance and accounting records.

20 (f) NO LIABILITY.—No liability will attach to any ac-
21 counting, certifying, or payment official or contracting of-
22 ficer for any adjustments or closeout made pursuant to
23 the authority provided under this section.

24 (g) NOTIFICATION REQUIREMENT.—The Secretary
25 of the Navy shall notify the congressional defense commit-

1 tees not later than 10 days after exercising the authority
 2 under subsection (d). The notice shall include an identi-
 3 fication of each provision of law or regulation waived.

4 (h) EXPIRATION OF WAIVER AUTHORITY.—The au-
 5 thority under this section shall expire upon receipt of the
 6 funds identified in subsection (c)(1).

7 **Subtitle C—Provisions Relating to**
 8 **Major Defense Acquisition Pro-**
 9 **grams**

10 **SEC. 831. REPEAL OF MAJOR AUTOMATED INFORMATION**
 11 **SYSTEMS PROVISIONS.**

12 (a) IN GENERAL.—Chapter 144A of title 10, United
 13 States Code, is repealed.

14 (b) CLERICAL AMENDMENT.—The tables of chapters
 15 at the beginning of subtitle A of such title, and at the
 16 beginning of part IV of subtitle A, are amended by strik-
 17 ing the item relating to chapter 144A.

18 (c) CONFORMING AMENDMENTS.—Section
 19 2334(a)(2) of title 10, United States Code, is amended
 20 by striking “or a major automated information system
 21 under chapter 144A of this title”.

22 **SEC. 832. REVISIONS TO DEFINITION OF MAJOR DEFENSE**
 23 **ACQUISITION PROGRAM.**

24 (a) IN GENERAL.—Section 2430 of title 10, United
 25 States Code, is amended—

1 (1) in subsection (a)—

2 (A) by redesignating paragraphs (1) and

3 (2) as subparagraphs (A) and (B), respectively;

4 (B) by striking “In this chapter” and in-

5 serting “(1) Except as provided under para-

6 graph (2), in this chapter”; and

7 (C) by adding at the end the following new

8 paragraph:

9 “(2) In this chapter, the term ‘major defense acqui-
10 sition program’ does not include—

11 “(A) an acquisition program or project that is
12 carried out using the rapid fielding or rapid proto-
13 typing acquisition pathway under section 804 of the
14 National Defense Authorization Act for Fiscal Year
15 2016 (Public Law 114–92; 10 U.S.C. 2302 note); or

16 “(B) a stand-alone prototype project that—

17 “(i) is not included or planned as part of
18 an existing major defense acquisition program;

19 and

20 “(ii) is carried out under a fixed price con-
21 tract.”.

22 (b) ANNUAL REPORTING.—The Secretary of Defense
23 shall include in each comprehensive annual Selected Ac-
24 quisition Report submitted under section 2432 of title 10,
25 United States Code, a listing of all programs or projects

1 being developed or procured under the exceptions to the
2 definition of major defense acquisition program set forth
3 in paragraph (2) of section 2430(a) of United States
4 Code, as added by subsection (a)(1)(C) of this section.

5 **SEC. 833. ACQUISITION STRATEGY.**

6 Section 2431a of title 10, United States Code, is
7 amended—

8 (1) in subsection (b), by inserting “, or the
9 milestone decision authority, when the milestone de-
10 cision authority is the service acquisition executive of
11 the military department that is managing the pro-
12 gram,” after “the Under Secretary of Defense for
13 Acquisition, Technology, and Logistics”;

14 (2) in subsection (c)—

15 (A) in paragraph (1), by inserting “, or the
16 milestone decision authority, when the mile-
17 stone decision authority is the service acquisi-
18 tion executive of the military department that is
19 managing the program,” after “the Under Sec-
20 retary”;

21 (B) in paragraph (2)(C), by striking “, in
22 accordance with section 2431b of this title”;
23 and

24 (C) by adding at the end the following new
25 subparagraph:

1 “(K) A sustainment strategy which includes all
2 aspects of the total life cycle management of the
3 weapon system, including product support, logistics,
4 product support engineering, supply chain integra-
5 tion, maintenance, acquisition logistics, and all as-
6 pects of software sustainment.”; and

7 (3) in subsection (d)—

8 (A) in paragraph (1), by striking “(1) Sub-
9 ject to the authority, direction, and control of
10 the Under Secretary of Defense for Acquisition,
11 Technology, and Logistics, the” and inserting
12 “The”;

13 (B) by striking paragraph (2);

14 (C) by redesignating subparagraphs (A),
15 (B), (C), (D), (E), (F), and (G) as paragraphs
16 (1), (2), (3), (4), (5), (6), and (7), respectively;
17 and

18 (D) in paragraph (6), as redesignated by
19 subparagraph (C), by redesignating clauses (i),
20 (ii), (iii), and (iv) as subparagraphs (A), (B),
21 (C), and (D), respectively.

22 **SEC. 834. IMPROVED LIFE CYCLE COST CONTROL.**

23 (a) **MODIFIED GUIDANCE FOR RAPID FIELDING**
24 **PATHWAY.**—Section 804(c)(3) of the National Defense

1 Authorization Act for Fiscal Year 2016 (Public Law 114–
2 92; 10 U.S.C. 2302 note) is amended—

3 (1) in subparagraph (C), by striking “; and”
4 and inserting a semicolon;

5 (2) in subparagraph (D), by striking the period
6 at the end and inserting “; and”; and

7 (3) by adding at the end the following new sub-
8 paragraph:

9 “(E) a process for identifying and exploit-
10 ing opportunities to use the rapid fielding path-
11 way to reduce total ownership costs.”.

12 (b) LIFE CYCLE COST MANAGEMENT.—Section
13 805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302
14 note) is amended by inserting “life cycle cost manage-
15 ment,” after “budgeting,”.

16 (c) GUIDANCE ON ACQUISITION OF BUSINESS SYS-
17 TEMS.—Section 883(e) of such Act (Public Law 114–92;
18 10 U.S.C. 2223a note) is amended—

19 (1) in paragraph (7), by striking “; and” and
20 inserting a semicolon;

21 (2) in paragraph (8), by striking the period at
22 the end and inserting “; and”; and

23 (3) by adding at the end the following new
24 paragraph:

1 “(9) policies to maximize use of fixed-price con-
2 tracting elements and ability to implement tradeoffs
3 among total cost of ownership, schedule, and per-
4 formance.”.

5 (d) SUSTAINMENT REVIEWS.—

6 (1) IN GENERAL.—Chapter 144 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 2441. Sustainment reviews**

10 “(a) IN GENERAL.—Following the earliest of (i) five
11 years after declaration of initial operational capability of
12 a major defense acquisition program, (ii) failure of the
13 program to maintain its availability or reliability thresh-
14 olds, or (iii) breach of the program’s operations and sup-
15 port affordability cap, there shall be a sustainment review
16 with the results documented in a memorandum by the rel-
17 evant decision authority.

18 “(b) ELEMENTS.—At a minimum, the review re-
19 quired under subsection (a) shall include the following ele-
20 ments:

21 “(1) An independent cost estimate for the re-
22 mainder of the life cycle of the program.

23 “(2) A comparison of actual costs to the budg-
24 et, and if budgetary shortfalls exists, an explanation
25 of availability implications.

1 “(3) A comparison between the assumed and
2 achieved system reliabilities.

3 “(4) An analysis of the most cost-effective
4 source of repairs and maintenance.

5 “(5) Data on the cost of consumables and
6 depot-level repairables.

7 “(6) Data on costs of information technology,
8 networks, computer hardware, and software mainte-
9 nance and upgrades.

10 “(7) As applicable, an assessment of the actual
11 fuel efficiencies compared to the projected fuel effi-
12 ciencies as demonstrated in tests or operations.

13 “(8) An analysis of the effort required for con-
14 tracted sustaining engineering by contractors and
15 the government.

16 “(9) As applicable, a comparison of actual man-
17 power requirements to previous estimates.

18 “(10) An analysis of whether accurate and com-
19 plete data is being reported in the relevant military
20 department’s cost systems, and if deficiencies exist,
21 a plan to update the data and insure accurate and
22 complete data is submitted in the future.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such chapter is amended
25 by adding at the end the following new item:

“2441. Sustainment reviews.”.

1 (e) COMMERCIAL OPERATIONAL AND SUPPORT SAV-
2 INGS INITIATIVE.—

3 (1) IN GENERAL.—The Secretary of Defense
4 shall establish a commercial operational and support
5 savings initiative to improve readiness and reduce
6 operations and support costs by inserting existing
7 commercial items or technology into military legacy
8 systems through the rapid development of prototypes
9 and fielding of production items based on current
10 commercial technology.

11 (2) PROGRAM PRIORITY.—The commercial oper-
12 ational and support savings initiative shall fund pro-
13 grams that—

14 (A) reduce the costs of owning and oper-
15 ating a military system, including the costs of
16 personnel, consumables, goods and services, and
17 sustaining the support and investment associ-
18 ated with the peacetime operation of a weapon
19 system;

20 (B) take advantage of the commercial sec-
21 tor's technological innovations by inserting com-
22 mercial technology into fielded weapon systems;
23 and

1 (C) emphasize prototyping and experimen-
2 tation with new technologies and concepts of
3 operations.

4 (3) FUNDING PHASES.—

5 (A) IN GENERAL.—Projects funded under
6 the commercial operational and support savings
7 initiative shall consist of two phases, Phase 1
8 and Phase 2.

9 (B) PHASE I.—(i) Funds made available
10 during Phase I shall be used to perform the
11 non-recurring engineering, testing, and quali-
12 fication that are typically needed to adapt a
13 commercial item or technology for use in a mili-
14 tary system.

15 (ii) Phase I shall include—

16 (I) establishment of cost and perform-
17 ance metrics to evaluate project success;

18 (II) establishment of a transition plan
19 and agreement with a military service or
20 Defense Agency for adoption and
21 sustainment of the technology or system;
22 and

23 (III) the development, fabrication, and
24 delivery of a prototype to a military service

1 for installation into a fielded Department
2 of Defense system.

3 (iii) Programs shall be terminated if no
4 agreement is established within two years of
5 project initiation.

6 (iv) The Office of the Secretary of Defense
7 may provide up to 50 percent of Phase I fund-
8 ing for a project. The relevant military service
9 or Defense Agency shall provide the remainder
10 of Phase I funding, which may be provided out
11 of operation and maintenance funding.

12 (v) Phase I funding shall not exceed three
13 years.

14 (C) PHASE II.—(i) Phase II shall include
15 the purchase of limited production quantities of
16 the prototype kits and transition to a program
17 of record for continued sustainment.

18 (ii) Phase II awards may be made without
19 competition as firm, fixed-price awards or as
20 awards for the purchase of commercial items
21 under part 12 of the Federal Acquisition Regu-
22 lation.

23 (iii) The competitive procedures require-
24 ments of chapter 173 of title 10, United States
25 Code, and the cost and pricing data require-

1 ments of section 2306a of such title shall not
2 apply to contracts awarded during Phase II of
3 the commercial operational and support savings
4 initiative.

5 (4) TREATMENT AS COMPETITIVE PROCE-
6 DURES.—The use of general solicitation competitive
7 procedures under the commercial operational and
8 support savings initiative shall be considered to be
9 the use of competitive procedures for purposes of
10 chapter 137 of title 10, United States Code.

11 **SEC. 835. MODIFICATION OF CERTAIN MILESTONE B CER-**
12 **TIFICATION REQUIREMENTS.**

13 Section 2366b(a)(3) of title 10, United States Code,
14 is amended—

15 (1) in subparagraph (B), by striking “total re-
16 sources available during the period covered by the
17 future-years defense program submitted during the
18 fiscal year in which the certification is made” and
19 inserting “total resources available to the program”;
20 and

21 (2) in subparagraph (D), by striking “, through
22 the period covered by the future-years defense pro-
23 gram submitted during the fiscal year in which the
24 certification is made,”.

1 **SEC. 836. DISCLOSURE OF RISK IN COST ESTIMATES.**

2 Subsection (d) of section 2334 of title 10, United
3 States Code, is amended to read as follows:

4 “(d) DISCLOSURE OF RISK IN COST ESTIMATES.—
5 The Director of Cost Assessment and Program Evalua-
6 tion, and the Secretary of the military department con-
7 cerned or the head of the Defense Agency concerned (as
8 applicable), shall each—

9 “(1) issue guidance requiring a discussion of
10 risk, the potential impacts of risk on program costs,
11 and approaches to mitigate risk in cost estimates for
12 major defense acquisition programs;

13 “(2) ensure that cost estimates are developed
14 based on historical actual cost information that is
15 based on demonstrated contractor and government
16 performance and that such estimates provide a high
17 degree of confidence that the program can be com-
18 pleted without the need for significant adjustment to
19 program budgets; and

20 “(3) include the information required by para-
21 graph (1)—

22 “(A) in any decision documentation ap-
23 proving a cost estimate within the baseline de-
24 scription or any other cost estimate for use at
25 any event specified in subsection (a)(6); and

1 “(B) in the next Selected Acquisition Re-
2 port pursuant to section 2432 of this title.”.

3 **SEC. 837. AUTHORITY TO DESIGNATE INCREMENTS OR**
4 **BLOCKS OF ITEMS DELIVERED UNDER**
5 **MAJOR DEFENSE ACQUISITION PROGRAMS**
6 **AS MAJOR SUBPROGRAMS FOR PURPOSES OF**
7 **ACQUISITION REPORTING.**

8 Section 2430a(1)(B) of title 10, United States Code,
9 is amended by striking “major defense acquisition pro-
10 gram to purchase satellites requires the delivery of sat-
11 ellites in two or more increments or blocks” and inserting
12 “major defense acquisition program requires the delivery
13 of two or more increments or blocks”.

14 **SEC. 838. COUNTING OF MAJOR DEFENSE ACQUISITION**
15 **PROGRAM SUBCONTRACTS TOWARD SMALL**
16 **BUSINESS GOALS.**

17 (a) IN GENERAL.—Chapter 137 of title 10, United
18 States Code, is amended by adding at the end the fol-
19 lowing new section:

20 **“§ 2338. Counting of major defense acquisition pro-**
21 **gram subcontracts toward small business**
22 **goals**

23 “(a) ANNUAL PROCUREMENT GOALS.—First tier and
24 second tier subcontracts awarded by the Department of
25 Defense under major defense acquisition programs to

1 small business concerns, small businesses concerns owned
2 and controlled by service-disabled veterans, qualified
3 HUBZone small business concerns, small business con-
4 cerns owned and controlled by socially and economically
5 disadvantaged individuals, and small business concerns
6 owned and controlled by women shall be considered toward
7 annual Department of Defense management goals for pro-
8 curement contracts awarded to those concerns.

9 “(b) DEFINITIONS.—In this section—

10 “(1) the terms ‘qualified HUBZone small busi-
11 ness concern’, ‘small business concern’, ‘small busi-
12 ness concern owned and controlled by service-dis-
13 abled veterans’, and ‘small business concern owned
14 and controlled by women’ have the meanings given
15 those terms in section 3 of the Small Business Act
16 (15 U.S.C. 632); and

17 “(2) the term ‘small business concern owned
18 and controlled by socially and economically disadvan-
19 tagged individuals’ has the meaning given the term in
20 section 8(d)(3)(C) of the Small Business Act (15
21 U.S.C. 637(d)(3)(C)).”.

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

“2338. Counting of major defense acquisition program subcontracts toward
small business goals.”.

1 **SEC. 839. USE OF ECONOMY-WIDE INFLATION INDEX TO**
2 **CALCULATE PERCENTAGE INCREASE IN UNIT**
3 **COSTS.**

4 Section 2433(f) of title 10, United States Code, is
5 amended by striking “stated in terms of constant base
6 year dollars (as described in section 2430 of this title).”
7 and inserting “stated in terms of constant dollars. An
8 economy-wide inflation index, such as the Gross Domestic
9 Product Price Index, shall be used to calculate unit costs
10 in constant dollars.”.

11 **SEC. 840. WAIVER OF NOTIFICATION WHEN ACQUIRING**
12 **TACTICAL MISSILES AND MUNITIONS ABOVE**
13 **THE BUDGETED QUANTITY.**

14 Section 2308(e) of title 10, United States Code, is
15 amended by adding at the end the following new sentence:
16 “However, no such notification is required when the acqui-
17 sition of a higher quantity of an end item is for an end
18 item under a primary tactical missile program or a muni-
19 tion program.”.

20 **SEC. 841. MULTIPLE PROGRAM MULTIYEAR CONTRACT**
21 **PILOT DEMONSTRATION PROGRAM.**

22 (a) **AUTHORITY.**—The Secretary of Defense may con-
23 duct a multiyear contract, over a period of up to four
24 years, for the purchase of units for multiple defense pro-
25 grams that are produced at common facilities at a high
26 rate, and which maximize commonality, efficiencies and

1 quality, in order to provide maximum benefit to the De-
2 partment of Defense. Contracts awarded under this sec-
3 tion should allow for significant savings, as determined
4 consistent with the authority under section 2306b of title
5 10, United States Code, to be achieved as compared to
6 using separate annual contracts under individual pro-
7 grams to purchase such units, and may include flexible
8 delivery across the overall period of performance.

9 (b) SCOPE.—The contracts authorized in (a) shall at
10 a minimum provide for the acquisition of units from three
11 discrete programs from two of the military departments.

12 (c) DOCUMENTATION.—Each contract awarded
13 under subsection (a) shall include the documentation re-
14 quired to be provided for a multiyear contract proposal
15 under section 2306b(i) of title 10.

16 (d) DEFINITIONS.—In this section—

17 (1) the term “high rate” means total annual
18 production across the multiple programs of more
19 than 200 end-items per year; and

20 (2) the term “common facilities” means produc-
21 tion facilities operating within the same general and
22 allowable rate structure.

23 (e) SUNSET.—No new contracts may be issued under
24 the authority of this section after September 30, 2021.

1 **SEC. 842. KEY PERFORMANCE PARAMETER REDUCTION**
2 **PILOT PROGRAM.**

3 (a) **IN GENERAL.**—The Secretary of Defense shall
4 identify at least one acquisition program per military serv-
5 ice to reduce the total number of Key Performance Pa-
6 rameters (KPP) levied against the program for purposes
7 of determining whether operational and programmatic
8 outcomes are improved by limiting KPPs on a program
9 to a small number of program-specific performance fea-
10 tures.

11 (b) **LIMITATION ON KEY PERFORMANCE PARAM-**
12 **ETERS.**—Acquisition programs identified for the pilot pro-
13 gram established under paragraph (1) shall establish no
14 more than three KPPs, each of which shall describe a pro-
15 gram-specific performance attribute. Other mandatory
16 KPPs for such programs shall be treated as Key System
17 Attributes.

18 **SEC. 843. MISSION AND SYSTEM OF SYSTEMS INTEROPER-**
19 **ABILITY.**

20 (a) **IMPLEMENTATION OF MODULAR OPEN SYSTEMS**
21 **ARCHITECTURE IN ACQUISITION PROGRAMS.**—In imple-
22 menting section 801 of the Carl Levin and Howard P.
23 “Buck” McKeon National Defense Authorization Act for
24 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3425;
25 10 U.S.C. 2223a note) to enable mission integration and

1 systems of systems interoperability, the Secretary of De-
2 fense shall—

3 (1) ensure that—

4 (A) system architectures are logically and
5 functionally segmented and interfaces between
6 major system elements and external-facing
7 interfaces are identified and exposed;

8 (B) interfaces are characterized clearly in
9 terms of form, function, and the content that
10 flows across in order to enable integration and
11 interoperability, including through automated
12 tools; and

13 (C) the Department of Defense secures ap-
14 propriate rights to share and publish interface
15 characteristics; and

16 (2) establish modular open systems bodies and
17 processes to support standards for interfaces that
18 are dynamically managed, flexible, and extensible in
19 order to enable technological innovation and per-
20 formance growth over the life cycle of systems fol-
21 lowing the principles of system architecture, inter-
22 face characterization, and interface publication.

23 (b) MISSION INTEGRATION MANAGERS.—

24 (1) IN GENERAL.—Each multi-service and
25 multi-program mission area specified in paragraph

1 (2) shall have a mission integration manager jointly
2 designated by the Deputy Secretary of Defense and
3 the Vice Chairman of the Joint Chiefs of Staff, from
4 among the chairs of the Functional Capabilities
5 Boards, for purposes of such mission area.

6 (2) COVERED MISSION AREAS.—The mission
7 areas specified in this paragraph are the following:

8 (A) Close air support.

9 (B) Air defense and offensive and defen-
10 sive counter-air.

11 (C) Interdiction.

12 (D) Intelligence, surveillance, and recon-
13 naissance.

14 (E) Any other overlapping mission area of
15 significance, as jointly designated by the Dep-
16 uty Secretary and Vice Chairman for purposes
17 of this subsection.

18 (3) QUALIFICATIONS.—A chair of a Functional
19 Capability Board may not be designated as a mis-
20 sion integration manager under this subsection un-
21 less the chair has an acquisition certification of level
22 II or above.

23 (4) RESPONSIBILITIES.—The mission integra-
24 tion manager for a mission area under this sub-
25 section shall act as the principal substantive advisor

1 to the Deputy Secretary and the Vice Chairman on
2 all aspects of capability integration for the mission
3 area. In carrying out such responsibilities for a mis-
4 sion area, the mission integration manager shall—

5 (A) sponsor and conduct tests, demonstra-
6 tions, and exercises and identify focused experi-
7 ments for compelling challenges and opportuni-
8 ties;

9 (B) oversee the establishment of interface
10 management processes described in subsection
11 (a)(1) and standards bodies and processes de-
12 scribed in subsection (a)(2);

13 (C) sponsor and oversee research on and
14 development of (including tests and demonstra-
15 tions) automated tools for composing systems of
16 systems on demand;

17 (D) develop mission-based inputs for the
18 requirements process, budgeting and resource
19 allocation, program and portfolio management;
20 and

21 (E) coordinate with commanders of the
22 combatant commands on the development of
23 concepts of operation and operational plans.

24 (5) SCOPE OF RESPONSIBILITIES.—The respon-
25 sibilities of a mission integration manager for a mis-

1 sion area under this subsection shall extend to the
2 supporting elements for the mission area, such as
3 communications, command and control, electronic
4 warfare, and intelligence.

5 (6) FUNDING FOR CERTAIN RESPONSIBIL-
6 ITIES.—Of the amount authorized to be appro-
7 priated for each fiscal year after fiscal year 2016 for
8 the Department of Defense and available for oper-
9 ational systems development, an amount equal to 0.5
10 percent of such amount shall be available in such fis-
11 cal year for mission integration managers to carry
12 out the responsibilities specified in subparagraphs
13 (A) through (C) of paragraph (4).

14 **SEC. 844. B-21 BOMBER DEVELOPMENT PROGRAM BASE-**
15 **LINE AND COST CONTROL.**

16 (a) DEFINITIONS.—In this section:

17 (1) B-21 BOMBER BASELINE DEVELOPMENTAL
18 CONTRACT ESTIMATE.—The term “B-21 Bomber
19 Baseline Developmental Contract Estimate”, with
20 respect to the engineering and manufacturing devel-
21 opment (EMD) phase of the B-21 bomber program,
22 is the agreed contract price as of October 27, 2015,
23 with the selected prime contractor for the EMD
24 phase of the program.

1 (2) B-21 BOMBER BASELINE DEVELOPMENTAL
2 ESTIMATE.—The term “B-21 Bomber Baseline De-
3 velopmental Estimate” with respect to the EMD
4 phase of the B-21 bomber program is the agreed
5 Independent Cost Estimate for the EMD phase of
6 the program that received the concurrence of the Di-
7 rector of Cost Assessment and Program Evaluation
8 under the procedures of the Weapon Systems Acqui-
9 sition Reform Act of 2009 (Public Law 111-23).

10 (3) B-21 BOMBER SIGNIFICANT DEVELOP-
11 MENTAL COST GROWTH THRESHOLD.—The term
12 “B-21 bomber significant developmental cost growth
13 threshold” means a percentage increase in the B-21
14 Bomber Baseline Developmental Contract Estimate
15 of at least 15 percent.

16 (4) B-21 BOMBER CRITICAL DEVELOPMENTAL
17 COST GROWTH THRESHOLD.—The term “B-21
18 bomber critical developmental cost growth thresh-
19 old” means a percentage increase in the B-21 bomb-
20 er Baseline Developmental Contract Estimate of at
21 least 25 percent.

22 (b) B-21 BOMBER SIGNIFICANT DEVELOPMENTAL
23 COST GROWTH THRESHOLD BREACH.—If, based upon the
24 joint determination of the Air Force Service Acquisition
25 Executive and the Under Secretary of Defense for Acquisi-

1 tion, Technology, and Logistics, the B-21 Bomber Base-
2 line Developmental Contract Estimate has increased by a
3 percentage equal to or greater than the B-21 bomber sig-
4 nificant developmental cost growth threshold, the Sec-
5 retary of Defense shall immediately notify Congress in
6 writing of such determination.

7 (c) B-21 BOMBER CRITICAL DEVELOPMENTAL COST
8 GROWTH THRESHOLD BREACH.—

9 (1) IN GENERAL.—If, based upon joint deter-
10 mination of the Air Force Service Acquisition Execu-
11 tive and the Under Secretary of Defense for Acquisi-
12 tion, Technology, and Logistics, the B-21 Bomber
13 Baseline Developmental Contract Estimate has in-
14 creased by a percentage equal to or greater than the
15 B-21 bomber critical developmental cost growth
16 threshold, the Secretary of Defense shall imme-
17 diately halt the program and take the actions de-
18 scribed in paragraphs (2) through (5).

19 (2) REASSESSMENT OF PROGRAM.—The Sec-
20 retary shall determine the root cause or causes of
21 the critical developmental cost growth and, in con-
22 sultation with the Director of Cost Assessment and
23 Program Evaluation, carry out an assessment of—

1 (A) the projected cost of completing the
2 EMD phase if current requirements are not
3 modified;

4 (B) the projected cost of completing the
5 EMD phase based on reasonable modification of
6 such requirements;

7 (C) the rough order of magnitude of the
8 costs of any reasonable alternative system or
9 capability; and

10 (D) the need to reduce funding for other
11 programs due to the growth in cost of the B-
12 21 program.

13 (3) PRESUMPTION OF TERMINATION.—

14 (A) IN GENERAL.—After conducting the
15 reassessment required under paragraph (2), the
16 Secretary shall terminate the contract and pro-
17 gram unless the Secretary submits to Congress
18 a written certification that—

19 (i) the continuation of the contract
20 and program is essential to the national se-
21 curity;

22 (ii) there are no alternatives to the
23 current contract and program which will
24 provide acceptable capability to meet the
25 joint military requirement (as defined in

1 section 181(g)(1) of title 10, United States
2 Code, at less cost;

3 (iii) the new estimates of the cost to
4 complete the contract for the EMD phase
5 of the program have been determined by
6 the Director of Cost Assessment and Pro-
7 gram Evaluation to be reasonable;

8 (iv) the program is a higher priority
9 than programs the funding of which must
10 be reduced to accommodate the growth in
11 cost of the program; and

12 (v) the management structure for the
13 program is adequate to manage and con-
14 trol program acquisition unit cost or pro-
15 curement unit cost.

16 (B) SUPPORTING DOCUMENTATION.—A
17 written certification under paragraph (A) shall
18 be accompanied by a report presenting the root
19 cause analysis and assessment carried out pur-
20 suant to paragraph (2) and the basis for each
21 determination made in accordance with clauses
22 (i) through (v) of subparagraph (A), together
23 with supporting documentation.

24 (4) ACTIONS IF PROGRAM NOT TERMINATED.—

1 (A) If the Secretary elects not to terminate
2 the B-21 bomber EMD contract and program
3 pursuant to paragraph (3), the Secretary
4 shall—

5 (i) restructure the program in a man-
6 ner that addresses the root cause or causes
7 of the critical cost growth, as identified
8 pursuant to paragraph (2), and ensures
9 that the program has an appropriate man-
10 agement structure as set forth in the cer-
11 tification submitted pursuant to paragraph
12 (3)(A);

13 (ii) rescind the most recent milestone
14 approval for the program and withdraw
15 any associated certification under sections
16 2366a and 2366b of title 10, United
17 States Code;

18 (iii) require a new milestone approval
19 for the program before taking any contract
20 action to enter a new contract, exercise an
21 option under an existing contract, or other-
22 wise extend the scope of an existing con-
23 tract under the program, except to the ex-
24 tent determined necessary by the Secretary
25 of Defense, on a non-delegable basis, to en-

1 sure that the program can be restructured
2 as intended by the Secretary without un-
3 necessarily wasting resources;

4 (iv) include in the report required
5 under paragraph (3)(B) a description of all
6 funding changes made as a result of the
7 growth in cost of the program, including
8 reductions made in funding for other pro-
9 grams to accommodate such cost growth;
10 and

11 (v) conduct regular reviews of the pro-
12 gram in accordance with the requirements
13 of section 205 of the Weapon Systems Ac-
14 quisition Reform Act of 2009 (Public Law
15 111–23; 123 Stat. 1724).

16 (5) ACTIONS IF PROGRAM TERMINATED.—If the
17 B–21 bomber program is terminated pursuant to
18 paragraph (3), the Secretary shall submit to Con-
19 gress a written report setting forth—

20 (A) an explanation of the reasons for ter-
21 minating the program;

22 (B) the alternatives considered to address
23 any problems in the program; and

24 (C) the course the Department of Defense
25 plans to pursue to meet any continuing joint

1 military requirements otherwise intended to be
2 met by the program, including the moderniza-
3 tion investments required to ensure that B-1,
4 B-2, or B-52 aircraft can carry out the full
5 range of long-range bomber aircraft missions
6 anticipated in operational plans of the Armed
7 Forces.

8 (d) B-21 BOMBER PROGRAM COST AND ACCOUNT-
9 ABILITY.—

10 (1) IN GENERAL.—Commencing with the first
11 quarter of fiscal year 2017, the Secretary of the Air
12 Force shall submit to the Comptroller General of the
13 United States, not later than the 15th day following
14 the end of each calendar quarter, the matrices de-
15 scribed in paragraph (2) relating to the B-21 bomb-
16 er aircraft program updated with that quarter's in-
17 formation. The Comptroller General shall review the
18 matrices for accuracy, identify cost, schedule, and
19 performance trends, and report on its assessment to
20 the congressional defense committees not later than
21 the 45th day following the end of each calendar
22 quarter.

23 (2) MATRICES DESCRIBED.—The matrices de-
24 scribed in this paragraph are the following:

1 (A) FUNDING PROFILES.—A matrix ex-
2 pressing the total cost for the Air Force service
3 cost position for the EMD phase and low initial
4 rate of production lots of the B-21 bomber air-
5 craft and a matrix expressing the total cost for
6 the prime contractor spending plan for such
7 EMD phase and production lots, both of which
8 shall be subdivided according to the costs of the
9 following:

10 (i) Airframe.

11 (ii) Propulsion.

12 (iii) Mission systems.

13 (iv) Vehicle systems, including arma-
14 ment and weapons delivery.

15 (v) Air vehicle software.

16 (vi) Systems engineering.

17 (vii) Program management.

18 (viii) System test and evaluation.

19 (ix) Support and training systems.

20 (x) Contractor fee.

21 (xi) Engineering changes.

22 (xii) Direct mission support.

23 (xiii) Government testing.

24 (B) DEVELOPMENT PROGRESS GOALS.—A
25 matrix detailing progress in major development

1 elements of the B-21 bomber program sub-
2 divided according to the following:

3 (i) Technology readiness levels of
4 major components.

5 (ii) Design maturity.

6 (iii) Software maturity.

7 (iv) Manufacturing readiness levels of
8 key manufacturing operations.

9 (v) Manufacturing operations.

10 (vi) Test and verification key target
11 dates.

12 (vii) Reliability.

13 (e) TRANSFER OF FUNDS TO RAPID PROTOTYPING
14 FUND.—

15 (1) IN GENERAL.—For each fiscal year begin-
16 ning with fiscal year 2017, the difference between
17 funds budgeted for the B-21 Bomber Baseline De-
18 velopmental Estimate and funds budgeted for the
19 B-21 Bomber Baseline Developmental Contract Es-
20 timate, less other government costs to manage the
21 B-21 bomber program and not otherwise authorized
22 or appropriated, shall be transferred to the Rapid
23 Prototyping Fund.

1 (2) **TIMING.**—For each fiscal year after fiscal
2 year 2017, the transfer shall occur in conjunction
3 with that fiscal year’s budget submission.

4 (3) **RE-TRANSFER OF FUNDS TO COVER CER-**
5 **TAIN COSTS.**—Funds may be transferred from the
6 Rapid Prototyping Fund back to the B–21 bomber
7 program to cover unexpected cost increases for the
8 engineering and manufacturing phase of the B–21
9 bomber program upon the determination of the
10 Under Secretary of Defense for Acquisition, Tech-
11 nology, and Logistics, and notification of such trans-
12 fers to the congressional defense committees. This
13 notification shall include the detailed reasons why
14 such a transfer is needed.

15 **Subtitle D—Provisions Relating to** 16 **Acquisition Workforce**

17 **SEC. 851. IMPROVEMENT OF PROGRAM AND PROJECT MAN-** 18 **AGEMENT BY THE DEPARTMENT OF DE-** 19 **FENSE.**

20 (a) **DEPARTMENT-WIDE RESPONSIBILITIES OF SEC-**
21 **RETARY OF DEFENSE.**—In fulfilling the responsibilities
22 under chapter 87 of title 10, United States Code, the Sec-
23 retary of Defense shall—

24 (1) develop Department-wide standards, poli-
25 cies, and guidelines for program and project man-

1 agement for the Department of Defense based on
2 appropriate and applicable nationally accredited
3 standards for program and project management;

4 (2) develop mechanisms to monitor compliance
5 with the standards, policies, and guidelines devel-
6 oped under paragraph (1); and

7 (3) engage with the private sector on matters
8 relating to program and project management for the
9 Department.

10 (b) RESPONSIBILITIES OF UNDER SECRETARY OF
11 DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGIS-
12 TICS.—In fulfilling the responsibilities under chapter 87
13 of title 10, United States Code, for the military depart-
14 ments and the Defense Agencies, the Under Secretary of
15 Defense for Acquisition, Technology, and Logistics shall—

16 (1) advise and assist Secretary of Defense with
17 respect Department of Defense practices related to
18 program and project management;

19 (2) review programs identified as high-risk in
20 program and project management by the Govern-
21 ment Accountability Office, and make recommenda-
22 tions for actions to be taken by the Secretary to
23 mitigate such risks;

1 (3) assess matters of importance to the work-
2 force in program and project management, includ-
3 ing—

4 (A) career development and workforce de-
5 velopment;

6 (B) policies to support continuous improve-
7 ment in program and project management; and

8 (C) major challenges of the Department in
9 managing programs and projects; and

10 (4) advise on the development and applicability
11 of standards Department-wide for program and
12 project management transparency.

13 (c) RESPONSIBILITIES OF ACQUISITION EXECU-
14 TIVES.—In fulfilling the responsibilities under chapter 87
15 of title 10, United States Code, for the military depart-
16 ments, the service acquisition executives (in consultation
17 with the Chiefs of the Armed Forces with respect to mili-
18 tary program managers), and the component acquisition
19 executives for the Defense Agencies, shall—

20 (1) ensure the compliance of the department or
21 Agency concerned with standards, policies, and
22 guidelines for program and project management for
23 the Department of Defense developed by the Sec-
24 retary of Defense under subsection (a)(1); and

1 (2) ensure the effective career development of
2 program managers through—

3 (A) training and educational opportunities
4 for program managers, including exchange pro-
5 grams with the private sector;

6 (B) mentoring of current and future pro-
7 gram managers by experienced public and pri-
8 vate sector senior executives and program man-
9 agers;

10 (C) continued refinement of career paths
11 and career opportunities for program managers;

12 (D) incentives for the recruitment of highly
13 qualified individuals to serve as program man-
14 agers;

15 (E) improved means of collecting and dis-
16 seminating best practices and lessons learned to
17 enhance program management; and

18 (F) improved methods to support improved
19 data gathering and analysis for program man-
20 agement and oversight purposes.

21 (d) DEADLINE FOR STANDARDS, POLICIES, AND
22 GUIDELINES.—Not later than one year after the date of
23 the enactment of this Act, the Secretary of Defense shall
24 issue the standards, policies, and guidelines required by
25 subsection (a)(1). The Secretary shall provide Congress an

1 interim update on the progress made in implementing this
2 section not later than six months after the date of the
3 enactment of this Act.

4 **SEC. 852. AUTHORITY TO WAIVE TENURE REQUIREMENT**
5 **FOR PROGRAM MANAGERS FOR PROGRAM**
6 **DEFINITION AND PROGRAM EXECUTION PE-**
7 **RIODS.**

8 (a) PROGRAM DEFINITION PERIOD.—Section 826(e)
9 of the National Defense Authorization Act for Fiscal Year
10 2016 (Public Law 114–92) is amended by striking “The
11 Secretary may waive” and inserting “The Service Acquisi-
12 tion Executive, in the case of a major defense acquisition
13 program of a military service, or the Under Secretary of
14 Defense for Acquisition, Technology, and Logistics, in the
15 case of a Defense-wide or Defense Agency major defense
16 acquisition program, may waive”.

17 (b) PROGRAM EXECUTION PERIOD.—Section 827(e)
18 of the National Defense Authorization Act for Fiscal Year
19 2016 (Public Law 114–92) is amended by striking “The
20 immediate supervisor of a program manager for a major
21 defense acquisition program may waive” and inserting
22 “The Service Acquisition Executive, in the case of a major
23 defense acquisition program of a military service, or the
24 Under Secretary of Defense for Acquisition, Technology,

1 and Logistics, in the case of a Defense-wide or Defense
2 Agency major defense acquisition program, may waive”.

3 **SEC. 853. ENHANCED USE OF DATA ANALYTICS TO IM-**
4 **PROVE ACQUISITION PROGRAM OUTCOMES.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of the enactment of this Act, the Secretary of De-
7 fense, acting through the Under Secretary of Defense for
8 Acquisition, Technology, and Logistics, the Deputy Chief
9 Management Officer, and the Chief Information Officer,
10 and in coordination with the military services, shall estab-
11 lish a set of activities that use data analysis, measure-
12 ment, and other evaluation-related methods to improve the
13 acquisition outcomes of the Department of Defense and
14 enhance organizational learning.

15 (b) ACTIVITIES.—

16 (1) IN GENERAL.—The set of activities estab-
17 lished under subsection (a) may include the fol-
18 lowing:

19 (A) Establishment of a data analytics ca-
20 pabilities and organizations within the appro-
21 priate military service.

22 (B) Development of capabilities in Depart-
23 ment of Defense laboratories, test centers, and
24 Federally funded research and development cen-
25 ters to provide technical support for data ana-

1 lytics activities that support acquisition pro-
2 gram management and business process re-en-
3 gineering activities.

4 (C) Increased use of existing analytical ca-
5 pabilities available to acquisition programs and
6 offices to support improved acquisition out-
7 comes.

8 (D) Funding of intramural and extramural
9 research and development activities to develop
10 and implement data analytics capabilities in
11 support of improved acquisition outcomes.

12 (E) Publication, to the maximum extent
13 practicable, and in a manner that protects clas-
14 sified and proprietary information, of data col-
15 lected by the Department of Defense related to
16 acquisition program costs and activities for ac-
17 cess and analyses by the general public.

18 (F) Clarification by the Chief of Staff of
19 the Army, the Chief of Naval Operations, the
20 Chief of Staff of the Air Force, and the Com-
21 mandant of the Marine Corps, in coordination
22 with the Under Secretary of Defense for Acqui-
23 sition, Technology, and Logistics, of a con-
24 sistent policy as to the role of data analytics in

1 establishing budgets and holding milestone deci-
2 sions for major defense acquisition programs.

3 (G) Continual assessment, in consultation
4 with the private sector, of the efficiency of cur-
5 rent data collection and analyses processes, so
6 as to minimize the requirement for collection
7 and delivery of data by, from, and to govern-
8 ment organizations.

9 (H) Promulgation of guidance to acquisi-
10 tion programs and activities on the efficient use
11 and sharing of data between programs and or-
12 ganizations to improve acquisition program
13 analytics and outcomes.

14 (I) Promulgation of guidance on assessing
15 and enhancing quality of data and data anal-
16 yses to support improved acquisition outcomes.

17 (2) GAP ANALYSIS OF CURRENT ACTIVITIES.—

18 The Secretary, in coordination with the military
19 services, shall identify the current activities, organi-
20 zations, and groups of personnel that are pursuing
21 tasks similar to those described in paragraph (1)
22 that are being carried out as of the date of the en-
23 actment of this Act. The Secretary shall consider
24 such current activities, organizations, and personnel

1 in determining the set of activities to establish pur-
2 suant to subsection (a).

3 (3) TRAINING AND EDUCATION.—The Secretary
4 of Defense, acting through the Under Secretary of
5 Defense for Acquisition, Technology, and Logistics,
6 shall conduct a review of the curriculum taught at
7 the National Defense University, the Defense Acqui-
8 sition University, and appropriate private sector aca-
9 demic institutions to determine the extent to which
10 the curricula includes appropriate courses on data
11 analytics and other evaluation-related methods and
12 their application to defense acquisitions.

13 **SEC. 854. PURPOSES FOR WHICH THE DEPARTMENT OF DE-**
14 **FENSE ACQUISITION WORKFORCE DEVELOP-**
15 **MENT FUND MAY BE USED.**

16 (a) IN GENERAL.—Section 1705 of title 10, United
17 States Code, is amended—

18 (1) in subsection (e)—

19 (A) in paragraph (1), by inserting “and to
20 develop acquisition tools and methodologies and
21 undertake research and development activities
22 leading to acquisition policies and practices that
23 will improve the efficiency and effectiveness of
24 defense acquisition efforts” after “workforce of
25 the Department”; and

1 (B) in paragraph (4), by striking “other
2 than for the purpose of” and all that follows
3 through the period at the end and inserting
4 “other than for the purposes of—

5 “(i) providing advanced training to
6 Department of Defense employees;

7 “(ii) developing acquisition tools and
8 methodologies and performing research on
9 acquisition policies and best practices that
10 will improve the efficiency and effective-
11 ness of defense acquisition efforts; and

12 “(iii) supporting human capital and
13 talent management of the acquisition
14 workforce, including benchmarking studies,
15 assessments, and requirements planning.”;
16 and

17 (2) in subsection (f), by striking “Each report
18 shall include” and all that follows through the period
19 at the end of paragraph (5).

20 (b) TECHNICAL AMENDMENTS.—Such section is fur-
21 ther amended—

22 (1) in subsection (d)(2)(C), by striking “in
23 each” and inserting “in such”;

24 (2) in subsection (f)—

1 (A) by striking “Not later than 120 days
2 after the end of each fiscal year” and inserting
3 “Not later than February 1 each year”; and

4 (B) by striking “such fiscal year” the first
5 place it appears and inserting “the preceding
6 fiscal year”; and

7 (3) in subsection (g)(1)—

8 (A) by striking “of of” and inserting “of”;
9 and

10 (B) by striking “, as defined in subsection
11 (h),”.

12 **Subtitle E—Provision Related to** 13 **Commercial Items**

14 **SEC. 861. INAPPLICABILITY OF CERTAIN LAWS AND REGU-** 15 **LATIONS TO THE ACQUISITION OF COMMER-** 16 **CIAL ITEMS AND COMMERCIALY AVAILABLE** 17 **OFF-THE-SHELF ITEMS.**

18 (a) AMENDMENT TO TITLE 10, UNITED STATES
19 CODE.—Section 2375 of title 10, United States Code, is
20 amended to read as follows:

21 **“§ 2375. Relationship of commercial item provisions** 22 **to other provisions of law**

23 “(a) APPLICABILITY OF GOVERNMENT-WIDE STAT-
24 UTES.—(1) No contract for the procurement of a commer-
25 cial item entered into by the head of an agency shall be

1 subject to any law properly listed in the Federal Acquisi-
2 tion Regulation pursuant to section 1906(b) of title 41.

3 “(2) No subcontract under a contract for the procure-
4 ment of a commercial item entered into by the head of
5 an agency shall be subject to any law properly listed in
6 the Federal Acquisition Regulation pursuant to section
7 1906(c) of title 41.

8 “(3) No contract for the procurement of a commer-
9 cially available off-the-shelf item entered into by the head
10 of an agency shall be subject to any law properly listed
11 in the Federal Acquisition Regulation pursuant to section
12 1907 of title 41.

13 “(b) APPLICABILITY OF DEFENSE-UNIQUE STAT-
14 UTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The
15 Defense Federal Acquisition Regulation Supplement shall
16 include a list of defense-unique provisions of law and of
17 contract clause requirements based on government-wide
18 acquisition regulations, policies, or executive orders not ex-
19 pressly authorized in law that are inapplicable to contracts
20 for the procurement of commercial items. A provision of
21 law or contract clause requirement properly included on
22 the list pursuant to paragraph (2) does not apply to pur-
23 chases of commercial items by the Department of Defense.
24 This section does not render a provision of law or contract

1 clause requirement not included on the list inapplicable to
2 contracts for the procurement of commercial items.

3 “(2) A provision of law or contract clause require-
4 ment described in subsection (e) that is enacted after Jan-
5 uary 1, 2015, shall be included on the list of inapplicable
6 provisions of law and contract clause requirements re-
7 quired by paragraph (1) unless the Under Secretary of
8 Defense for Acquisition, Technology, and Logistics makes
9 a written determination that it would not be in the best
10 interest of the Department of Defense to exempt contracts
11 for the procurement of commercial items from the applica-
12 bility of the provision or contract clause requirement.

13 “(c) APPLICABILITY OF DEFENSE-UNIQUE STAT-
14 UTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1)
15 The Defense Federal Acquisition Regulation Supplement
16 shall include a list of provisions of law and of contract
17 clause requirements based on government-wide acquisition
18 regulations, policies, or executive orders not expressly au-
19 thorized in law that are inapplicable to subcontracts under
20 a Department of Defense contract or subcontract for the
21 procurement of commercial items. A provision of law or
22 contract clause requirement properly included on the list
23 pursuant to paragraph (2) does not apply to those sub-
24 contracts. This section does not render a provision of law
25 or contract clause requirement not included on the list in-

1 applicable to subcontracts under a contract for the pro-
2 curement of commercial items.

3 “(2) A provision of law or contract clause require-
4 ment described in subsection (e) shall be included on the
5 list of inapplicable provisions of law and contract clause
6 requirements required by paragraph (1) unless the Under
7 Secretary of Defense for Acquisition, Technology, and Lo-
8 gistics makes a written determination that it would not
9 be in the best interest of the Department of Defense to
10 exempt subcontracts under a contract for the procurement
11 of commercial items from the applicability of the provision
12 or contract clause requirement.

13 “(3) In this subsection, the term ‘subcontract’ in-
14 cludes a transfer of commercial items between divisions,
15 subsidiaries, or affiliates of a contractor or subcontractor.
16 The term does not include agreements entered into by a
17 contractor for the supply of commodities that are intended
18 for use in the performance of multiple contracts with the
19 Department of Defense and other parties and are not
20 identifiable to any particular contract.

21 “(4) This subsection does not authorize the waiver
22 of the applicability of any provision of law or contract
23 clause requirement with respect to any first-tier sub-
24 contract 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 COMMERCIALY 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

1 exempt contracts for the procurement of commercially
2 available off-the-shelf items from the applicability of the
3 provision or contract clause requirement.

4 “(e) COVERED PROVISION OF LAW OR CONTRACT
5 CLAUSE REQUIREMENT.—A provision of law or contract
6 clause requirement referred to in subsections (b)(2),
7 (c)(2), and (d)(2) is a provision of law or contract clause
8 requirement that the Under Secretary of Defense for Ac-
9 quisition, Technology, and Logistics determines sets forth
10 policies, procedures, requirements, or restrictions for the
11 procurement of property or services by the Federal Gov-
12 ernment, except for a provision of law or contract clause
13 requirement that—

14 “(1) provides for criminal or civil penalties; or

15 “(2) specifically refers to this section and pro-
16 vides that, notwithstanding this section, it shall be
17 applicable to contracts for the procurement of com-
18 mercial items.”.

19 (b) CHANGES TO DEFENSE FEDERAL ACQUISITION
20 REGULATION SUPPLEMENT.—

21 (1) IN GENERAL.—To the maximum extent
22 practicable, the Under Secretary of Defense for Ac-
23 quisition, Technology, and Logistics shall ensure
24 that—

1 (A) the Defense Federal Acquisition Regu-
2 lation Supplement does not require the inclu-
3 sion of contract clauses in contracts for the pro-
4 curement of commercial items or contracts for
5 the procurement of commercially available off-
6 the-shelf items, unless such clauses are—

7 (i) required to implement provisions of
8 law or executive orders applicable to such
9 contracts; or

10 (ii) determined to be consistent with
11 standard commercial practice; and

12 (B) the flow-down of contract clauses to
13 subcontracts under contracts for the procure-
14 ment of commercial items or commercially
15 available off-the-shelf items is prohibited unless
16 such flow-down is required to implement provi-
17 sions of law or executive orders applicable to
18 such subcontracts.

19 (2) SUBCONTRACTS.—In this subsection, the
20 term “subcontract” includes a transfer of commer-
21 cial items between divisions, subsidiaries, or affili-
22 ates of a contractor or subcontractor. The term does
23 not include agreements entered into by a contractor
24 for the supply of commodities that are intended for
25 use in the performance of multiple contracts with

1 the Department of Defense and other parties and
2 are not identifiable to any particular contract.

3 **SEC. 862. DEPARTMENT OF DEFENSE EXEMPTIONS FROM**
4 **CERTAIN REGULATIONS.**

5 (a) EXEMPTIONS.—

6 (1) IN GENERAL.—The regulations to imple-
7 ment the executive orders and presidential memo-
8 randa listed in paragraph (2) shall not apply to the
9 purchases by the Department of Defense of commer-
10 cially available off-the-shelf items.

11 (2) EXECUTIVE ORDERS AND PRESIDENTIAL
12 MEMORANDA.—The executive orders and presidential
13 memoranda referenced in paragraph (1) are as fol-
14 lows:

15 (A) Executive Order 13706: Establishing
16 Paid Sick Leave for Federal Contractors (9/7/
17 2015).

18 (B) Executive Order 13673: Fair Pay and
19 Safe Workplaces (7/31/2014).

20 (C) Executive Order 13568: Minimum
21 Wage for Contractors (2/12/2014).

22 (D) Executive Order 13655: Non-Retalia-
23 tion for Disclosure of Compensation Informa-
24 tion (4/8/2014).

1 (E) Presidential Memorandum: Advancing
2 Pay Equality Through Compensation Data Col-
3 lection (4/8/2014).

4 (F) Presidential Memorandum: Updating
5 and Modernizing Overtime Regulations (3/13/
6 2014).

7 (G) Memorandum for the Heads of Execu-
8 tive Departments and Agencies on Contractor
9 Tax Delinquency (1/20/2010).

10 (H) Executive Order 13495: Nondisplace-
11 ment of Qualified Workers Under Service Con-
12 tracts (1/30/2009).

13 (I) Executive Order 13494: Economy in
14 Government Contracting (1/30/2009).

15 (J) Executive Order 13496: Notification of
16 Employee Rights Under Federal Labor Laws
17 (1/30/2009).

18 (K) Executive Order 13514: Focused on
19 Federal Leadership in Environmental, Energy,
20 and Economic Performance (10/5/2009).

21 (L) Executive Order 13502 — Use of
22 Project Labor Agreements for Federal Con-
23 struction Projects.

24 (b) WAIVER AUTHORITY.—The Secretary of Defense
25 may waive any of the regulations to implement the execu-

1 tive orders and presidential memoranda listed in sub-
2 section (a) for the purchases of other items by the Depart-
3 ment of Defense.

4 **SEC. 863. USE OF PERFORMANCE AND COMMERCIAL SPECI-**
5 **FICATIONS IN LIEU OF MILITARY SPECIFICA-**
6 **TIONS AND STANDARDS.**

7 (a) IN GENERAL.—The Secretary of Defense shall
8 ensure that the Department of Defense uses performance
9 and commercial specifications and standards in lieu of
10 military specifications and standards, including for pro-
11 curing new systems, major modifications, upgrades to cur-
12 rent systems, non-developmental and commercial items,
13 and programs in all acquisition categories, unless no prac-
14 tical alternative exists to meet user needs. If it is not prac-
15 ticable to use a performance specification, a non-govern-
16 ment standard shall be used.

17 (b) LIMITED USE OF MILITARY SPECIFICATIONS.—

18 (1) IN GENERAL.—Military specifications shall
19 be used in procurements only to define an exact de-
20 sign solution when there is no acceptable non-gov-
21 ernmental standard or when the use of a perform-
22 ance specification or non-government standard is not
23 cost effective.

24 (2) WAIVER.—A waiver for the use of military
25 specifications and standards in accordance with

1 paragraph (1) must be approved by either the Mile-
2 stone Decision Authority, the Service Acquisition
3 Executive, or the Under Secretary of Defense for
4 Acquisition, Technology, and Logistics.

5 (c) REVISION TO DFARS.—Not later than 180 days
6 after the date of the enactment of this Act, the Under
7 Secretary of Defense for Acquisition, Technology, and Lo-
8 gistics shall revise the Defense Federal Acquisition Regu-
9 lation Supplement (DFARS) to encourage contractors to
10 propose non-government standards and industry-wide
11 practices that meet the intent of the military specifications
12 and standards.

13 (d) DEVELOPMENT OF NON-GOVERNMENT STAND-
14 ARDS.—The Under Secretary for Acquisition, Technology,
15 and Logistics shall form partnerships with appropriate in-
16 dustry associations to develop non-government standards
17 for replacement of military standards where practicable.

18 (e) EDUCATION AND TRAINING.—The Under Sec-
19 retary of Defense for Acquisition, Technology, and Logis-
20 ties shall ensure that training and education programs
21 throughout the Department are revised to incorporate
22 specifications and standards reform.

23 (f) LICENSES.—The Under Secretary of Defense for
24 Acquisition, Technology, and Logistics shall negotiate li-

1 censes for standards to be used across the Department
2 of Defense.

3 **SEC. 864. PREFERENCE FOR COMMERCIAL SERVICES.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall revise the
6 guidance issued pursuant to section 855 of the National
7 Defense Authorization Act for Fiscal Year 2016 (Public
8 Law 114–92; 10 U.S.C. 2377) to provide that the head
9 of an agency may not enter into a contract in excess of
10 the simplified acquisition threshold for facilities-related
11 services, knowledge-based services, equipment-related
12 services, construction services, medical services, logistics
13 management services, or transportation services that are
14 not commercial services unless the head of the agency de-
15 termines in writing that no commercial services are suit-
16 able to meet the agency’s needs as provided in section
17 2377(c)(2) of title 10, United States Code.

18 **SEC. 865. TREATMENT OF ITEMS PURCHASED BY PROSPEC-**
19 **TIVE CONTRACTORS PRIOR TO RELEASE OF**
20 **PRIME CONTRACT REQUESTS FOR PRO-**
21 **POSALS AS COMMERCIAL ITEMS.**

22 (a) IN GENERAL.—Chapter 140 of title 10, United
23 States Code, is amended by adding at the end the fol-
24 lowing new section:

1 **“§ 2380B. Treatment of items purchased prior to re-**
 2 **lease of prime contract requests for pro-**
 3 **posals as commercial items**

4 “Notwithstanding 2376(1) of this title, items valued
 5 at less than \$10,000 purchased prior to the release of a
 6 prime contract request for proposal shall be treated as a
 7 commercial item for purposed of this chapter.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 for such chapter is amended by inserting after the item
 10 relating to section 2380A the following new item:

“2380B. Treatment of items purchased prior to release of prime contract re-
 quests for proposals as commercial items.”.

11 **SEC. 866. TREATMENT OF SERVICES PROVIDED BY NON-**
 12 **TRADITIONAL CONTRACTORS AS COMMER-**
 13 **CIAL ITEMS.**

14 (a) IN GENERAL.—Section 2380A of title 10, United
 15 States Code, is amended—

16 (1) by striking “Notwithstanding” and insert-
 17 ing the following:

18 “(a) GOODS AND SERVICES PROVIDED BY NON-
 19 TRADITIONAL DEFENSE CONTRACTORS.—Notwith-
 20 standing”; and

21 (2) by adding at the end the following new sub-
 22 section:

23 “(b) SERVICES PROVIDED BY CERTAIN NONTRADI-
 24 TIONAL CONTRACTORS.—Notwithstanding section

1 2376(1) of this title, services provided by a business unit
 2 that is a nontraditional contractor as defined in section
 3 2302(9) of this title shall be treated as commercial items
 4 for purposes of this chapter, to the extent that such serv-
 5 ices utilize the same pool of employees as used for com-
 6 mercial customers and are priced using similar method-
 7 ology as commercial pricing.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) SECTION HEADING.—Section 2380A of title
 10 10, United States Code, as amended by subsection
 11 (a), is further amended by striking the section head-
 12 ing and inserting the following:

13 **“§ 2380A. Treatment of certain items as commercial**
 14 **items”.**

15 (2) TABLE OF SECTIONS.—The table of sections
 16 at the beginning of chapter 140 of title 10, United
 17 States Code, is amended by striking the item relat-
 18 ing to section 2380A and inserting the following new
 19 item:

“2380A. Treatment of certain items as commercial items.”.

20 **SEC. 867. USE OF NON-COST CONTRACTS TO ACQUIRE COM-**
 21 **MERCIAL ITEMS.**

22 Section 2377 of title 10, United States Code, is
 23 amended by adding at the end the following new sub-
 24 section:

1 “(e) TYPES OF CONTRACTS THAT MAY BE USED.—

2 The Defense Supplement to the Federal Acquisition Regu-

3 lation shall include, for acquisitions of commercial items—

4 “(1) a requirement that firm fixed-price, fixed-

5 price incentive, fixed-price with economic price ad-

6 justment, and other fixed-price type contracts be

7 used to the maximum extent practicable; and

8 “(2) a prohibition on use of cost-type con-

9 tracts.”.

10 **SEC. 868. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE**

11 **INNOVATIVE COMMERCIAL ITEMS, TECH-**

12 **NOLOGIES, AND SERVICES USING GENERAL**

13 **SOLICITATION COMPETITIVE PROCEDURES.**

14 (a) **AUTHORITY.**—The Secretary of Defense and the

15 Secretaries of the military departments may carry out a

16 pilot program, to be known as the “commercial solutions

17 opening pilot program”, under which the Secretary may

18 acquire innovative commercial items, technologies, and

19 services through a competitive selection of proposals re-

20 sulting from a general solicitation and the peer review of

21 such proposals.

22 (b) **TREATMENT AS CICA COMPETITIVE PROCE-**

23 **DURES.**—Use of general solicitation competitive proce-

24 dures 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

1 (2) any new application of an existing tech-
2 nology, process, or method.

3 (e) SUNSET.—The authority to enter into contracts
4 under the pilot program shall expire on September 30,
5 2022.

6 **Subtitle F—Industrial Base Matters**

7 **SEC. 871. GREATER INTEGRATION OF THE NATIONAL TECH-** 8 **NICAL INDUSTRIAL BASE.**

9 (a) PLAN REQUIRED.—Not later than January 1,
10 2018, the Secretary of Defense shall develop a plan to re-
11 duce the barriers to the seamless integration between the
12 persons and organizations that comprise the National
13 Technical Industrial Base (as defined in section 2500 of
14 title 10, United States Code). The plan shall include at
15 a minimum the following elements:

16 (1) A description of the various components of
17 the National Technical Industrial Base, including
18 government entities, universities, non-profit research
19 entities, non-traditional and commercial item con-
20 tractors, and private contractors that conduct com-
21 mercial and military research, produce commercial
22 items that could be used by the Department of De-
23 fense, and produce defense unique articles controlled
24 under the United States Munitions List.

1 (2) Identification of the barriers to the seamless
2 integration of the transfer of knowledge, goods, and
3 services among the persons and organizations of the
4 National Technical Industrial Base.

5 (3) Identification of current authorities that
6 could contribute to further integration of the persons
7 and organizations of the National Technical Indus-
8 trial Base, and a plan to maximize the use of those
9 authorities.

10 (4) Identification of changes in export control
11 rules, procedures, and laws that would enhance the
12 civil-military integration policy objectives set forth in
13 section 2501(b) of title 10, United States Code, for
14 the National Technical Industrial Base to increase
15 the access of the Armed Forces to commercial prod-
16 ucts, services, and research and create incentives
17 necessary for non-traditional and commercial item
18 contractors, universities, and non-profit research en-
19 tities to modify commercial products or services to
20 meet Department of Defense requirements.

21 (5) Recommendations for increasing integration
22 of the industrial base that supplies defense articles
23 to the Armed Forces and enhancing allied interoper-
24 ability of forces through changes to the text or the
25 implementation of—

1 (A) the International Trafficking in Arms
2 Regulations exemption for Canada contained in
3 section 126.5 of title 22, Code of Federal Regu-
4 lations;

5 (B) the Treaty Between the Government of
6 the United States of America and the Govern-
7 ment of Australia Concerning Defense Trade
8 Cooperation, done at Sydney September 5,
9 2007;

10 (C) the Treaty Between the Government of
11 the United States of America and the Govern-
12 ment of the United Kingdom of Great Britain
13 and Northern Ireland Concerning Defense
14 Trade Cooperation, done at Washington and
15 London June 21 and 26, 2007; and

16 (D) any other agreements among the coun-
17 tries comprising the National Technical Indus-
18 trial Base.

19 (b) AMENDMENT TO DEFINITION OF NATIONAL
20 TECHNOLOGY AND INDUSTRIAL BASE.—Section 2500 (1)
21 of title 10, United States Code, is amended by inserting
22 “, the United Kingdom of Great Britain and Northern Ire-
23 land, Australia,” after “United States”.

24 (c) REPORTING REQUIREMENT.—The Secretary of
25 Defense shall report on the progress of implementing the

1 tion shall apply to the contract between the Director of
2 the Defense Logistics Agency and the contractor.

3 (c) SCOPE OF SUPPORT AND SERVICES.—The stor-
4 age and distribution support services that may be provided
5 under this section in support of the performance of a con-
6 tract described in subsection (a) are storage and distribu-
7 tion of materiel and repair parts necessary for the per-
8 formance of that contract.

9 (d) REGULATIONS.—Before exercising the authority
10 under this section, the Secretary of Defense shall prescribe
11 in regulations such requirements, conditions, and restric-
12 tions as the Secretary determines appropriate to ensure
13 that storage and distribution services are provided under
14 this section only when it is in the best interests of the
15 United States to do so. The regulations shall include, at
16 a minimum, the following:

17 (1) A requirement for the solicitation of offers
18 for a contract described in subsection (a), for which
19 storage and distribution services are to be made
20 available under this section, including—

21 (A) a statement that the storage and dis-
22 tribution services are to be made available
23 under the authority of this section to any con-
24 tractor awarded the contract, but only on a

1 basis that does not require acceptance of the
2 support and services; and

3 (B) a description of the range of the stor-
4 age and distribution services that are to be
5 made available to the contractor.

6 (2) A requirement for the rates charged a con-
7 tractor for storage and distribution services provided
8 to a contractor under this section to reflect the full
9 cost to the United States of the resources used in
10 providing the support and services, including the
11 costs of resources used, but not paid for, by the De-
12 partment of Defense.

13 (3) With respect to a contract described in sub-
14 section (a) that is being performed for a department
15 or agency outside the Department of Defense, a pro-
16 hibition, in accordance with applicable contracting
17 procedures, on the imposition of any charge on that
18 department or agency for any effort of Department
19 of Defense personnel or the contractor to correct de-
20 ficiencies in the performance of such contract.

21 (4) A prohibition on the imposition of any
22 charge on a contractor for any effort of the con-
23 tractor to correct a deficiency in the performance of
24 storage and distribution services provided to the con-
25 tractor under this section.

1 (e) RELATIONSHIP TO TREATY OBLIGATIONS.—The
2 Secretary shall ensure that the exercise of authority under
3 this section does not conflict with any obligation of the
4 United States under any treaty or other international
5 agreement.

6 **SEC. 874. PERMANENCY OF DEPARTMENT OF DEFENSE**
7 **SBIR AND STTR PROGRAMS.**

8 (a) SBIR.—Section 9(m) of the Small Business Act
9 (15 U.S.C. 638(m)) is amended—

10 (1) in the subsection heading, by striking
11 “TERMINATION” and inserting “SBIR PROGRAM
12 AUTHORIZATION”; and

13 (2) by striking “shall terminate on September
14 30, 2017” and inserting “shall—

15 “(1) with respect to each Federal agency other
16 than the Department of Defense, terminate on Sep-
17 tember 30, 2017; and

18 “(2) with respect to the Department of De-
19 fense, be in effect for each fiscal year”.

20 (b) STTR.—Section 9(n)(1) of the Small Business
21 Act (15 U.S.C. 638(n)(1)) is amended—

22 (1) in subparagraph (A), by inserting “other
23 than the Department of Defense” after “each Fed-
24 eral agency”;

1 (2) in subparagraph (B), by inserting “and by
2 the Department of Defense in accordance with sub-
3 paragraph (C)” after “subparagraph (A)”; and

4 (3) by adding at the end the following:

5 “(C) DEPARTMENT OF DEFENSE.—With
6 respect to each fiscal year, the Department of
7 Defense shall expend with small business con-
8 cerns not less than the percentage of the extra-
9 mural budget for research, or research and de-
10 velopment, of the Department specified in sub-
11 paragraph (B), specifically in connection with
12 STTR programs that meet the requirements of
13 this section and any policy directives and regu-
14 lations issued under this section.”.

15 **SEC. 875. MODIFIED REQUIREMENTS FOR DISTRIBUTION**
16 **OF ASSISTANCE UNDER PROCUREMENT**
17 **TECHNICAL ASSISTANCE COOPERATIVE**
18 **AGREEMENTS.**

19 (a) MINIMUM GEOGRAPHIC DISTRIBUTION.—Section
20 2413(c) of title 10, United States Code, is amended by
21 striking “Department of Defense contract administration
22 services district” and inserting “State”.

23 (b) DISTRIBUTION.—Section 2415 of such title is
24 amended—

25 (1) in the first sentence—

1 (A) by striking “The Secretary” and in-
 2 serting “After apportioning funds available for
 3 assistance under this chapter for any fiscal year
 4 for efficient coverage of distressed areas re-
 5 ferred to in paragraph (2)(B) of section 2411
 6 of this title by programs operated by eligible en-
 7 tities referred to in paragraph (1)(D) of such
 8 section, the Secretary”;

9 (B) by inserting “the remaining” before
 10 “funds available”; and

11 (C) by striking “Department of Defense
 12 contract administration services district” and
 13 inserting “State”; and

14 (2) in the second sentence—

15 (A) by striking “district” each place it ap-
 16 pears and inserting “State”; and

17 (B) by striking “districts” and inserting
 18 “States”.

19 **SEC. 876. NONTRADITIONAL AND SMALL DISRUPTIVE INNO-**
 20 **VATION PROTOTYPING PROGRAM.**

21 (a) IN GENERAL.—The Secretary of Defense shall
 22 conduct a pilot program for nontraditional contractors and
 23 small business concerns to design, develop, and dem-
 24 onstrate innovative prototype military platforms of signifi-
 25 cant scope for the purpose of demonstrating new capabili-

1 ties that could provide alternatives to existing acquisition
2 programs and assets. The Secretary shall establish the
3 pilot program within the Departments of the Army, Navy,
4 and Air Force and within the United States Special Oper-
5 ations Command.

6 (b) FUNDING.—There is authorized to be made avail-
7 able \$250,000,000 out of the Rapid Prototype Fund es-
8 tablished under section 804(d) of the National Defense
9 Authorization Act for Fiscal Year 2016 (Public Law 114–
10 92; 10 U.S.C. 2302 note) to carry out the pilot program.

11 (c) PLAN.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall submit to the congressional defense commit-
14 tees, concurrent with the budget for the Department
15 of Defense for fiscal year 2018, as submitted to
16 Congress pursuant to section 1105 of title 31,
17 United States Code, a plan to fund and execute the
18 pilot program in future years.

19 (2) ELEMENTS.—The plan submitted under
20 paragraph (1) shall consider maximizing use of—

21 (A) Broad Agency Announcements or other
22 merit-based selection procedures;

23 (B) the Department of Defense Acquisition
24 Challenge Program authorized under section
25 2359b of title 10, United States Code;

1 (C) the Foreign Comparative Test Pro-
2 gram;

3 (D) projects carried out under the Rapid
4 Innovation Program and Phase III Small Busi-
5 ness Innovation Research (SBIR) and Small
6 Business Technology Transfer (STTR) projects;
7 and

8 (E) flexible acquisition authorities under
9 procedures developed under sections 804 and
10 805 of the National Defense Authorization Act
11 for Fiscal Year 2016 (Public Law 114–92).

12 (d) PROGRAMS TO BE INCLUDED.—The Secretary of
13 Defense shall allocate up to \$50,000,000 on a fixed price
14 contractual basis for fiscal year 2017 or pursuant to the
15 plan submitted under subsection (c) for the demonstration
16 pursuant to the pilot program of the following capabilities:

17 (1) Swarming of multiple unmanned air vehi-
18 cles.

19 (2) Unmanned, modular fixed-wing aircraft that
20 can be rapidly adapted to multiple missions and
21 serve as a fifth generation weapons augmentation
22 platform.

23 (3) Vertical take off and landing tiltrotor air-
24 craft.

1 (4) Integration of a directed energy weapon on
2 an air, sea, or ground platform.

3 (5) Swarming of multiple unmanned under-
4 water vehicles.

5 (6) Commercial small synthetic aperture radar
6 (SAR) satellites with on-board machine learning for
7 automated, real-time feature extraction and pre-
8 dictive analytics.

9 (7) Active protection system to defend against
10 rocket-propelled grenades and anti-tank missiles.

11 (8) Other systems as designated by the Sec-
12 retary.

13 (e) DEFINITIONS.—In this section:

14 (1) NONTRADITIONAL CONTRACTOR.—The term
15 “nontraditional contractor” has the meaning given
16 the term in section 2302(9) of title 10, United
17 States Code.

18 (2) SMALL BUSINESS CONCERN.—The term
19 “small business concern” has the meaning given the
20 term in section 3 of the Small Business Act (15
21 U.S.C. 632).

22 (f) SUNSET.—The authority under this section ex-
23 pires at the close of September 30, 2026.

1 **Subtitle G—International**
2 **Contracting Matters**

3 **SEC. 881. INTERNATIONAL SALES PROCESS IMPROVE-**
4 **MENTS.**

5 (a) **PLAN REQUIRED.**—Not later than 180 days after
6 the date of the enactment of this Act, the Secretary of
7 Defense shall develop a plan to improve the management
8 and use of fees collected on transfer of defense articles
9 and services via sale, lease, or grant to international cus-
10 tomers under programs over which the Defense Security
11 Cooperation Agency has administration responsibilities.
12 The plan shall include options to use fees more effec-
13 tively—

14 (1) to improve the staffing and processes of the
15 licensing review cycle at the Defense Technology Se-
16 curity Administration and other reviewing authori-
17 ties; and

18 (2) to maintain a cadre of contracting officers
19 and acquisition officials who specialize in foreign
20 military sales contracting.

21 (b) **PROCESS FOR GATHERING INPUT.**—The Sec-
22 retary of Defense shall establish a process for contractors
23 to provide input, feedback, and adjudication of any dif-
24 ferences regarding the appropriateness of governmental
25 pricing and availability estimates prior to the delivery to

1 potential foreign customers of formal responses to Letters
2 of Request for Pricing and Availability.

3 **SEC. 882. WORKING CAPITAL FUND FOR PRECISION GUID-**
4 **ED MUNITIONS EXPORTS IN SUPPORT OF**
5 **CONTINGENCY OPERATIONS.**

6 (a) ESTABLISHMENT OF FUND.—The Secretary may
7 establish a working capital fund under section 2208 of
8 title 10, United States Code, to finance inventories of sup-
9 plies of precision guided munitions in advance of partner
10 and allied forces requirements to enhance the effectiveness
11 of overseas contingency operations conducted or supported
12 by the United States.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated a total of \$1,000,000,000
15 for fiscal years 2017 and 2018 for deposit in the fund
16 established pursuant to subsection (a) to procure and
17 stock precision guided munitions anticipated to be needed
18 by partner and allied forces to enhance the effectiveness
19 of overseas contingency operations conducted or supported
20 by the United States.

21 (c) REPLENISHMENT OF FUND.—The fund estab-
22 lished pursuant to subsection (a) may be replenished
23 through purchases by foreign governments or the United
24 States Government or subsequent appropriations.

1 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed as precluding the Secretary of De-
3 fense from acquiring or utilizing precision guided muni-
4 tions to meet immediate United States military require-
5 ments on a reimbursable basis that have been purchased
6 and stored through the fund established pursuant to sub-
7 section (a).

8 (e) MANAGEMENT.—The fund established pursuant
9 to subsection (a) and associated inventories of precision
10 guided munitions shall be managed by the Defense Logis-
11 tics Agency and the Joint Chiefs of Staff to optimize the
12 storage, distribution, and deployment of such precision
13 guided munitions to improve the capability of partner and
14 allied forces to contribute to overseas contingency oper-
15 ations conducted or supported by the United States.

16 **SEC. 883. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**
17 **UCTS AND SERVICES PRODUCED IN COUN-**
18 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**
19 **TO AFGHANISTAN.**

20 Section 801(f) of the National Defense Authorization
21 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
22 2399), as most recently amended by section 1214 of the
23 National Defense Authorization Act for Fiscal Year 2016
24 (Public Law 114–92), is further amended by striking “De-
25 cember 31, 2016” and inserting “December 31, 2018”.

1 **SEC. 884. CLARIFICATION OF TREATMENT OF CONTRACTS**
 2 **PERFORMED OUTSIDE THE UNITED STATES.**

3 (a) IN GENERAL.—Chapter 137 of title 10, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing new section:

6 **“§ 2338. Clarification of treatment of contracts per-**
 7 **formed outside the United States**

8 “(a) IN GENERAL.—In accordance with section
 9 19.000(b) of the Federal Acquisition Regulation as in ef-
 10 fect on May 1, 2016, Department of Defense contracts
 11 performed outside of the United States shall not be sub-
 12 ject to the sole source contract requirements or goals for
 13 procurement listed in part 19 of the Federal Acquisition
 14 Regulation.

15 “(b) LIMITATION ON FUNDING.—No funds may be
 16 expended on any Department of Defense contract per-
 17 formed outside of the United States to which the sole
 18 source contract requirements or goals for procurement
 19 contracts listed in Part 19 of the Federal Acquisition Reg-
 20 ulation are applied.”.

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

“2338. Clarification of treatment of contracts performed outside the United
 States.”.

1 **SEC. 885. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**
2 **AND SERVICES PRODUCED IN AFRICA IN SUP-**
3 **PORT OF COVERED ACTIVITIES.**

4 (a) **AUTHORITY.**—In the case of a product or service
5 to be acquired in support of covered activities in a covered
6 African country for which the Secretary of Defense makes
7 a determination described in subsection (b), the Secretary
8 may conduct a procurement in which—

9 (1) competition is limited to products or serv-
10 ices from the host nation;

11 (2) a preference is provided for products or
12 services from the host nation; or

13 (3) a preference is provided for products or
14 services from a covered African country, other than
15 the host nation.

16 (b) **DETERMINATIONS.**—

17 (1) A determination described in this subsection
18 is a determination by the Secretary of any of the fol-
19 lowing:

20 (A) That the product or service concerned
21 is to be used only in support of covered activi-
22 ties.

23 (B) That it is in the national security in-
24 terests of the United States to limit competition
25 or provide a preference as described in sub-

1 section (a) because such limitation or pref-
2 erence is necessary—

3 (i) to reduce overall United States
4 transportation costs and risks in shipping
5 products in support of operations, exer-
6 cises, theater security cooperation activi-
7 ties, and other missions in the African re-
8 gion;

9 (ii) to reduce delivery times in support
10 of covered activities; or

11 (iii) to promote regional security, sta-
12 bility, and economic prosperity in Africa.

13 (C) That the product or service is of equiv-
14 alent quality of a product or service that would
15 have otherwise been acquired.

16 (2) A determination under paragraph (1) shall
17 not be effective for purposes of a limitation or pref-
18 erence under subsection (a) unless the Secretary also
19 determines that—

20 (A) the limitation or preference will not
21 adversely affect—

22 (i) United States military operations
23 or stability operations in the African re-
24 gion; or

1 (ii) the United States industrial base;

2 and

3 (B) in the case of air transportation, an
4 air carrier holding a certificate under section
5 41102 of title 49, United States Code, is not
6 reasonably available to provide the required air
7 transportation.

8 (c) DEFINITIONS.—In this section:

9 (1) COVERED ACTIVITIES.—The term “covered
10 activities” means Department of Defense activities
11 in the African region or a regional neighbor.

12 (2) COVERED AFRICAN COUNTRY.—The term
13 “covered African country” means a country in Afri-
14 ca that has signed a long-term agreement with the
15 United States related to the basing or operational
16 needs of the United States Armed Forces.

17 (3) HOST NATION.—The term “host nation”
18 means a nation which allows the armed forces and
19 supplies of the United States to be located on, to op-
20 erate in, or to be transported through its territory.

21 (4) PRODUCTS AND SERVICES OF A COVERED
22 AFRICAN COUNTRY.—For purposes of this section:

23 (A) A product is from a covered African
24 country if it is wholly grown, mined, manufac-

1 tured, or produced in the covered African coun-
2 try.

3 (B) A service is from a covered African
4 country if it is performed by a person or entity
5 that is properly licensed or registered by au-
6 thorities of a covered African country and—

7 (i) is operating primarily in the cov-
8 ered African country; or

9 (ii) is making a significant contribu-
10 tion to the economy of the covered African
11 country through payment of taxes or use
12 of products, materials, or labor of the cov-
13 ered African country.

14 (d) CONFORMING AMENDMENT.—Section 1263 of the
15 National Defense Authorization Act for Fiscal Year 2015
16 (Public Law 113–291; 128 Stat. 3581) is repealed.

1 **SEC. 886. MAINTENANCE OF PROHIBITION ON PROCURE-**
2 **MENT BY DEPARTMENT OF DEFENSE OF PEO-**
3 **PLE'S REPUBLIC OF CHINA-ORIGIN ITEMS**
4 **THAT MEET THE DEFINITION OF GOODS AND**
5 **SERVICES CONTROLLED AS MUNITIONS**
6 **ITEMS WHEN MOVED TO THE "600 SERIES" OF**
7 **THE COMMERCE CONTROL LIST.**

8 (a) IN GENERAL.—Section 1211 of the National De-
9 fense Authorization Act for Fiscal Year 2006 (Public Law
10 109–163; 10 U.S.C. 2302 note) is amended—

11 (1) in subsection (b), by inserting “or in the
12 600 series of the control list of the Export Adminis-
13 tration Regulations” after “in Arms Regulations”;
14 and

15 (2) in subsection (e), by adding at the end the
16 following new paragraph:

17 “(3) The term ‘600 series of the control list of
18 the Export Administration Regulations’ means the
19 600 series of the Commerce Control List contained
20 in Supplement No. 1 to part 774 of subtitle B of
21 title 15 of the Code of Federal Regulations.”.

22 (b) TECHNICAL CORRECTIONS TO ITAR REF-
23 ERENCES.—Such section is further amended by striking
24 “Trafficking” both places it appears and inserting “Traf-
25 fic”.

1 **Subtitle H—Other Matters**

2 **SEC. 891. CONTRACTOR BUSINESS SYSTEM REQUIRE-**
3 **MENTS.**

4 (a) REQUIREMENTS.—

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

8 **“§ 2338. Contractor business system requirements**

9 “(a) IMPROVEMENT PROGRAM.—The Secretary of
10 Defense shall develop and initiate a program for the im-
11 provement of contractor business systems to ensure that
12 such systems provide timely, reliable information for the
13 management of Department of Defense programs by the
14 contractor and by the Department at reduced burden and
15 price to the Government and contractor.

16 “(b) APPROVAL OR DISAPPROVAL OF BUSINESS SYS-
17 TEMS.—The program developed pursuant to subsection
18 (a) shall—

19 “(1) include system requirements for each type
20 of contractor business system covered by the pro-
21 gram;

22 “(2) establish a process for reviewing contractor
23 business systems and identifying significant defi-
24 ciencies in such systems;

1 “(3) identify officials of the Department of De-
2 fense who are responsible for the approval or dis-
3 approval of contractor business systems;

4 “(4) provide for the approval or conditional ap-
5 proval of any contractor business system that does
6 not have a significant deficiency; and

7 “(5) provide for—

8 “(A) the disapproval of any contractor
9 business system that has a significant defi-
10 ciency; and

11 “(B) reduced reliance on, and enhanced
12 and effective analysis of, data provided by a
13 contractor business system that has been dis-
14 approved.

15 “(c) EARNED VALUE MANAGEMENT SYSTEM.—The
16 program developed pursuant to subsection (a) shall not
17 require the use of earned value management systems on
18 other than non-firm fixed-price contracts above the regu-
19 latory dollar threshold that have discrete, schedulable, and
20 measurable work scope.

21 “(d) REMEDIAL ACTIONS.—The program developed
22 pursuant to subsection (a) shall provide the following:

23 “(1) In the event a contractor business system
24 is conditionally approved or disapproved pursuant to
25 subsection (b)(5), appropriate officials of the De-

1 partment of Defense will be available to work with
2 the contractor to develop a corrective action plan de-
3 fining specific actions to be taken to address the sig-
4 nificant deficiencies identified in the system and a
5 schedule for the implementation of such actions.

6 “(2) An appropriate official of the Department
7 of Defense may withhold a percentage, but no more
8 than 10 percent, of progress payments, performance-
9 based payments, and interim payments under cov-
10 ered contracts from a covered contractor, as needed
11 to protect the interests of the Department and en-
12 sure compliance, if one or more of the contractor
13 business systems of the contractor has been condi-
14 tionally approved or disapproved pursuant to sub-
15 section (b)(5) and has not subsequently received ap-
16 proval. Such percentage shall be established in
17 agreement with the contractor at time of contract
18 award or modification.

19 “(3) The amount of funds to be withheld under
20 paragraph (2) shall be reduced if a contractor
21 adopts an effective corrective action plan pursuant
22 to paragraph (1) and is effectively implementing
23 such plan.

24 “(e) GUIDANCE AND TRAINING.—The program devel-
25 oped 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-

1 tem, material management and accounting system,
2 or property management system of a contractor.

3 “(2) The term ‘covered contractor’ means a
4 contractor that—

5 “(A) has contracts with the United States
6 Government accounting for not less than 30
7 percent of its total commercial sales; and

8 “(B) has cost-type contracts with the
9 United States Government accounting for not
10 less than 1 percent of its total commercial sales.

11 “(3) The term ‘covered contract’ means a con-
12 tract that is subject to the cost accounting standards
13 promulgated pursuant to section 1502 of title 41,
14 United States Code, that could be affected if the
15 data produced by a contractor business system has
16 a significant deficiency.

17 “(4) The term ‘significant deficiency’, in the
18 case of a contractor business system, means a short-
19 coming in the system that materially affects the abil-
20 ity of officials of the Department of Defense and the
21 contractor to rely upon information produced by the
22 system that is needed for management purposes.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of such chapter is amended
25 by adding at the end the following new item:

“2338. Contractor business system requirements.”.

1 (b) PROHIBITION ON APPLYING CERTAIN CON-
2 TRACTOR BUSINESS SYSTEM REQUIREMENTS TO NON-
3 COVERED CONTRACTORS.—The Secretary of Defense may
4 not apply any requirement implemented pursuant to sec-
5 tion 893 of the Ike Skelton National Defense Authoriza-
6 tion Act for Fiscal Year 2011 (Public Law 111–383; 10
7 U.S.C. 2302 note) or any regulation prescribed pursuant
8 to such section to any contractor that is not a covered
9 contractor (as defined in section 2338 of title 10, as added
10 by subsection (a)).

11 **SEC. 892. AUTHORITY TO PROVIDE REIMBURSABLE AUDIT-**
12 **ING SERVICES TO CERTAIN NON-DEFENSE**
13 **AGENCIES.**

14 Section 893(a) of the National Defense Authorization
15 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
16 2313 note) is amended—

17 (1) in paragraph (1), by inserting “except as
18 provided in paragraph (2),” after “this Act,”; and

19 (2) by amending paragraph (2) to read as fol-
20 lows:

21 “(2) EXCEPTION FOR NATIONAL NUCLEAR SE-
22 CURITY ADMINISTRATION.—Notwithstanding para-
23 graph (1), the Defense Contract Audit Agency may
24 provide audit support on a reimbursable basis for
25 the National Nuclear Security Administration.”.

1 **SEC. 893. IMPROVED MANAGEMENT PRACTICES TO RE-**
2 **DUCE COST AND IMPROVE PERFORMANCE OF**
3 **CERTAIN DEPARTMENT OF DEFENSE ORGA-**
4 **NIZATIONS.**

5 (a) IN GENERAL.—Beginning not later than 180
6 days after the date of the enactment of this Act, the Sec-
7 retary of Defense shall designate units, subunits, or enti-
8 ties of the Department of Defense, other than Centers of
9 Industrial and Technical Excellence designated pursuant
10 to section 2474 of title 10, United States Code, that con-
11 duct work that is commercial in nature or is not inherently
12 governmental to prioritize efforts to conduct business op-
13 erations in a manner that uses modern, commercial man-
14 agement practices and principles to reduce the costs and
15 improve the performance of such organizations.

16 (b) ADOPTION OF MODERN BUSINESS PRACTICES.—
17 The Secretary shall ensure that each such unit, subunit,
18 or entity of the Department described in subsection (a)
19 is authorized to adopt and implement best commercial and
20 business management practices to achieve the goals de-
21 scribed in such subsection.

22 (c) WAIVERS.—The Secretary shall authorize waivers
23 of Department of Defense, military service, and Defense
24 Agency regulations, as appropriate, to achieve the goals
25 in subsection (a), including in the following areas:

26 (1) Financial management.

1 (2) Human resources.

2 (3) Facility and plant management.

3 (4) Acquisition and contracting.

4 (5) Partnerships with the private sector.

5 (6) Other business and management areas as
6 identified by the Secretary.

7 (d) GOALS.—The Secretary of Defense shall identify
8 savings goals to be achieved through the implementation
9 of the commercial and business management practices
10 adopted under subsection (b), and establish a schedule for
11 achieving the savings.

12 (e) BUDGET ADJUSTMENT.—The Secretary shall es-
13 tablish policies to adjust organizational budget allocations,
14 at the Secretary's discretion, for purposes of—

15 (1) using savings derived from implementation
16 of best commercial and business management prac-
17 tices for high priority military missions of the De-
18 partment of Defense;

19 (2) creating incentives for the most efficient
20 and effective development and adoption of new com-
21 mercial and business management practices by orga-
22 nizations; and

23 (3) investing in the development of new com-
24 mercial and business management practices that will

1 result in further savings to the Department of De-
2 fense.

3 (f) BUDGET BASELINES.—Beginning not later than
4 one year after the date of the enactment of this Act, each
5 such unit, subunit, or entity of the Department described
6 in subsection (a) shall, in accordance with such guidance
7 as the Secretary of Defense shall establish for purposes
8 of this section—

9 (1) establish an annual baseline cost estimate of
10 its operations; and

11 (2) certify that costs estimated pursuant to
12 paragraph (1) are wholly accounted for and pre-
13 sented in a format that is comparable to the format
14 for the presentation of such costs for other elements
15 of the Department or consistent with best commer-
16 cial practices.

17 **SEC. 894. DIRECTOR OF DEVELOPMENTAL TEST AND EVAL-**
18 **UATION.**

19 (a) DEVELOPMENTAL TESTING DUTIES.—

20 (1) IN GENERAL.—Section 139 of title 10,
21 United States Code, is amended—

22 (A) by striking subsection (d);

23 (B) by redesignating subsections (e), (f),
24 (g), and (h) as subsections (d), (e), (f), and (g),
25 respectively; and

1 (C) by inserting after subsection (g), as re-
2 designated by subparagraph (B), the following
3 new subsection:

4 “(h) The Director shall be the principal advisor to
5 the Secretary of Defense on developmental test and eval-
6 uation in the Department of Defense and shall—

7 “(1) develop policies and guidance for—

8 “(A) the conduct of developmental test and
9 evaluation in the military departments and
10 other elements of the Department of Defense
11 (including integration and developmental test-
12 ing of software);

13 “(B) the integration of developmental test
14 and evaluation with operational test and evalua-
15 tion; and

16 “(C) the conduct of developmental test and
17 evaluation conducted jointly by more than one
18 military department or Defense Agency;

19 “(2) review the developmental test and evalua-
20 tion plan within the test and evaluation master plan
21 for each major defense acquisition program of the
22 Department of Defense;

23 “(3) monitor and review the developmental test
24 and evaluation activities of the major defense acqui-
25 sition programs in order to advise relevant technical

1 authorities for such programs on the incorporation
2 of best practices for developmental test from across
3 the Department;

4 “(4) provide advocacy, oversight, and guidance
5 to elements of the acquisition workforce responsible
6 for developmental test and evaluation; and

7 “(5) periodically review the organizations and
8 capabilities of the military departments with respect
9 to developmental test and evaluation and identify
10 needed changes or improvements to such organiza-
11 tions and capabilities, and provide input regarding
12 needed changes or improvements for the test and
13 evaluation strategic plan developed in accordance
14 with section 196(d) of this title.”.

15 (b) SUPERVISION OF THE DIRECTOR OF THE TEST
16 RESOURCE MANAGEMENT CENTER.—Section 196(g) of
17 title 10, United States Code, is amended—

18 (1) in the subsection heading, by striking
19 “UNDER SECRETARY” and inserting “DIRECTOR OF
20 OPERATIONAL TEST AND EVALUATION”; and

21 (2) by striking “subject to the supervision of
22 the Under Secretary of Defense for Acquisition,
23 Technology, and Logistics. The Director shall report
24 directly to the Under Secretary” and inserting “sub-
25 ject to the supervision of the Director of Operational

1 Test and Evaluation. The Director of the Center
2 shall report directly to the Director of Operational
3 Test and Evaluation”.

4 (c) SERVICE CHIEFS AND SECRETARIES.—The Sec-
5 retary of Defense shall ensure that the Chiefs of Services
6 and the Secretaries of the military departments—

7 (1) may inform the Secretary of Defense of
8 concerns over the testing of a major defense acquisi-
9 tion program or a major system; and

10 (2) are provided a process to request waivers
11 from the Secretary from performing additional test-
12 ing beyond the program Test and Evaluation Master
13 Plan to reflect cost, schedule, risk, and expected
14 operational use of a program.

15 **SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL**
16 **PLANNING AND INVESTMENT CONTROL FOR**
17 **INFORMATION TECHNOLOGY EQUIPMENT IN-**
18 **CLUDED AS INTEGRAL PART OF A WEAPON**
19 **OR WEAPON SYSTEM.**

20 (a) WAIVER AUTHORITY.—Notwithstanding sub-
21 section (c)(2) of section 11103 of title 40, United States
22 Code, a national security system described in subsection
23 (a)(1)(D) of such section shall not be subject to the re-
24 quirements of paragraphs (2) through (5) of section
25 11312(b) of such title unless the milestone decision au-

1 thority determines in writing that application of such re-
2 quirements is appropriate and in the best interests of the
3 Department of Defense.

4 (b) MILESTONE DECISION AUTHORITY DEFINED.—
5 In this section, the term “milestone decision authority”
6 has the meaning given the term in section 2366a(d)(7)
7 of title 10, United States Code.

8 **SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR**
9 **STREAMLINING AWARDS FOR INNOVATIVE**
10 **TECHNOLOGY PROJECTS.**

11 Section 873 of the National Defense Authorization
12 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
13 2306a note) is amended—

14 (1) in subsection (a)(2), by inserting “or Small
15 Business Technology Transfer Program” after
16 “Small Business Innovation Research Program”;

17 (2) in subsection (b)—

18 (A) by inserting “subparagraphs (A), (B),
19 and (C) of section 2313(a)(2) of title 10,
20 United States Code, and” before “subsection
21 (b) of section 2313”; and

22 (B) in paragraph (2), by inserting “, and
23 if such performance audit is initiated within 18
24 months of the contract completion” before the
25 period at the end;

1 (3) by redesignating subsections (c), (d), and
2 (e) as subsections (f), (g), and (h), respectively; and

3 (4) by inserting after subsection (b) the fol-
4 lowing new subsections:

5 “(c) TREATMENT AS COMPETITIVE PROCEDURES.—

6 Use of a technical, merit-based selection procedure or the
7 Small Business Innovation Research Program or Small
8 Business Technology Transfer Program for the pilot pro-
9 gram under this section shall be considered to be use of
10 competitive procedures for purposes of chapter 137 of title
11 10, United States Code.

12 “(d) DISCRETION TO USE NON-CERTIFIED AC-
13 COUNTING SYSTEMS.—In executing programs under this
14 pilot program, the Secretary of Defense shall establish
15 procedures under which a small business or nontraditional
16 contractor may engage an independent certified public ac-
17 countant for the review and certification of its accounting
18 system for the purposes of any audits required by regula-
19 tion, unless the head of the agency determines that this
20 is not appropriate based on past performance of the spe-
21 cific small business or nontraditional defense contractor,
22 or based on analysis of other information specific to the
23 award.

24 “(e) GUIDANCE AND TRAINING.—The Secretary of
25 Defense shall ensure that acquisition officials are provided

1 guidance and training on the flexible use and tailoring of
2 authorities under the pilot program to maximize efficiency
3 and effectiveness.”.

4 **SEC. 897. ENHANCEMENT OF ELECTRONIC WARFARE CAPA-**
5 **BILITIES.**

6 (a) FIELDING OF ELECTROMAGNETIC SPECTRUM
7 WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPA-
8 BILITIES.—Funds authorized to be appropriated for elec-
9 tromagnetic spectrum warfare systems and electronic war-
10 fare may be used for the development and fielding of elec-
11 tromagnetic spectrum warfare systems and electronic war-
12 fare capabilities.

13 (b) INCLUSION OF ELECTRONIC WARFARE PRO-
14 GRAMS IN THE RAPID ACQUISITION AUTHORITY PRO-
15 GRAM.—

16 (1) IN GENERAL.—Section 806(c)(1) of the Bob
17 Stump National Defense Authorization Act for Fis-
18 cal Year 2003 (Public Law 107–314; 10 U.S.C.
19 2302 note) is amended by adding at the end the fol-
20 lowing new subparagraph:

21 “(D)(i) In the case of any supplies and associ-
22 ated support services that, as determined in writing
23 by the Secretary of Defense without delegation, are
24 urgently needed to eliminate a deficiency in elec-
25 tronic warfare that if left unfilled is likely to result

1 in critical mission failure, the loss of life, property
2 destruction, or economic effects, the Secretary may
3 use the procedures developed under this section in
4 order to accomplish the rapid acquisition and deploy-
5 ment of needed offensive or defensive electronic war-
6 fare capabilities, supplies, and associated support
7 services.

8 “(ii) The Secretary of Defense shall ensure, to
9 the extent practicable, that for the purposes of elec-
10 tronic warfare acquisition, the Department of De-
11 fense shall consider use of the following procedures:

12 “(I) The rapid acquisition authority pro-
13 vided under this section.

14 “(II) Use of other transactions authority
15 provided under section 2371 of title 10, United
16 States Code.

17 “(III) The acquisition of commercial items
18 using simplified acquisition procedures.

19 “(IV) The authority for procurement for
20 experimental purposes provided under section
21 2373 of title 10, United States Code.

22 “(V) The rapid fielding or rapid proto-
23 typing acquisition pathways under section 804
24 of the National Defense Authorization Act for

1 Fiscal Year 2016 (Public Law 114–92; 10
2 U.S.C. 2302 note).

3 “(iii) In this subparagraph, the term ‘electronic
4 warfare’ means military action involving the use of
5 electromagnetic and directed energy to control the
6 electromagnetic spectrum or to attack the enemy,
7 and includes electromagnetic spectrum warfare,
8 which encompasses military communications and
9 sensing operations that occur in the electromagnetic
10 operational domain.”.

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

13 (A) in subsection (a), by striking “and
14 aeronautical supplies” and inserting “, aero-
15 nautical supplies, and electronic warfare”; and

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

18 “(c) ELECTRONIC WARFARE DEFINED.—The term
19 ‘electronic warfare’ means military action involving the
20 use of electromagnetic and directed energy to control the
21 electromagnetic spectrum or to attack the enemy, and in-
22 cludes electromagnetic spectrum warfare, which encom-
23 passes military communications and sensing operations
24 that occur in the electromagnetic operational domain.”.

1 (c) ELECTRONIC WARFARE EXECUTIVE COMMITTEE
2 REPORTS TO CONGRESS.—Not later than 270 days after
3 the date of the enactment of this Act, the Electronic War-
4 fare Executive Committee shall submit to the congres-
5 sional defense committees a strategic plan with measur-
6 able and timely objectives to achieve its mission according
7 to the following metrics:

8 (1) Progress on intra-service ground and air
9 interoperabilities.

10 (2) Progress in streamlining the requirements,
11 acquisition, and budget process to further a rapid
12 electronic warfare acquisition process.

13 (3) The efficiency and effectiveness of the ac-
14 quisition process for priority electronic warfare
15 items.

16 (4) The training methods and requirements of
17 the military services for training in contested elec-
18 tronic warfare environments.

19 (5) Capability gaps with respect to near-peer
20 adversaries identified pursuant to a capability gap
21 assessment.

22 (6) A joint strategy on achieving near real-time
23 system adaption to rapidly advancing modern digital
24 electronics.

1 (7) Progress on increasing innovative electro-
2 magnetic spectrum warfighting methods and oper-
3 ational concepts that provide advantages within the
4 electromagnetic spectrum operational domain.

5 **SEC. 898. IMPROVED TRANSPARENCY AND OVERSIGHT**
6 **OVER DEPARTMENT OF DEFENSE RESEARCH,**
7 **DEVELOPMENT, TEST, AND EVALUATION EF-**
8 **FORTS AND PROCUREMENT ACTIVITIES RE-**
9 **LATED TO MEDICAL RESEARCH.**

10 The Secretary of Defense may not enter into a con-
11 tract, grant, or cooperative agreement for congressional
12 special interest medical research programs under the con-
13 gressionally directed medical research program of the De-
14 partment of Defense unless the contract, grant, or cooper-
15 ative agreement meets the following conditions:

16 (1) Compliance with the cost and price data re-
17 quirements under section 2306a of title 10, United
18 States Code.

19 (2) Compliance with the cost accounting stand-
20 ards under section 1502 of title 41, United States
21 Code.

22 (3) Compliance with requirements for full and
23 open competition under section 2304 of title 10,
24 United States Code, without reliance on one of the
25 exceptions set forth in subsection (c) of such section.

1 (4) Prior to obligation of any funds, review by
2 and certification from the Defense Contract Audit
3 Agency regarding the adequacy of the accounting
4 systems of the proposed awardee, including a for-
5 ward pricing review of the awardee's proposal.

6 (5) Prior to any payment on the contract,
7 grant, or cooperative agreement, performance by the
8 Defense Contract Audit Agency of an incurred cost
9 audit.

10 (6) Agreement that the United States Govern-
11 ment will have the same rights to the technical data
12 to an item or process developed under the contract,
13 grant, or cooperative agreement as applicable under
14 section 2320(a)(2)(A) of title 10, United States
15 Code, to items and processes developed exclusively
16 with Federal funds where the medical research re-
17 sults in medicines and other treatments that will be
18 procured or otherwise paid for by the Federal Gov-
19 ernment through the Department of Defense, the
20 Department of Veterans Affairs, Medicare, Med-
21 icaid, or other Federal Government health programs.

1 **SEC. 899. EXTENSION OF ENHANCED TRANSFER AUTHOR-**
2 **ITY FOR TECHNOLOGY DEVELOPED AT DE-**
3 **PARTMENT OF DEFENSE LABORATORIES.**

4 Section 801 of the National Defense Authorization
5 Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C.
6 2514 note) is amended by striking “2017” and inserting
7 “2020”.

8 **SEC. 899A. RAPID PROTOTYPING FUNDS FOR THE MILI-**
9 **TARY SERVICES.**

10 Section 804(d) of the National Defense Authorization
11 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
12 2302 note) is amended—

13 (1) in the subsection heading, by striking
14 “FUND” and inserting “FUNDS”;

15 (2) by striking “IN GENERAL.—The Secretary”
16 and inserting the following: “DEPARTMENT OF DE-
17 FENSE RAPID PROTOTYPING FUND.—

18 “(A) IN GENERAL.—The Secretary”;

19 (3) by redesignating paragraphs (2) and (3) as
20 subparagraphs (B) and (C), respectively, and moving
21 such subparagraphs, as so redesignated, two ems to
22 the right;

23 (4) in subparagraph (B), as redesignated by
24 paragraph (3), by striking “this subsection” and in-
25 serting “this paragraph”; and

1 (5) by inserting after paragraph (1) the fol-
2 lowing new paragraph:

3 “(2) **RAPID PROTOTYPING FUNDS FOR THE**
4 **MILITARY SERVICES.**—The Secretary of the Army,
5 Navy, and Air Force may each establish service spe-
6 cific funds (and, in the case of the Secretary of
7 Navy, including the Marine Corps) to provide funds,
8 in addition to other funds that may be available for
9 acquisition programs under the rapid fielding and
10 prototyping pathways established pursuant to this
11 section. The service specific funds shall consist of
12 amounts appropriated to the funds.”.

13 **SEC. 899B. DEFENSE MODERNIZATION ACCOUNT.**

14 (a) **IN GENERAL.**—Section 2216 of title 10, United
15 States Code, is amended—

16 (1) in subsection (b)(1), by striking “com-
17 mencing”;

18 (2) in subsection (c)—

19 (A) in paragraph (1)(A), by striking “or
20 the Secretary of Defense with respect to De-
21 fense-wide appropriations accounts” and insert-
22 ing “, or the Secretary of Defense with respect
23 to Defense-wide appropriations accounts,”;

- 1 (B) in paragraph (2), by striking “if—”
2 and all that follows through “(B) the balance of
3 funds” and inserting “if the balance of funds”;
- 4 (C) in paragraph (3)—
- 5 (i) by striking “credited to” both
6 places it appears and inserting “deposited
7 in”; and
- 8 (ii) by inserting “and obligation” after
9 “available for transfer”; and
- 10 (D) by striking paragraph (4);
- 11 (3) in subsection (d)—
- 12 (A) in paragraph (1)—
- 13 (i) by striking “commencing”; and
14 (ii) by striking “Secretary of Defense”
15 and inserting “Secretary concerned”;
- 16 (B) in paragraph (2), by striking “procure-
17 ment program” and inserting “major system
18 program”;
- 19 (C) in paragraph (3), by striking “mod-
20 ernization of an existing system or of a system
21 being procured under an ongoing procurement
22 program” and inserting “paying costs of un-
23 foreseen contingencies that could prevent an on-
24 going major system program from meeting crit-

1 ical schedule or performance requirements”;
2 and

3 (D) by inserting at the end the following
4 new paragraph:

5 “(4) For paying costs of changes to program
6 requirements or system configuration that are ap-
7 proved by the configuration steering board for a
8 major defense acquisition program.”;

9 (4) in subsection (e)(1), by striking “procure-
10 ment program” both places it appears and inserting
11 “weapon system program”;

12 (5) in subsection (f)(1), by striking “Secretary
13 of Defense” and inserting “Secretary of a military
14 department, or the Secretary of Defense with respect
15 to Defense-wide appropriations accounts”;

16 (6) in subsection (g)—

17 (A) by striking “in accordance with the
18 provisions of appropriations Acts”; and

19 (B) by adding at the end the following:
20 “Funds deposited in the Defense Modernization
21 Account shall remain available for obligation
22 until the end of the third fiscal year that fol-
23 lows the fiscal year in which the amounts are
24 deposited in the account.”;

25 (7) in subsection (h)(2)—

1 (A) in subparagraph (B), by striking “;
2 and” and inserting a semicolon;

3 (B) in subparagraph (C)(ii), by striking
4 the period at the end and inserting “; and”;
5 and

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

8 “(D) apportionment of amounts deposited in
9 the Fund on a pro rate basis consistent with each
10 military department’s deposits in the Fund.”;

11 (8) in subsection (i)—

12 (A) by striking paragraph (1);

13 (B) by redesignating paragraph (2) as
14 paragraph (3); and

15 (C) by inserting before paragraph (3), as
16 redesignated by subparagraph (B), the fol-
17 lowing new paragraphs:

18 “(1) The term ‘major defense acquisition pro-
19 gram’ has the meaning given the term in section
20 2430(a) of this title.

21 “(2) The term ‘major system’ has the meaning
22 given the term in section 2302(5) of this title.”; and

23 (9) in subsection (j)(1), by striking “terminates
24 at the close of September 30, 2006” and inserting
25 “terminates at the close of September 30, 2022”.

1 (b) APPLICABILITY.—The authority under section
 2 2216(c) of title 10, United States Code, as amended by
 3 subsection (a), applies to funds appropriated for fiscal
 4 years after fiscal year 2016.

5 **TITLE IX—DEPARTMENT OF DE-**
 6 **FENSE ORGANIZATION AND**
 7 **MANAGEMENT**

8 **Subtitle A—Office of the Secretary**
 9 **of Defense and Related Matters**

10 **SEC. 901. UNDER SECRETARY OF DEFENSE FOR RESEARCH**
 11 **AND ENGINEERING AND RELATED ACQUI-**
 12 **SITION POSITION IN THE OFFICE OF THE SEC-**
 13 **RETARY OF DEFENSE.**

14 (a) UNDER SECRETARY OF DEFENSE FOR RE-
 15 SEARCH AND ENGINEERING.—

16 (1) IN GENERAL.—Chapter 4 of title 10, United
 17 States Code, is amended by striking section 133 and
 18 inserting the following new section 133:

19 **“§ 133. Under Secretary of Defense for Research and**
 20 **Engineering**

21 **“(a) UNDER SECRETARY OF DEFENSE.—**

22 **“(1) IN GENERAL.—**There is an Under Sec-
 23 retary of Defense for Research and Engineering, ap-
 24 pointed from civilian life by the President, by and
 25 with the advice and consent of the Senate.

1 “(2) INDIVIDUALS QUALIFIED FOR APPOINT-
2 MENT.—The Under Secretary shall be appointed
3 from among persons who have an extensive manage-
4 ment background and experience with managing
5 complex or advanced technological programs.

6 “(3) LIMITATION ON APPOINTMENT.—A person
7 may not be appointed as Under Secretary of Defense
8 for Research and Engineering within seven years
9 after relief from active duty as a commissioned offi-
10 cer of a regular component of an armed force.

11 “(b) DUTIES AND POWERS.—Subject to the author-
12 ity, direction, and control of the Secretary of Defense, the
13 Under Secretary shall perform such duties and exercise
14 such powers as the Secretary may prescribe, including
15 by—

16 “(1) serving as the chief technology officer and
17 the chief acquisition officer of the Department of
18 Defense with the primary mission of defense tech-
19 nology innovation;

20 “(2) overseeing, and serving as principal advi-
21 sor to the Secretary on, all defense research, devel-
22 opment, prototyping, and experimentation activities
23 and programs, and unifying the efforts of defense
24 laboratories and the rapid capabilities offices of the
25 military departments;

1 “(3) establishing policies, and serving as prin-
2 cipal advisor to the Secretary, for all elements of the
3 Department of Defense relating to acquisition and
4 the oversight of, access to, and maintenance of the
5 defense industrial base;

6 “(4) overseeing the modernization of nuclear
7 forces and the development of capabilities to counter
8 weapons of mass destruction, and serving as the
9 chair of the Nuclear Weapons Council;

10 “(5) serving as the Defense Acquisition Execu-
11 tive for purposes of regulations and procedures of
12 the Department of Defense providing for a Defense
13 Acquisition Executive; and

14 “(6) exercising advisory authority over national
15 security acquisition programs of the armed forces
16 for which the Service Acquisition Executive is the
17 Milestone Decision Authority.

18 “(c) REPORTING.—The following officials shall report
19 directly to the Under Secretary:

20 “(1) The Assistant Secretary of Defense for Ac-
21 quisition Policy and Oversight.

22 “(2) The Assistant Secretary of Defense for
23 Nuclear, Chemical, and Biological Defense.

24 “(3) The Director of the Defense Advanced Re-
25 search Projects Agency.

1 “(4) The Director of the Missile Defense Agen-
2 cy.

3 “(5) The Director of the Strategic Capabilities
4 Office (or any successor organization).

5 “(6) The Director of the Defense Threat Re-
6 duction Agency.

7 “(7) The Director of the Defense Acquisition
8 University.

9 “(8) The head of any office or agency of the
10 Department of Defense with the primary mission of
11 defense technology innovation that is specified by
12 the Secretary of Defense for purposes of this sub-
13 section.

14 “(d) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

15 “(1) PRECEDENCE IN MATTERS OF RESPONSI-
16 BILITY.—With regard to all matters for which the
17 Under Secretary has responsibility by the direction
18 of the Secretary of Defense or by law, the Under
19 Secretary takes precedence in the Department of
20 Defense after the Secretary and the Deputy Sec-
21 retary of Defense.

22 “(2) PRECEDENCE IN OTHER MATTERS.—With
23 regard to all matters other than the matters for
24 which the Under Secretary has responsibility by the
25 direction of the Secretary or by law, the Under Sec-

1 retary takes precedence in the Department of De-
2 fense after the Secretary, the Deputy Secretary, and
3 the Secretaries of the military departments.”.

4 (2) REPEAL OR SUPERSEDED PENDING AMEND-
5 MENT.—Effective as of the date of the enactment of
6 this Act, subparagraph (A) of section 901(j)(2) of
7 the Carl Levin and Howard P. “Buck” McKeon Na-
8 tional Defense Authorization Act for Fiscal Year
9 2015 (Public Law 113–291; 128 Stat. 3462) is re-
10 pealed, and the amendment otherwise to be made by
11 such subparagraph shall not be made or go into ef-
12 fect.

13 (b) REPEAL AND REDESIGNATION OF CERTAIN DI-
14 RECTOR POSITIONS.—Chapter 4 of title 10, United States
15 Code, is further amended—

16 (1) by striking sections 139b and 139c; and

17 (2) by redesignating sections 139 and 139a as
18 sections 139a and 139b, respectively.

19 (c) REPEAL OF CERTAIN ASD POSITIONS AND ES-
20 TABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE
21 FOR ACQUISITION POLICY AND OVERSIGHT.—Chapter 4
22 of title 10, United States Code, is further amended—

23 (1) in section 138(b)—

24 (A) by striking paragraphs (6), (7), (8),
25 and (9);

1 (B) by inserting after paragraph (5) the
2 following new paragraph (6):

3 “(6) One of the Assistant Secretaries shall be the As-
4 sistant Secretary of Defense for Acquisition Policy and
5 Oversight, as provided for in section 139 of this title.”;
6 and

7 (C) by redesignating paragraph (10) as
8 paragraph (7); and

9 (2) by inserting after section 138, as so amend-
10 ed, the following new section 139:

11 **“§ 139. Assistant Secretary of Defense for Acquisition**
12 **Policy and Oversight**

13 “(a) ASSISTANT SECRETARY OF DEFENSE.—

14 “(1) IN GENERAL.—There is an Assistant Sec-
15 retary of Defense for Acquisition Policy and Over-
16 sight, appointed as provided in section 138(a)(2) of
17 this title.

18 “(2) INDIVIDUALS QUALIFIED FOR APPOINT-
19 MENT.—The Assistant Secretary shall be appointed
20 from among persons most highly qualified for the
21 position by reason of background and experience, in-
22 cluding persons with an extensive management back-
23 ground and experience in acquisition, industrial in-
24 centives, and contracting.

1 “(b) REPORTING.—The Assistant Secretary shall re-
2 port to the Under Secretary of Defense for Research and
3 Engineering.

4 “(c) DUTIES AND POWERS.—Subject to the author-
5 ity, direction, and control of the Secretary of Defense and
6 the Under Secretary of Defense for Research and Engi-
7 neering, the Assistant Secretary shall perform such duties
8 and exercise such powers relating to defense acquisition
9 as the Secretary and the Under Secretary may prescribe,
10 including—

11 “(1) overseeing, and advising the Secretary and
12 the Under Secretary on, matters relating to the ac-
13 quisition of Department of Defense national security
14 capabilities;

15 “(2) establishing acquisition policy for the De-
16 partment of Defense, including development, produc-
17 tion, procurement, testing, logistics, maintenance,
18 contracting support, and other life-cycle consider-
19 ations for all acquisition activities of the Depart-
20 ment;

21 “(3) establishing policies of the Department of
22 Defense for overseeing, accessing, and maintaining
23 the defense industrial base of the United States and
24 its allies, including industrial restructuring, tech-

1 nology release and protection, and intellectual prop-
2 erty matters;

3 “(4) exercising advisory authority on behalf of
4 the Under Secretary over national security acquisi-
5 tion programs of the armed forces for which the
6 Service Acquisition Executive is the Milestone Deci-
7 sion Authority;

8 “(5) serving as the senior procurement execu-
9 tive for the Department of Defense for the purposes
10 of section 1702(c) of title 41; and

11 “(6) exercising overall supervision of all mili-
12 tary and civilian personnel in the Office of the Sec-
13 retary of Defense, unless otherwise provided by law,
14 with regard to matters for which the Assistant Sec-
15 retary has responsibility.

16 “(d) DEPUTY ASSISTANT SECRETARY OF DEFENSE
17 FOR LOGISTICS AND SUSTAINMENT.—

18 “(1) IN GENERAL.—There is a Deputy Assist-
19 ant Secretary of Defense for Logistics and
20 Sustainment. The Deputy Assistant Secretary shall
21 be appointed by the Secretary of Defense from
22 among individuals who have extensive experience in
23 military logistics, maintenance, and sustainment
24 support.

1 “(2) DUTIES.—The Deputy Assistant Secretary
2 shall assist the Assistant Secretary by overseeing lo-
3 gistics, maintenance, and sustainment support for
4 elements of the Department, including the following:

5 “(A) Management and sustainment of
6 weapon systems.

7 “(B) Readiness and sustainment support
8 for the combatant commands.

9 “(C) Sustainment and readiness of the or-
10 ganic industrial base.

11 “(D) Development, management, integra-
12 tion, and innovation of and within the life cycle
13 management and supply chain of weapon sys-
14 tems.

15 “(3) DISCHARGE OF DUTIES.—Subject to the
16 authority, direction, and control of the Assistant
17 Secretary, in carrying out such duties, the Deputy
18 Assistant Secretary shall work closely with the fol-
19 lowing:

20 “(A) The Under Secretary of Defense for
21 Management and Support and the Director of
22 the Defense Logistics Agency.

23 “(B) Acquisition personnel of the armed
24 forces, the Department of Defense, and the
25 military departments.”.

1 (d) MATTERS RELATING TO UNDER SECRETARY OF
2 DEFENSE FOR BUSINESS MANAGEMENT AND INFORMA-
3 TION.—

4 (1) REDESIGNATION AS UNDER SECRETARY OF
5 DEFENSE FOR MANAGEMENT AND SUPPORT.—Sec-
6 tion 132a of title 10, United States Code, is amend-
7 ed by striking “Under Secretary of Defense for
8 Business Management and Information” each place
9 it appears and inserting “Under Secretary of De-
10 fense for Management and Support”.

11 (2) ENHANCEMENT OF AUTHORITIES.—Such
12 section is further is amended—

13 (A) in subsection (c), by adding at the end
14 the following new paragraphs:

15 “(7) Overseeing, supervising, and directing the
16 activities of Defense Agencies responsible for the
17 execution of policies and practices relating to the
18 purchase of consumable goods, spare parts, services,
19 and utilities, the execution of audits, contract ad-
20 ministration, real property and installation support,
21 procurement on behalf of other nations, and logis-
22 tics, maintenance, and sustainment support for ele-
23 ments of the Department of Defense.

24 “(8) Subject to subsection (e), ensuring that
25 audit and oversight of contractor activities are co-

1 ordinated and executed in a manner to prevent du-
2 plication by different elements of the Department of
3 Defense, and providing for coordination of the an-
4 nual plans developed by each such element for the
5 conduct of audit and oversight functions within each
6 contracting activity.”; and

7 (B) by striking subsection (d) and insert
8 the following new subsections:

9 “(d) REPORTING.—The following officials shall re-
10 port directly to the Under Secretary:

11 “(1) The Director of the Defense Logistics
12 Agency.

13 “(2) The Director of the Defense Contract
14 Management Agency.

15 “(3) The Director of the Defense Contract
16 Audit Agency.

17 “(4) The Administrator of the Defense Tech-
18 nical Information Center.

19 “(5) The Director of the Office of Economic
20 Adjustment.

21 “(6) The Director of the Defense Commissary
22 Agency.

23 “(7) The Director of the Defense Finance and
24 Accounting Service.

1 “(8) The Director of Washington Headquarters
2 Services.

3 “(9) The Director of the Pentagon Force Pro-
4 tection Agency.

5 “(10) The head of any agency of the Depart-
6 ment of Defense with a business management mis-
7 sion that is specified by the Secretary of Defense for
8 purposes of this subsection.

9 “(e) AUDITING AND OVERSIGHT OF CONTRACTOR
10 ACTIVITIES.—

11 “(1) CONSULTATION.—In carrying out sub-
12 section (e)(8), the Under Secretary shall consult
13 with the Inspector General of the Department of De-
14 fense.

15 “(2) CONSTRUCTION WITH CERTAIN OTHER AU-
16 THORITY.—Nothing in this section shall affect the
17 authority of the Inspector General of the Depart-
18 ment of Defense to establish audit policy for the De-
19 partment of Defense under the Inspector General
20 Act of 1978 (5 U.S.C. App.) and otherwise to carry
21 out the functions of the Inspector General under
22 that Act.”.

23 “(3) CONFORMING AMENDMENTS.—The fol-
24 lowing provisions of law are each amended by strik-
25 ing “Under Secretary of Defense for Business Man-

1 agement and Information” and inserting “Under
2 Secretary of Defense for Management and Support”;

3 (A) Section 134(c) of title 10, United
4 States Code.

5 (B) Section 2222 of title 10, United States
6 Code.

7 (C) Section 5313 of title 5, United States
8 Code

9 (D) Section 901(n)(1) of the Carl Levin
10 and Howard P. “Buck” McKeon National De-
11 fense Authorization Act for Fiscal Year 2015.

12 (4) CLERICAL AMENDMENTS.—

13 (A) SECTION HEADING.—The heading of
14 section 132a of title 10, United States Code, is
15 amended to read as follows:

16 **“§ 132a. Under Secretary of Defense for Management
17 and Support”.**

18 (B) TABLE OF SECTIONS.—The table of
19 sections at the beginning of chapter 4 of such
20 title is amended by striking the item relating to
21 section 132a and inserting the following new
22 item:

“132a. Under Secretary of Defense for Management and Support.”.

23 (5) EFFECTIVE DATE.—The amendments made
24 by this subsection shall take effect on February 1,
25 2017, immediately after the coming into effect of the

1 amendments made by subsection (a)(1), and related
2 provisions, of section 901 of the Carl Levin and
3 Howard P. “Buck” McKeon National Defense Au-
4 thorization Act for Fiscal Year 2015, to which the
5 amendments made by this subsection relate.

6 (e) OFFICE OF THE SECRETARY OF DEFENSE ORGA-
7 NIZATION.—

8 (1) PLACEMENT OF USD FOR RESEARCH AND
9 ENGINEERING.—Subparagraph (A) of section
10 131(b)(2) of title 10, United States Code, is amend-
11 ed to read as follows:

12 “(A) The Under Secretary of Defense for Re-
13 search and Engineering.”.

14 (2) ADDITIONAL CONFORMING AMENDMENT RE-
15 LATING TO PLACEMENT OF LATER ESTABLISHED
16 USD FOR BUSINESS MANAGEMENT AND SUPPORT.—
17 Paragraph (2) of section 901(a) of the Carl Levin
18 and Howard P. “Buck” McKeon National Defense
19 Authorization Act for Fiscal Year 2015 is amended
20 to read as follows:

21 “(2) PLACEMENT IN THE OFFICE OF THE SEC-
22 RETARY OF DEFENSE.—Effective on the effective
23 date specified in paragraph (1), section 131(b)(2) of
24 such title is amended—

1 “(A) by redesignating subparagraphs (B)
2 through (E) as subparagraphs (C) through (F),
3 respectively; and

4 “(B) by inserting after subparagraph (A)
5 by the following new subparagraph (B):

6 ““(B) The Under Secretary of Defense for
7 Management and Support.’”.

8 (f) **ADDITIONAL CLERICAL AMENDMENTS.**—The
9 table of sections at the beginning of chapter 4 of title 10,
10 United States Code, is amended—

11 (1) by striking the item relating to section 133
12 and inserting the following new item:

“133. Under Secretary of Defense for Research and Engineering.”; and

13 (2) by striking the items relating to sections
14 139, 139a, 139b, and 139c and inserting the fol-
15 lowing 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.”.

16 (g) **EXECUTIVE SCHEDULE LEVEL II.**—Section 5313
17 of title 5, United States Code, is amended by striking the
18 item relating to the Under Secretary of Defense for Acqui-
19 sition, Technology, and Logistics and inserting the fol-
20 lowing new item:

21 “Under Secretary of Defense for Research and
22 Engineering.”.

23 (h) **IMPLEMENTATION.**—

1 (1) COMMENCEMENT.—Except as otherwise
2 provided in this section, the Secretary of Defense
3 shall commence implementation of this section and
4 the amendments made by this section on the date of
5 the enactment of this Act.

6 (2) NOMINATIONS.—Any individual nominated
7 by the President who takes office in 2017 to a posi-
8 tion under section 133 or 139 of title 10, United
9 States Code (as amended by this section), shall meet
10 the qualifications and other requirements of such po-
11 sition as specified in such section.

12 (3) IMPLEMENTATION PLAN.—Not later than
13 March 1, 2017, the Secretary of Defense shall sub-
14 mit to the congressional defense committees the fol-
15 lowing:

16 (A) A plan for the full implementation of
17 this section and the amendments made by this
18 section.

19 (B) A report that describes the concerns,
20 if any, that the Secretary has with the require-
21 ments of this section and the amendments
22 made by this section, and recommendations for
23 such legislative action to address such concerns
24 as the Secretary considers appropriate.

1 (4) COMPLETION.—The Secretary shall com-
2 plete the implementation of this section and the
3 amendments made by this section not later than
4 January 20, 2018.

5 (i) INCUMBENTS.—

6 (1) RETENTION OF INCUMBENTS.—The incum-
7 bent in each position under a provision of law re-
8 pealed or superseded by a provision of this section
9 as of the day before the date of the enactment of
10 this Act may, at the election of the Secretary of De-
11 fense, remain in such position after the date of the
12 enactment of this Act in accordance with the terms
13 of the provision so repealed or superseded as in ef-
14 fect on the day before the date of the enactment of
15 this Act.

16 (2) RATE OF PAY.—The rate of pay payable
17 under title 5, United States Code, to an incumbent
18 covered by paragraph (1) for service in the applica-
19 ble position after the date of the enactment of this
20 Act shall be the rate of pay payable for such position
21 under chapter 53 of title 5, United States Code, as
22 of the day before the date of the enactment of this
23 Act.

24 (j) REFERENCES.—

1 (1) USD FOR ATL.—Any reference to the
2 Under Secretary of Defense for Acquisition, Tech-
3 nology, and Logistics in any law, regulation, map,
4 document, record, or other paper of the United
5 States shall be deemed to be a reference to the
6 Under Secretary of Defense for Research and Engi-
7 neering.

8 (2) ASD FOR ACQUISITION.—Any reference to
9 the Assistant Secretary of Defense for Acquisition in
10 any law, regulation, map, document, record, or other
11 paper of the United States shall be deemed to be a
12 reference to a position designated by the Assistant
13 Secretary of Defense for Acquisition Policy and
14 Oversight.

15 (3) ASD FOR LOGISTICS AND MATERIEL READI-
16 NESS.—Any reference to the Assistant Secretary of
17 Defense for Logistics and Materiel Readiness in any
18 law, regulation, map, document, record, or other
19 paper of the United States shall be deemed to be a
20 reference to the position designated by the Secretary
21 for purposes of this paragraph.

22 (4) ASD FOR RESEARCH AND ENGINEERING.—
23 Any reference to the Assistant Secretary of Defense
24 for Research and Engineering in any law, regulation,
25 map, document, record, or other paper of the United

1 States shall be deemed to be a reference to the
2 Under Secretary of Defense for Research and Engi-
3 neering.

4 (5) ASD FOR ENERGY, INSTALLATIONS, AND
5 THE ENVIRONMENT.—Any reference to the Assistant
6 Secretary of Defense for Energy, Installations, and
7 the Environment in any law, regulation, map, docu-
8 ment, record, or other paper of the United States
9 shall be deemed to be a reference to the position des-
10 ignated by the Secretary for purposes of this para-
11 graph.

12 (k) REPORT ON ADDITIONAL CONFORMING AND
13 OTHER AMENDMENTS.—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary of Defense
15 shall submit to the Committees on Armed Services of the
16 Senate and the House of Representatives a report setting
17 for comprehensive recommendations for such conforming
18 and other amendments to law as the Secretary considers
19 appropriate in light of this section and the amendments
20 made by this section.

21 **SEC. 902. QUALIFICATIONS FOR APPOINTMENT OF THE**
22 **SECRETARIES OF THE MILITARY DEPART-**
23 **MENTS.**

24 (a) SECRETARY OF THE ARMY.—Section 3013(a)(1)
25 of title 10, United States Code, is amended by inserting

1 after the first sentence the following new sentence: “The
2 Secretary shall, to the greatest extent practicable, be ap-
3 pointed from among persons most highly qualified for the
4 position by reason of background and experience, includ-
5 ing persons with appropriate management experience of
6 a large complex organization”.

7 (b) SECRETARY OF THE NAVY.—Section 5013(a)(1)
8 of such title is amended by inserting after the first sen-
9 tence the following new sentence: “The Secretary shall, to
10 the greatest extent practicable, be appointed from among
11 persons most highly qualified for the position by reason
12 of background and experience, including persons with ap-
13 propriate management experience of a large complex orga-
14 nization”.

15 (c) SECRETARY OF THE AIR FORCE.—Section
16 8013(a)(1) of such title is amended by inserting after the
17 first sentence the following new sentence: “The Secretary
18 shall, to the greatest extent practicable, be appointed from
19 among persons most highly qualified for the position by
20 reason of background and experience, including persons
21 with appropriate management experience of a large com-
22 plex organization”.

1 **SEC. 903. ESTABLISHMENT OF ASSISTANT SECRETARY OF**
2 **DEFENSE FOR INFORMATION (CHIEF INFOR-**
3 **MATION OFFICER) IN OFFICE OF SECRETARY**
4 **OF DEFENSE.**

5 (a) IN GENERAL.—Paragraph (8) of section 138(b)
6 of title 10, United States Code, is amended to read as
7 follows:

8 “(8) One of the Assistant Secretaries is the Assistant
9 Secretary of Defense for Information (Chief Information
10 Officer), who shall report to the Secretary and the Deputy
11 Secretary of Defense. The Assistant Secretary shall be the
12 principal advisor to the Secretary and have responsibility
13 for all defense cyber and space policy, information network
14 defense, policies and standards governing information
15 technology systems, and related information security ac-
16 tivities of the Department, including oversight of the De-
17 fense Information Systems Agency or any successor orga-
18 nization.”.

19 (b) CONFORMING AMENDMENT.—

20 (1) IN GENERAL.—Subsection (b) of section
21 132a of such title is amended to read as follows:

22 “(b) The Under Secretary also serves as the Perform-
23 ance Improvement Officer of the Department of De-
24 fense.”.

25 (2) EFFECTIVE DATE.—The amendment made
26 by paragraph (1) shall take effect on February 1,

1 2017, immediately after the coming into effect of the
2 amendment made by section 901(a)(1) of the Carl
3 Levin and Howard P. “Buck” McKeon National De-
4 fense Authorization Act for Fiscal Year 2015 (Pub-
5 lic Law 113–291; 128 Stat. 35462), to which the
6 amendment made by paragraph (1) relates.

7 **SEC. 904. REDUCTION IN MAXIMUM NUMBER OF PER-**
8 **SONNEL IN OFFICE OF THE SECRETARY OF**
9 **DEFENSE AND OTHER DEPARTMENT OF DE-**
10 **FENSE HEADQUARTERS OFFICES.**

11 (a) OFFICE OF THE SECRETARY OF DEFENSE.—Sec-
12 tion 143(b) of title 10, United States Code, is amended
13 by striking “and civilian personnel” and inserting “, civil-
14 ian, and detailed personnel”.

15 (b) LIMITATIONS ON PERSONNEL FOR THE JOINT
16 STAFF.—Section 155 of such title is amended by adding
17 at the end the following new subsection:

18 “(h) PERSONNEL LIMITATIONS.—(1) The total num-
19 ber of members of the armed forces and civilian employees
20 assigned or detailed to permanent duty for the Joint Staff
21 may not exceed 1,930.

22 “(2) Not more than 1,500 members of the armed
23 forces on the active-duty list may be assigned or detailed
24 to permanent duty for the Joint Staff.

1 “(3) The limitations in paragraphs (1) and (2) do
2 not apply in time of war.

3 “(4) Each limitation in paragraphs (1) and (2) may
4 be exceeded by a number equal to 15 percent of such limi-
5 tation in time of national emergency.”.

6 (c) OFFICE OF THE SECRETARY OF THE ARMY.—
7 Section 3014(f) of such title is amended—

8 (1) in paragraph (3), by striking “67” and in-
9 sserting “50”;

10 (2) in paragraph (4), by striking “time of war”
11 and all that follows and inserting “time of war.”;
12 and

13 (3) by adding at the end the following new
14 paragraph:

15 “(5) Each limitation in paragraphs (1) and (2) may
16 be exceeded by a number equal to 15 percent of such limi-
17 tation in time of national emergency.”.

18 (d) OFFICE OF THE SECRETARY OF THE NAVY.—
19 Section 5014(f) of such title is amended—

20 (1) in paragraph (3), by striking “74” and in-
21 sserting “56”;

22 (2) in paragraph (4), by striking “time of war”
23 and all that follows and inserting “time of war.”;
24 and

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

3 “(5) Each limitation in paragraphs (1) and (2) may
4 be exceeded by a number equal to 15 percent of such limi-
5 tation in time of national emergency.”.

6 (e) OFFICE OF THE SECRETARY OF THE AIR
7 FORCE.—Section 8014(f) of such title is amended—

8 (1) in paragraph (3), by striking “60” and in-
9 serting “45”;

10 (2) in paragraph (4), by striking “time of war”
11 and all that follows and inserting “time of war.”;
12 and

13 (3) by adding at the end the following new
14 paragraph:

15 “(5) Each limitation in paragraphs (1) and (2) may
16 be exceeded by a number equal to 15 percent of such limi-
17 tation in time of national emergency.”.

18 (f) EFFECTIVE DATE.—This section and the amend-
19 ments made by this section shall take effect on January
20 1, 2019.

21 **SEC. 905. LIMITATIONS ON FUNDS USED FOR STAFF AUG-**
22 **MENTATION CONTRACTS AT MANAGEMENT**
23 **HEADQUARTERS OF THE DEPARTMENT OF**
24 **DEFENSE AND THE MILITARY DEPARTMENTS.**

25 (a) LIMITATIONS.—

1 (1) FOR FISCAL YEARS 2017 AND 2018.—The
2 total amount obligated by the Department of De-
3 fense for fiscal year 2017 or 2018 for contract serv-
4 ices for staff augmentation contracts at management
5 headquarters of the Department and the military de-
6 partments may not exceed an amount equal to the
7 aggregate amount expended by the Department for
8 contract services for staff augmentation contracts at
9 management headquarters of the Department and
10 the military departments in fiscal year 2016 ad-
11 justed for net transfers from funding for overseas
12 contingency operations (in this subsection referred
13 to as the “fiscal year 2016 staff augmentation con-
14 tracts funding amount”).

15 (2) FOR FISCAL YEARS AFTER FISCAL YEAR
16 2018.—The total amount obligated by the Depart-
17 ment for any fiscal year after fiscal year 2018 for
18 contract services for staff augmentation contracts at
19 management headquarters of the Department and
20 the military departments may not exceed an amount
21 equal to 75 percent of the fiscal year 2016 staff
22 augmentation contracts funding amount.

23 (b) DEFINITIONS.—In this section:

1 (1) The term “contract services” has the mean-
2 ing given that term in section 235 of title 10, United
3 States Code.

4 (2) The term “staff augmentation contracts”
5 means contracts for personnel who are subject to the
6 direction of a Government official other than the
7 contracting officer for the contract, including con-
8 tractor personnel who perform personal services con-
9 tracts (as that term is defined in section
10 2330a(g)(5) of title 10, United States Code).

11 **SEC. 906. UNIT WITHIN THE OFFICE OF THE SECRETARY OF**
12 **DEFENSE SUPPORTING ACHIEVEMENT OF**
13 **RESULTS IN DEPARTMENT OF DEFENSE MAN-**
14 **AGEMENT REFORM AND BUSINESS TRANS-**
15 **FORMATION EFFORTS.**

16 (a) IN GENERAL.—The Secretary of Defense serving
17 in that position as of February 1, 2017, may establish
18 within the Office of the Secretary of Defense on that date
19 a unit of personnel that shall be responsible for providing
20 expertise and support throughout the Department of De-
21 fense in efforts of the Department relating to management
22 reform and business transformation. The unit may be
23 known as the “delivery unit” for Department efforts on
24 management reform and business transformation.

1 (b) COMPOSITION.—The unit established under sub-
2 section (a) shall consist of not more than 30 individuals
3 selected by the Secretary primarily from among individ-
4 uals outside the Government who have significant experi-
5 ence and expertise in management consulting, organiza-
6 tion transformation, or data analytics.

7 (c) DUTIES.—

8 (1) IN GENERAL.—The unit established under
9 subsection (a) shall have the duties as follows:

10 (A) To assist senior managers in devel-
11 oping and implementing roadmaps to achieve
12 targets in management reform and business
13 transformation for the Department of Defense
14 established by Secretary of Defense referred to
15 in subsection (a).

16 (B) To assist that Secretary and the Dep-
17 uty Secretary of Defense in monitoring the
18 progress of management reform and business
19 transformation in the Department, and to assist
20 that Secretary and the Deputy Secretary in
21 providing for corrections in actions based on
22 data-driven decision-making that will expedite
23 the business processes of the Department.

24 (2) CONSULTATION WITH PRIVATE SECTOR.—

25 In carrying out the duties specified in paragraph

1 (1), the unit shall seek to leverage the expertise
2 available to the Department through current ex-
3 change programs of the Department with the private
4 sector in order to obtain and deploy proven data
5 analytics and management consulting practices.

6 (d) TERMINATION.—The unit established under sub-
7 section (a) shall cease to exist on January 31, 2021.

8 (e) FUNDING.—Of the amount authorized to be ap-
9 propriated for fiscal year 2017 for the Department of De-
10 fense and available for the Office of the Secretary of De-
11 fense, up to \$30,000,000 may be available for activities
12 of the unit established under subsection (a). Such amount
13 may not be obligated or expended for that purpose until
14 the date on which the unit is established.

15 **Subtitle B—Combatant Command** 16 **Matters**

17 **SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBAT-** 18 **ANT COMMAND MATTERS.**

19 (a) FUNCTIONS OF JOINT CHIEFS OF STAFF.—

20 (1) CONSULTATION BY CHAIRMAN.—Subsection
21 (c)(1) of section 151 of title 10, United States Code,
22 is amended by striking “as he considers appro-
23 priate” and inserting “as necessary”.

24 (2) REPEAL OF ADVICE ON REQUEST.—Such
25 section is further amended—

1 (A) in subsection (b)(2), by striking “sub-
2 sections (d) and (e)” and inserting “subsection
3 (d)”;

4 (B) by striking subsection (e); and

5 (C) by redesignating subsections (f) and
6 (g) as subsections (e) and (f), respectively.

7 (b) CHAIRMAN OF THE JOINT CHIEFS OF STAFF
8 MATTERS.—

9 (1) TERM OF SERVICE.—Subsection (a) of sec-
10 tion 152 of title 10, United States Code, is amend-
11 ed—

12 (A) in paragraph (1), by striking “two
13 years, beginning on October 1 of odd-numbered
14 years” and all that follows and inserting “four
15 years, beginning on October 1 of an odd-num-
16 bered year.”; and

17 (B) in paragraph (3), by—

18 (i) by striking the first sentence;

19 (ii) by striking “However, the Presi-
20 dent” and inserting “The President”;

21 (iii) by striking “combined”; and

22 (iv) by striking “in such positions”
23 and inserting “as Chairman or Vice Chair-
24 man”.

1 (2) REQUIREMENT FOR APPOINTMENT.—Sub-
2 section (b)(1) of such section is amended—

3 (A) by striking subparagraph (A); and
4 (B) by redesignating subparagraphs (B)
5 and (C) as subparagraphs (A) and (B), respec-
6 tively.

7 (c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF
8 STAFF.—The text of section 153 of title 10, United States
9 Code, is amended to read as follows:

10 “(a) RESPONSIBILITIES.—The Chairman of the Joint
11 Chiefs of Staff is responsible for ensuring that the Presi-
12 dent and the Secretary of Defense receive military advice
13 on the comprehensive organization, training, equipping,
14 and employment of the armed forces.

15 “(b) PRIMARY FOCUS.—Subject to the authority, di-
16 rection, and control of the President and the Secretary
17 of Defense, the primary focus of the Chairman of the
18 Joint Chiefs of Staff shall be the development of the mili-
19 tary elements of national security and defense strategy,
20 assisting the President and the Secretary in the integra-
21 tion of military operations and activities worldwide, and
22 advocating for military requirements of the present and
23 future joint force of the United States, including as fol-
24 lows:

1 “(1) STRATEGY DEVELOPMENT AND OPER-
2 ATIONAL PLANNING.—In matters relating to strat-
3 egy development and operational planning:

4 “(A) Developing strategic frameworks and
5 directing planning, as required, to guide the use
6 and employment of military force and related
7 activities across all geographic regions and mili-
8 tary functions and domains, and to sustain
9 military efforts over different durations of time,
10 as necessary.

11 “(B) Advising the Secretary on the produc-
12 tion of the national defense strategy required by
13 section 118 of this title and the national secu-
14 rity strategy required by section 108 of the Na-
15 tional Security Act of 1947 (50 U.S.C. 3043).

16 “(C) Providing advice to the President and
17 the Secretary on daily and ongoing military op-
18 erations.

19 “(D) Preparing alternative military anal-
20 ysis, options, and plans, as the Chairman con-
21 siders appropriate, to recommend to the Sec-
22 retary.

23 “(E) Preparing joint logistic, mobility, and
24 operational energy plans to support the national
25 defense strategy and recommending the assign-

1 ment of responsibilities to the armed forces in
2 accordance with these plans.

3 “(F) Providing for the preparation and re-
4 view of contingency plans which conform to pol-
5 icy guidance from the President and the Sec-
6 retary.

7 “(2) GLOBAL MILITARY INTEGRATION.—In
8 matters relating to global military integration:

9 “(A) Advising the Secretary on the need
10 for the transfer of forces to address
11 transregional, multi-domain, and multifunc-
12 tional threats, or multiple threats with overlap-
13 ping timeframes.

14 “(B) To the extent authorized by the Sec-
15 retary pursuant to a delegation of authority
16 under section 113(g)(4) of this title, directing
17 the transfer of limited forces on a temporary
18 basis.

19 “(3) COMPREHENSIVE JOINT READINESS.—In
20 matters relating to comprehensive joint readiness:

21 “(A) Evaluating the overall preparedness
22 of the joint force to perform the responsibilities
23 of that force under the national defense strat-
24 egy and to respond to significant contingencies
25 worldwide.

1 “(B) Assessing the risks to United States
2 missions, strategies, and military personnel that
3 stem from shortfalls in military readiness
4 across the armed forces, and producing com-
5 prehensive plans to reduce such risks.

6 “(C) Identifying the support functions that
7 are likely to require contractor performance
8 under current defense strategies, and the risks
9 associated with the assignment of such func-
10 tions to contractors.

11 “(D) Advising the Secretary on critical de-
12 ficiencies and strengths in force capabilities (in-
13 cluding manpower, logistic, and mobility sup-
14 port) identified during the preparation and re-
15 view of the national defense strategy and con-
16 tingency plans and assessing the effect of such
17 deficiencies and strengths on meeting national
18 security objectives and policy and on strategic
19 plans.

20 “(E) Recommending to the Secretary, in
21 accordance with section 166 of this title, a
22 budget proposal for activities of each unified
23 and specified combatant command.

24 “(F) Establishing and maintaining, after
25 consultation with the commanders of the uni-

1 fied and specified combatant commands, a uni-
2 form system of evaluating the preparedness of
3 each such command, and groups of commands
4 collectively, to carry out missions assigned to
5 the command or commands.

6 “(G) Advising the Secretary on the extent
7 to which the major programs and policies of the
8 armed forces in the area of manpower and con-
9 tractor support conform with the national de-
10 fense strategy and the requirements of contin-
11 gency plans produced by the commanders of the
12 combatant commands, and on the ways to im-
13 prove and enhance operational contract support
14 for the armed forces.

15 “(4) JOINT CAPABILITY DEVELOPMENT.—In
16 matters relating to joint capability development:

17 “(A) Identifying innovative and experi-
18 mental new technologies to maintain the mili-
19 tary technological advantage of the armed
20 forces, and recommending investments in such
21 technologies to the Secretary.

22 “(B) Performing net assessments of the
23 capabilities of the armed forces of the United
24 States and its allies in comparison with the ca-
25 pabilities of potential adversaries.

1 “(C) Advising the Secretary under section
2 163(b)(2) of this title on the priorities of the
3 requirements identified by the commanders of
4 the unified and specified combatant commands.

5 “(D) Advising the Secretary on the extent
6 to which the program recommendations and
7 budget proposals of the military departments
8 and other components of the Department of
9 Defense for a fiscal year conform with the pri-
10 orities established in the national defense strat-
11 egy and with the priorities established for the
12 requirements of the unified and specified com-
13 batant commands.

14 “(E) Submitting to the Secretary alter-
15 native program recommendations and budget
16 proposals, within projected resource levels and
17 guidance provided by the Secretary, in order to
18 achieve greater conformance with the priorities
19 referred to in subparagraph (D).

20 “(F) Identifying, assessing, and approving
21 military requirements (including existing sys-
22 tems and equipment) to meet the national de-
23 fense strategy.

24 “(G) Recommending to the Secretary ap-
25 propriate trade-offs among life-cycle cost,

1 schedule, performance, and procurement quan-
2 tity objectives in the acquisition of materiel and
3 equipment to support the strategic and contin-
4 gency plans required by this subsection in the
5 most effective and efficient manner.

6 “(5) JOINT FORCE DEVELOPMENT ACTIVI-
7 TIES.—In matters relating to joint force develop-
8 ment activities:

9 “(A) Developing doctrine for the joint em-
10 ployment of the armed forces.

11 “(B) Formulating policies and technical
12 standards, and executing actions, for the joint
13 training of the armed forces.

14 “(C) Formulating policies for coordinating
15 the military education of members of the armed
16 forces.

17 “(D) Formulating policies for concept de-
18 velopment and experimentation for the joint
19 employment of the armed forces.

20 “(E) Formulating policies for gathering,
21 developing, and disseminating joint lessons
22 learned for the armed forces.

23 “(F) Advising the Secretary on develop-
24 ment of joint command, control, communica-
25 tions, and cyber capability, including integra-

1 tion and interoperability of such capability,
2 through requirements, integrated architectures,
3 data standards, and assessments.

4 “(6) OTHER MATTERS.—In other matters:

5 “(A) Providing for representation of the
6 United States on the Military Staff Committee
7 of the United Nations in accordance with the
8 Charter of the United Nations.

9 “(B) Performing such other duties as may
10 be prescribed by law or by the President or the
11 Secretary of Defense.

12 “(c) NATIONAL MILITARY STRATEGY.—

13 “(1) NATIONAL MILITARY STRATEGY.—

14 “(A) IN GENERAL.—The Chairman shall
15 determine each even-numbered year whether to
16 prepare a new national military strategy in ac-
17 cordance with this subparagraph or to update a
18 strategy previously prepared in accordance with
19 this paragraph. The Chairman shall provide
20 such national military strategy or update to the
21 Secretary of Defense in time for transmittal to
22 Congress pursuant to paragraph (3), including
23 in time for inclusion in the report, if any, of the
24 Secretary under paragraph (4).

1 “(B) SCOPE.—Each national military
2 strategy or update under this paragraph shall
3 be based on a comprehensive review conducted
4 by the Chairman in conjunction with the other
5 members of the Joint Chiefs of Staff and the
6 commanders of the unified and specified com-
7 batant commands. Each update shall address
8 only those parts of the most recent national
9 military strategy for which the Chairman deter-
10 mines, on the basis of the review under sub-
11 paragraph (A), that a modification is needed.

12 “(C) BASIS.—Each national military strat-
13 egy or update submitted under this paragraph
14 shall describe how the military will achieve sup-
15 port the objectives of the United States as ar-
16 ticulated in—

17 “(i) the most recent national security
18 strategy prescribed by the President pursu-
19 ant to section 108 of the National Security
20 Act of 1947 (50 U.S.C. 3043);

21 “(ii) the most recent annual report of
22 the Secretary submitted to the President
23 and Congress pursuant to section 113 of
24 this title;

1 “(iii) the most recent national defense
2 strategy presented by the Secretary of De-
3 fense pursuant to section 118 of this title;
4 and

5 “(iv) any other national security or
6 defense strategic guidance issued by the
7 President or the Secretary.

8 “(D) ELEMENTS.—At a minimum, each
9 national military strategy or update submitted
10 under this paragraph shall—

11 “(i) assess the strategic environment,
12 threats, opportunities, and challenges that
13 affect the national security of the United
14 States;

15 “(ii) develop military ends, ways, and
16 means to support the objectives referred to
17 in subparagraph (C);

18 “(iii) provide the framework for the
19 assessment by the Chairman of strategic
20 and military risks pursuant to paragraph
21 (2), and developing risk mitigation options;

22 “(iv) establish a strategic framework
23 for the development of operational and
24 contingency plans;

1 “(v) identify the priority of joint force
2 capabilities, capacities, and resources; and

3 “(vi) establish military guidance for
4 the development of the joint force.

5 “(2) RISK ASSESSMENT.—

6 “(A) IN GENERAL.—The Chairman shall
7 prepare each year an assessment of the risks
8 associated with the most current national mili-
9 tary strategy or update under paragraph (1).
10 The risk assessment shall be known as the
11 ‘Risk Assessment of the Chairman of the Joint
12 Chiefs of Staff’. The Chairman shall complete
13 preparation of the risk assessment in time for
14 transmittal to Congress pursuant to paragraph
15 (3), including in time for inclusion in the re-
16 port, if any, of the Secretary of Defense under
17 paragraph (4).

18 “(B) OBJECTIVES.—Each risk assessment
19 shall do the following:

20 “(i) As the Chairman considers appro-
21 priate, update any changes to the strategic
22 environment, threats, objectives, force
23 planning and sizing constructs, assess-
24 ments, and assumptions that informed the

1 national military strategy or update under
2 paragraph (1).

3 “(ii) Identify and define the strategic
4 risks to United States interests and the
5 military risks in executing the national
6 military strategy or update.

7 “(iii) Identify and define levels of risk,
8 including an identification of what con-
9 stitutes ‘significant’ risk in the judgment
10 of the Chairman.

11 “(iv) Identify and assess risk in the
12 national military strategy or update by cat-
13 egory and level, including how risk is pro-
14 jected to increase, decrease, or remain sta-
15 ble over time.

16 “(v) For each category of risk identi-
17 fied pursuant to clause (iv), assess the ex-
18 tent to which current or future risk in-
19 creases, decreases, or is stable as a result
20 of budgetary priorities, tradeoffs, or fiscal
21 constraints or limitations as currently esti-
22 mated and applied in the most current fu-
23 ture-years defense program under section
24 221 of this title.

1 “(vi) Identify and assess risk associ-
2 ated with the assumptions or plans of the
3 national military strategy or update about
4 the contributions or support of—

5 “(I) alliances, allies, and other
6 friendly nations (including their capa-
7 bilities, availability, and interoper-
8 ability); and

9 “(II) any other external support,
10 as appropriate.

11 “(vii) Identify and assess the critical
12 deficiencies and strengths in force capabili-
13 ties (including manpower, logistics, intel-
14 ligence, and mobility support) identified
15 during the preparation and review of the
16 contingency plans of each unified combat-
17 ant command, and identify and assess the
18 effect of such deficiencies and strengths for
19 the national military strategy or update.

20 “(3) SUBMITTAL OF NATIONAL MILITARY
21 STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

22 “(A) NATIONAL MILITARY STRATEGY.—

23 Not later than February 15 of each even-num-
24 bered year, the Chairman shall, through the
25 Secretary of Defense, submit to the Committees

1 on Armed Services of the Senate and the House
2 of Representatives a report on the national mili-
3 tary strategy or update, if any, prepared under
4 paragraph (1) in such year.

5 “(B) RISK ASSESSMENT.—Not later than
6 February 15 each year, the Chairman shall,
7 through the Secretary, submit to the Commit-
8 tees on Armed Services of the Senate and the
9 House of Representatives a report on the risk
10 assessment prepared under paragraph (2) in
11 such year.

12 “(C) FORM.—The reports submitted under
13 this subsection shall be classified in form, but
14 shall include an unclassified summary.

15 “(4) SECRETARY OF DEFENSE REPORTS TO
16 CONGRESS.—

17 “(A) IN GENERAL.—In transmitting a na-
18 tional military strategy or update, or a risk as-
19 sessment, to Congress pursuant to paragraph
20 (3), the Secretary of Defense shall include in
21 the transmittal such comments of the Secretary
22 thereon, if any, as the Secretary considers ap-
23 propriate.

24 “(B) ADDITIONAL ELEMENTS WITH RISK
25 ASSESSMENT.—If a risk assessment transmitted

1 under paragraph (3) in a year includes an as-
2 sessment that a risk or risks associated with
3 the national military strategy or update are sig-
4 nificant, or that critical deficiencies in force ca-
5 pabilities exist for a contingency plan described
6 in paragraph (2)(B)(vii), the Secretary shall in-
7 clude in the transmittal of the risk assessment
8 the plan of the Secretary for mitigating such
9 risk or deficiency. A plan for mitigating risk of
10 deficiency under this subparagraph shall—

11 “(i) address the risk assumed in the
12 national military strategy or update con-
13 cerned, and the additional actions taken or
14 planned to be taken to address such risk
15 using only current technology and force
16 structure capabilities; and

17 “(ii) specify, for each risk addressed,
18 the extent of, and a schedule for expected
19 mitigation of, such risk, and an assessment
20 of the potential for residual risk, if any,
21 after mitigation.”.

22 (d) VICE CHAIRMAN OF THE JOINT CHIEFS OF
23 STAFF.—

24 (1) TERM OF SERVICE.—Paragraph (3) of sec-
25 tion 154(a) of title 10, United States Code, is

1 amended is amended by striking “two years” and in-
2 serting “four years”.

3 (2) INELIGIBILITY FOR SERVICE AS CHAIRMAN
4 OR ANY OTHER POSITION IN THE ARMED FORCES.—
5 Such section is further amended by adding at the
6 end the following new paragraph:

7 “(4) The Vice Chairman shall not be eligible for pro-
8 motion to the position of Chairman or any other position
9 in the armed forces. The term of the Vice Chairman shall
10 be established so as not to begin in the same year as the
11 term of the Chairman.”.

12 (e) RESPONSIBILITIES OF COMMANDERS OF THE
13 COMBATANT COMMANDS.—Section 164(b) of title 10,
14 United States Code, is amended—

15 (1) in paragraph (2)(A), by inserting “and in
16 consultation with the Chairman of the Joint Chiefs
17 of Staff” before the semicolon; and

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

20 “(3) Among the full range of command responsibil-
21 ities specified in subsection (c) and as provided for in sec-
22 tion 161 of this title, the primary duties of the commander
23 of a combatant command shall be as follows:

24 “(A) To produce plans for the employment of
25 the armed forces to execute the national defense

1 strategy and respond to significant military contin-
2 gencies.

3 “(B) To take actions necessary to deter con-
4 flict.

5 “(C) To command United States armed forces
6 in conflict, if directed by the Secretary of Defense
7 and approved by the President.”.

8 (f) COMBATANT COMMANDERS COUNCIL.—

9 (1) IN GENERAL.—Chapter 6 of title 10, United
10 States Code, is amended by inserting after section
11 163 the following new section:

12 **“§ 163a. Combatant Commanders Council**

13 “(a) IN GENERAL.—There is in the Department of
14 Defense a council to be known as the ‘Combatant Com-
15 manders Council’ (in this section referred to as ‘the Coun-
16 cil’).

17 “(b) COMPOSITION.—The Council shall consist of the
18 following:

19 “(1) The Secretary of Defense, who shall head
20 the Council.

21 “(2) The Chairman of the Joint Chiefs of Staff.

22 “(3) The Vice Chairman of the Joint Chiefs of
23 Staff.

24 “(4) The commanders of the combatant com-
25 mands.

1 “(c) CONVENING AUTHORITY.—The Secretary of De-
2 fense shall convene regular meetings of the Council as the
3 Secretary determines necessary. The Secretary may dele-
4 gate the authority to convene meetings of the Council to
5 the Chairman, in which case the Secretary may designate
6 a representative to attend the meeting in the Secretary’s
7 place.

8 “(d) DUTIES.—The responsibilities of the Council are
9 as follows:

10 “(1) To inform the requirements, production,
11 and periodic review of the national defense strategy
12 required by section 118 of this title.

13 “(2) To advise the commanders of the combat-
14 ant commands of their roles and responsibilities in
15 executing the national defense strategy.

16 “(3) To oversee and guide the implementation
17 of the national defense strategy.

18 “(4) To support the Secretary of Defense and
19 the Chairman in providing for the effective global in-
20 tegration of all military operations and activities
21 across the combatant commands in furtherance of
22 the current national defense strategy and the guid-
23 ance of the President and the Secretary of Defense.

24 “(5) Such other responsibilities as the Secretary
25 may prescribe.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of chapter 6 of such title is
3 amended by inserting after the item relating to sec-
4 tion 163 the following new item:

“163a. Combatant Commanders Council.”.

5 **SEC. 922. DELEGATION TO CHAIRMAN OF JOINT CHIEFS OF**
6 **STAFF OF AUTHORITY TO DIRECT TRANSFER**
7 **OF FORCES.**

8 Section 113(g) of title 10, United States Code, is
9 amended by adding at the end the following new para-
10 graph:

11 “(4)(A) The Secretary of Defense may, in the Sec-
12 retary’s discretion, delegate to the Chairman of the Joint
13 Chiefs of Staff the authority to direct the transfer of
14 forces on behalf of the Secretary. Any such delegation
15 shall, at a minimum, specify the following:

16 “(i) The threats, areas, and missions for which
17 the Chairman of the Joint Chiefs of Staff is author-
18 ized to direct the transfer of forces.

19 “(ii) The categories and quantities of forces
20 that are covered by the authorization.

21 “(iii) The duration of the transfer.

22 “(B) Any delegation under this paragraph shall re-
23 quire the Chairman of the Joint Chiefs of Staff to notify
24 the Secretary of any decision to direct the deployment of
25 forces pursuant to the delegation as soon as possible.

1 “(C) A delegation under this paragraph shall be for
2 a period of not more than one year, and may be renewed.”.

3 **SEC. 923. ORGANIZATION OF THE DEPARTMENT OF DE-**
4 **FENSE FOR MANAGEMENT OF SPECIAL OPER-**
5 **ATIONS FORCES AND SPECIAL OPERATIONS.**

6 (a) RESPONSIBILITY OF ASSISTANT SECRETARY OF
7 DEFENSE FOR SPECIAL OPERATIONS AND LOW INTEN-
8 SITY CONFLICT.—Section 138(b)(4) of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new sentence: “Subject to the authority, direction,
11 and control of the Secretary of Defense, the Assistant Sec-
12 retary shall do the following:

13 “(A) Exercise authority, direction, and control
14 of all administrative matters relating to the organi-
15 zation, training, and equipping of special operations
16 forces.

17 “(B) Assist the Secretary and the Under Sec-
18 retary of Defense for Policy in the development and
19 supervision of policy, program planning and execu-
20 tion, and allocation and use of resources for the ac-
21 tivities of the Department of Defense for the fol-
22 lowing:

23 “(i) Irregular warfare, combating ter-
24 rorism, countering the proliferation of weapons
25 of mass destruction, and the special operations

1 activities specified by section 167(k) of this
2 title.

3 “(ii) Integrating the functional activities of
4 the headquarters of the Department to most ef-
5 ficiently and effectively provide the capabilities
6 required for special operations missions.”.

7 (b) SPECIAL OPERATIONS FUNCTIONAL INTEGRA-
8 TION AND OVERSIGHT TEAM.—

9 (1) IN GENERAL.—Chapter 4 of title 10, United
10 States Code, is amended by inserting after section
11 139b, as redesignated by section 901(b)(2) of this
12 Act, the following new section:

13 **“§ 139c. Special Operations Functional Integration**
14 **and Oversight Team**

15 “(a) IN GENERAL.—In order to fulfill the responsibil-
16 ities specified in section 138(b)(4) of this title, the Assist-
17 ant Secretary of Defense for Special Operations and Low
18 Intensity Conflict shall establish and lead a team to be
19 known as the ‘Special Operations Functional Integration
20 and Oversight Team’ (in this section referred to as the
21 ‘Team’).

22 “(b) PURPOSE.—The purpose of the Team is to inte-
23 grate the functional activities of the headquarters of the
24 Department of Defense in order to most efficiently and
25 effectively provide the capabilities required for special op-

1 erations missions. In fulfilling this purpose, the Team
2 shall develop and continuously improve policy, joint pro-
3 cesses, and procedures that facilitate the development, ac-
4 quisition, integration, employment, and sustainment of
5 special operations capabilities.

6 “(c) MEMBERSHIP.—The Team shall include the fol-
7 lowing:

8 “(1) The Assistant Secretary, who shall act as
9 leader of the Team.

10 “(2) Appropriate senior representatives of each
11 of the following:

12 “(A) The Under Secretary of Defense for
13 Research and Engineering.

14 “(B) The Under Secretary of Defense for
15 Management and Support.

16 “(C) The Under Secretary of Defense
17 (Comptroller).

18 “(D) The Under Secretary of Defense for
19 Personnel and Readiness.

20 “(E) The Under Secretary of Defense for
21 Intelligence.

22 “(F) The other Assistant Secretaries of
23 Defense under the Under Secretary of Defense
24 for Policy.

25 “(G) The military departments.

1 “(H) The Joint Staff.

2 “(I) The United States Special Operations
3 Command.

4 “(J) Such other officials or Agencies, ele-
5 ments, or components of the Department of De-
6 fense as the Secretary of Defense considers ap-
7 propriate

8 “(d) OPERATION.—The Team shall operate continu-
9 ously.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 4 of such title, as
12 amended by section 901(f)(2) of this Act, is further
13 amended by inserting after the item relating to sec-
14 tion 139b the following new item:

“139c. Special Operations Functional Integration and Oversight Team.”.

15 (c) US SPECIAL OPERATIONS COMMAND MAT-
16 TERS.—

17 (1) AUTHORITY OF COMMANDER.—Subsection
18 (e)(2) of section 167 of title 10, United States Code,
19 is amended—

20 (A) in the matter preceding subparagraph
21 (A), by striking “The commander” and insert-
22 ing “Subject to the authority, direction, and
23 control of the Assistant Secretary of Defense
24 for Special Operations and Low Intensity Con-
25 flict, the commander”; and

1 (B) by striking subparagraph (J) and in-
2 serting the following new subparagraph (J):

3 “(J) Monitoring the promotions of special oper-
4 ations forces and coordinating with the military de-
5 partments regarding the assignment, retention,
6 training, professional military education, and special
7 and incentive pays of special operations forces.”.

8 (2) ADMINISTRATIVE CHAIN OF COMMAND.—
9 Such section is further amended—

10 (A) by redesignating subsections (f)
11 through (k) as subsections (g), through (l), re-
12 spectively; and

13 (B) by inserting after subsection (e) the
14 following new subsection (f):

15 “(f) ADMINISTRATIVE CHAIN OF COMMAND.—(1)
16 Unless otherwise directed by the President, the adminis-
17 trative chain of command to the special operations com-
18 mand runs—

19 “(A) from the President to the Secretary of De-
20 fense;

21 “(B) from the Secretary of Defense to the As-
22 sistant Secretary of Defense for Special Operations
23 and Low Intensity Conflict; and

1 “(C) from the Assistant Secretary of Defense
2 for Special Operations and Low Intensity Conflict to
3 the commander of the special operations command.

4 “(2) For purposes of this subsection, administrative
5 chain of command refers to the exercise of authority, di-
6 rection and control with respect to the administration and
7 support of the special operations command, including the
8 readiness and organization of special operations forces,
9 special operations-peculiar resources and equipment, and
10 civilian personnel. It does not refer to the exercise of au-
11 thority, direction, and control of operational matters that
12 are subject to the operational chain of command of the
13 commanders of combatant commands or the exercise of
14 authority, direction, and control of personnel, resources,
15 equipment, and other matters that are not special oper-
16 ations-peculiar that are the purview of the armed forces.
17 In addition, the Assistant Secretary of Defense for Special
18 Operations and Low Intensity Conflict is subordinate to
19 the Under Secretary of Defense for Policy in all matters
20 of policy related to special operations activities and low
21 intensity conflict activities of the Department of De-
22 fense.”.

1 **SEC. 924. PILOT PROGRAM ON ORGANIZATION OF SUBORDI-**
2 **NATE COMMANDS OF A UNIFIED COMBATANT**
3 **COMMAND AS JOINT TASK FORCES.**

4 (a) **PILOT PROGRAM.**—The Secretary of Defense
5 shall carry out a pilot program on organizing the subordi-
6 nate commands of a unified combatant command in the
7 form of joint task forces.

8 (b) **COVERED COMMANDS.**—The Secretary shall
9 carry out the pilot program in at least one unified combat-
10 ant command designated by the Secretary for purposes of
11 this section.

12 (c) **PLAN.**—

13 (1) **IN GENERAL.**—In carrying out the pilot
14 program, the Secretary shall develop, for each com-
15 batant command participating in the pilot program,
16 a plan to—

17 (A) disestablish, and prohibit the reestab-
18 lishment of, any subordinate command of such
19 combatant command that is organized by a
20 service of the Armed Forces;

21 (B) identify the major missions and contin-
22 gencies in the area of responsibility of such
23 combatant command that would require a mili-
24 tary response;

1 (C) establish subordinate commands for
2 such combatant command in the form of joint
3 task forces, as described in subsection (d);

4 (D) select a commander of an appropriate
5 grade to lead each joint task force so estab-
6 lished based on the scale and complexity of the
7 mission that such task force must perform; and

8 (E) describe any additional authorities,
9 specialized training, or other organizational ele-
10 ments that such joint task forces may require
11 to meet the objectives of the plan.

12 (2) OBJECTIVES.—The objectives of each plan
13 under this subsection shall be—

14 (A) to provide for a greater emphasis on
15 operational military missions;

16 (B) to improve the effectiveness and effi-
17 ciency of the combatant command concerned in
18 performing the missions of the combatant com-
19 mand through better integration of functional
20 components and capabilities, both from within
21 the combatant command and across the De-
22 partment of Defense;

23 (C) to create more flexible and responsive
24 subordinate commands that can be established,
25 grown, reduced, altered, or disestablished based

1 on the changing nature of threats and contin-
2 gencies in the area of responsibility of the com-
3 batant command concerned;

4 (D) to devolve responsibility and initiative,
5 to the greatest extent practicable, to lower lev-
6 els in the combatant command concerned, elimi-
7 nating unnecessary layers of management and
8 headquarters staff, and reducing the cost and
9 time to perform mission critical tasks;

10 (E) to enhance the ability of the combat-
11 ant command concerned to execute global de-
12 fense strategies and address threats that span
13 multiple regions, functions, and domains, in-
14 volve different durations of time, and lack clear-
15 ly defined phases of conflict; and

16 (F) to enable the commander of the com-
17 batant command concerned to integrate the ac-
18 tivities of the combatant command across wider
19 spans of control with fewer personnel and re-
20 sources, and to focus more consistently on the
21 strategic missions of the combatant command,
22 including coordination with other combatant
23 commands and engagement with key foreign
24 partners.

1 (3) PROBLEMS TO OVERCOME.—The problems
2 that each plan under this subsection shall seek to
3 overcome are—

4 (A) deficiencies in the current organization
5 of the unified combatant commands that have
6 led senior leaders over many years to rely in-
7 creasingly on the establishment of ad hoc joint
8 task forces to meet critical emergent require-
9 ments for the combatant commands;

10 (B) dramatic growth in the size of staffs of
11 the unified combatant commands that inhibit
12 an effective and efficient performance of mis-
13 sions, lead to duplication of effort, and draw
14 limited vital resources away from operational
15 units and toward bureaucratic staffing func-
16 tions;

17 (C) hierarchal, time-intensive, and re-
18 source-intensive planning and decision-making
19 processes that are required to compensate for,
20 and attempt to achieve integration among,
21 functional command structures oriented around
22 separate Armed Forces;

23 (D) antiquated approaches to persistent,
24 trans-regional, cross-functional, and multi-do-
25 main threats that cannot be addressed through

1 discrete and isolated operational plans based on
2 a clear commencement of hostilities leading to
3 combat operations; and

4 (E) misaligned priorities that result in uni-
5 fied combatant commands being overly focused
6 on mission support activities (such as intel-
7 ligence analysis and regional theater engage-
8 ment) and insufficiently focused on the oper-
9 ational missions of the combatant commands.

10 (4) PREPARATION.—Each plan under this sub-
11 section shall be prepared in consultation with the
12 Chairman of the Joint Chiefs of Staff and the com-
13 mander of the combatant command concerned.

14 (5) DEADLINE FOR DEVELOPMENT.—Any plan
15 to be developed under this subsection shall be com-
16 pleted by not later than March 1, 2017.

17 (6) SUBMITTAL TO CONGRESS.—Upon comple-
18 tion of the development of a plan under this sub-
19 section, the Secretary shall submit such plan to the
20 congressional defense committees.

21 (7) IMPLEMENTATION.—The Secretary shall
22 commence implementation of each plan developed
23 under this subsection for purposes of the pilot pro-
24 gram by not later than September 1, 2017.

25 (d) JOINT TASK FORCES.—

1 (1) IN GENERAL.—Each joint task force estab-
2 lished for purposes of the pilot program pursuant to
3 a plan under subsection (c) shall be—

4 (A) established and organized as a cross-
5 functional team with the primary purpose of
6 performing an identified mission or providing
7 essential support and enabling capabilities to
8 task forces performing such missions;

9 (B) assigned the necessary number and
10 mixture of Armed Forces personnel and related
11 capabilities to perform the mission of such task
12 force;

13 (C) organized and sized in a manner that
14 best reflects the scope, scale, complexity, and
15 priority of the mission that such task force is
16 required to perform or support;

17 (D) comprised of representatives from each
18 functional component from across the Depart-
19 ment of Defense that is relevant to the per-
20 formance of the mission of such task force, in-
21 cluding the Armed Forces, other unified com-
22 batant commands, other joint task forces that
23 are subordinate to the same or another unified
24 combatant command, defense intelligence agen-

1 cies, other combat support agencies, and acqui-
2 sition offices; and

3 (E) commanded by a military officer of ap-
4 propriate grade who would be selected as pre-
5 scribed by section 164(e) of title 10, United
6 States Code, and overseen by the commander of
7 the combatant command as prescribed by sec-
8 tion 164(d) of such title were such joint task
9 force the subordinate command of a unified
10 combatant command.

11 (2) PURPOSES.—The purpose of each joint task
12 force established pursuant to this subsection shall be
13 to achieve the operational military mission of such
14 task force, including by—

15 (A) integrating all the functional compo-
16 nents within such task force into joint efforts;

17 (B) producing integrated operational plans,
18 consistent with the orders of the commander of
19 the combatant command concerned and the de-
20 fense strategy of the Department of Defense;

21 (C) recommending to the commander of
22 the combatant command concerned any addi-
23 tional resources and capabilities that the com-
24 mander of such joint task force determines nec-
25 essary to achieve the mission of such task force;

1 (D) providing better alignment and unity
2 of effort with other joint task forces within the
3 combatant command concerned or other unified
4 combatant commands that are performing re-
5 lated missions or addressing similar threats;

6 (E) conducting engagements with foreign
7 partners from the area of responsibility of such
8 task force that are necessary to achieving the
9 military mission of such task force; and

10 (F) experimenting with new operational
11 concepts and developmental capabilities that the
12 commander of such task force considers essen-
13 tial to the mission of such task force.

14 (e) REPORT.—Not later than September 1, 2018, the
15 Secretary shall submit to the congressional defense com-
16 mittees a report that includes, for each plan developed
17 under subsection (c) for purposes of the pilot program,
18 the following:

19 (1) A description of such plan.

20 (2) An assessment of the positive and negative
21 effects of such plan.

22 (3) A description of key factors that contrib-
23 uted to the success or failure of such plan.

1 (4) Recommendations on whether, and in what
2 manner, to apply such plan to unified combatant
3 commands not covered by the pilot program.

4 **SEC. 925. EXPANSION OF ELIGIBILITY FOR DEPUTY COM-**
5 **MANDER OF COMBATANT COMMAND HAVING**
6 **UNITED STATES AMONG GEOGRAPHIC AREA**
7 **OF RESPONSIBILITY TO INCLUDE OFFICERS**
8 **OF THE RESERVES.**

9 Section 164(e)(4) of title 10, United States Code, is
10 amended—

11 (1) by striking “the National Guard” and in-
12 serting “a reserve component of the armed forces”;
13 and

14 (2) by striking “a National Guard officer” and
15 inserting “a reserve component officer”.

16 **Subtitle C—Organization and Man-**
17 **agement of Other Department of**
18 **Defense Offices and Elements**

19 **SEC. 941. ORGANIZATIONAL STRATEGY FOR THE DEPART-**
20 **MENT OF DEFENSE.**

21 (a) ORGANIZATIONAL STRATEGY REQUIRED.—

22 (1) IN GENERAL.—Not later than July 20,
23 2017, the Secretary of Defense shall formulate and
24 issue to the Department of Defense an organiza-
25 tional strategy for the Department that—

1 (A) identifies the most important missions
2 and other organizational outputs for the De-
3 partment, including the manner in which capa-
4 bilities for such missions will be generated and
5 objectives for such outputs will be achieved;

6 (B) reforms the Office of the Secretary of
7 Defense and the manner in which it operates to
8 support the Secretary;

9 (C) improves management of relationships
10 and processes involving the Office of the Sec-
11 retary of Defense, the Joint Chiefs of Staff, the
12 combatant commands, the military depart-
13 ments, and the Defense Agencies;

14 (D) improves and professionalizes the su-
15 pervision of the Defense Agencies; and

16 (E) improves support to the President and
17 the National Security Council in interagency
18 processes and deliberations.

19 (2) OBJECTIVES.—The objectives of the strat-
20 egy shall be as follows:

21 (A) To enable the Department to integrate
22 the expertise and capacities of the components
23 of the Department for effective and efficient
24 achievement of the missions of the Department.

1 (B) To enable the Department to focus on
2 critical missions that span multiple functional
3 issues, to frame competing and alternative
4 courses of action, and to make clear and effective
5 strategic choices in a timely manner to
6 achieve such missions.

7 (C) To clarify responsibility and account-
8 ability in the decision-making processes in the
9 Department.

10 (D) To enable the Department to antici-
11 pate, adapt, and innovate rapidly to changes in
12 the threats facing the United States, and to ex-
13 ploit the opportunities to counter such threats
14 offered by technological and organizational ad-
15 vances.

16 (E) To improve the ability of the Depart-
17 ment to work effectively in interagency proc-
18 esses in order to better serve the President and
19 the National Security Council and to better
20 contribute to national security missions.

21 (F) To achieve an organizational structure
22 with fewer layers of management and reduced
23 levels of staffing that performs better than the
24 current organizational structure of the Depart-
25 ment.

1 (3) IMPEDIMENTS TO BE ADDRESSED.—The
2 strategy shall address, and seek to overcome, the fol-
3 lowing:

4 (A) Sequential, hierarchical planning and
5 decision-making processes oriented around
6 functional bureaucratic structures that are ex-
7 cessively parochial, duplicative, resistant to inte-
8 gration, and result in unclear, consensus-based
9 outcomes that often constrain the ability of the
10 Department to achieve core missions effectively
11 and efficiently.

12 (B) Layering of management structures
13 and processes that result in decisions being
14 made by higher levels of management where the
15 authority for cross-functional integration exists
16 but detailed substantive expertise is often lack-
17 ing or being reduced to lowest common denomi-
18 nator recommendations to senior leaders that
19 suppress rather than resolve disputes across
20 functional organizations.

21 (C) Weak leadership skills and culture in
22 the Office of the Secretary of Defense.

23 (D) Misaligned incentives and a culture
24 that rewards bureaucratic parochialism and in-

1 ertia, risk avoidance, and the deferral or delay
2 of decisions.

3 (4) CAUSES OF IMPEDIMENTS TO BE ELIMI-
4 NATED.—In connection with the impediments speci-
5 fied in paragraph (3), the strategy shall address,
6 and seek to eliminate, the following:

7 (A) A noncollaborative culture within the
8 Department that lacks shared purpose and val-
9 ues.

10 (B) Risk aversion arising from fear of the
11 consequences of real or perceived failure, or
12 from the absence of positive or negative incen-
13 tives to reduce such risk aversion.

14 (C) Lack of viable alternative mechanisms
15 for achieving the integration of the functional
16 components of the Department and for aligning
17 expertise and decision-making authority at the
18 most efficient levels of management.

19 (5) SOLUTIONS.—In connection with the im-
20 pediments specified in paragraph (3) and the causes
21 of such impediments specified in paragraph (4), the
22 strategy shall specify, and seek to achieve, the fol-
23 lowing:

24 (A) Cross-functional teams to manage the
25 major missions and other high-priority outputs

1 of the Department that inherently cross func-
2 tional boundaries (in this section referred to as
3 “mission teams”).

4 (B) A collaborative, team-oriented, results-
5 driven, and innovative culture within the De-
6 partment that fosters an open debate of ideas
7 and alternative courses of action.

8 (C) A simplified organizational structure
9 for the Department with reduced layers of man-
10 agement and increased spans of control.

11 (D) Streamlined processes designed to
12 produce improved performance in less time.

13 (b) ACTION IN SUPPORT OF STRATEGY.—During the
14 period between the date of the enactment of this Act and
15 the appointment of the Secretary of Defense first ap-
16 pointed in 2017, the current Secretary of Defense shall
17 take appropriate actions to assist the individual so ap-
18 pointed as Secretary of Defense in the development and
19 issuance of the organizational strategy required by sub-
20 section (a).

21 (c) MISSION TEAMS.—

22 (1) IN GENERAL.—Not later than April 20,
23 2017, the Secretary of Defense shall identify the
24 missions, other high-priority outputs, and important
25 activities of the Department of Defense for which

1 mission teams and sub-teams shall be established in
2 the Department.

3 (2) PURPOSES.—The purposes of each mission
4 team established pursuant to this subsection shall be
5 as follows:

6 (A) To produce comprehensive and fully
7 integrated policies, strategies, plans, resourcing,
8 and oversight for the mission or other priority
9 output such team is assigned to support, draw-
10 ing upon the expertise and capacities of all rel-
11 evant functional components of the Depart-
12 ment.

13 (B) To supervise the implementation of ap-
14 proved strategies with respect to such mission
15 or other output.

16 (3) DIRECTIVE ON TEAMS.—Not later than
17 May 20, 2017, the Secretary shall issue a direc-
18 tive—

19 (A) on the role, authorities, reporting rela-
20 tionships, resourcing, manning, and operations
21 of mission teams established pursuant to this
22 subsection, which directive shall specify that the
23 mission teams are decision-making organiza-
24 tions rather than advisory bodies; and

1 (B) that provides clear direction that the
2 leaders of functional components of the Depart-
3 ment that provide personnel to such mission
4 teams—

5 (i) may not interfere in the activities
6 of the mission team;

7 (ii) shall instruct personnel assigned
8 to teams to faithfully represent the views
9 and expertise of their functional compo-
10 nents while contributing to the best of
11 their ability to the success of the mission
12 team concerned; and

13 (iii) shall be assessed for performance
14 review purposes according to their support
15 to and cooperation with mission teams
16 interacting with their components.

17 (4) ESTABLISHMENT.—The Secretary shall es-
18 tablish mission teams, and any applicable subteams,
19 to be established pursuant to this subsection as fol-
20 lows:

21 (A) The first three teams, by not later
22 than July 20, 2017.

23 (B) The second three teams, by not later
24 than October 20, 2017.

1 (C) Any remaining teams, by not later
2 than January 20, 2018.

3 (5) FUNCTIONS CONSIDERED.—In establishing
4 a mission team pursuant to this subsection, the Sec-
5 retary shall consider representatives from the Office
6 of the Secretary of Defense, the Joint Staff, the
7 military departments, and the Defense Agencies in
8 the functional areas of policy, strategy, intelligence,
9 budget, research and engineering, procurement and
10 services, manpower, logistics, cost assessment and
11 program evaluation, test and evaluation, legislative
12 affairs, public affairs, and any other functional area
13 the Secretary considers appropriate.

14 (6) TEAM PERSONNEL.—For each team estab-
15 lished pursuant to this subsection, the Secretary
16 shall—

17 (A) designate as leader of such team a
18 qualified and experienced individual in a gen-
19 eral or flag officer grade, or a member of the
20 Senior Executive Service, who shall report di-
21 rectly to the Secretary regarding the activities
22 of such team;

23 (B) delegate to the team leader designated
24 pursuant to subparagraph (A) authority to se-
25 lect members of such team from among civilian

1 employees of the Department and members of
2 the Armed Forces in any grade recommended
3 for membership on such team by the head of a
4 functional component of the Department within
5 the Office of the Secretary of Defense, the
6 Joint Staff, and the military departments, by
7 the commander of a combatant command, or
8 the director of a Defense Agency;

9 (C) provide that the team leader has the
10 authority to obtain full-time support from team
11 members, and to co-locate all members of such
12 team, as the team leader considers appropriate;

13 (D) ensure that team members are prop-
14 erly trained in teamwork, collaboration, conflict
15 resolution, and appropriately represent the
16 views of their functional components without in-
17 appropriately pursuing the interests of their
18 functional components; and

19 (E) make the team leader available to the
20 congressional defense committees to provide
21 periodic updates on the progress of such mis-
22 sion team.

23 (7) TEAM STRATEGIES AND DECISION-MAKING

24 AUTHORITY.—

1 (A) IN GENERAL.—Each mission team es-
2 tablished pursuant to this subsection shall issue
3 a charter and strategy for such team to achieve
4 objectives of such team specified by the Sec-
5 retary, for team training, to specify metrics for
6 evaluation of the achievement of such objectives
7 by such team, and to specify incentives for the
8 team and its members for the achievement of
9 such objectives by such team. The charter and
10 strategy shall not go into effect until approved
11 by the Secretary.

12 (B) DELEGATION OF AUTHORITY.—In ap-
13 proving the charter and strategy of a mission
14 team, the Secretary shall delegate to the team
15 such decision-making authority as the Secretary
16 considers appropriate in order to permit the
17 team to execute the strategy. The delegation
18 shall also specify the decision-making authority
19 with respect to the team and the strategy that
20 shall be retained by the Secretary.

21 (C) SCOPE OF DELEGATION.—Within the
22 delegation provided for pursuant to subpara-
23 graph (B), the leader of a mission team shall
24 have authority to draw upon the resources of
25 the functional components of the Department

1 and make decisions affecting such functional
2 components.

3 (D) REVIEW.—The head of a functional
4 component of the Department may seek the re-
5 view and modification by the Secretary of any
6 determination pursuant to subparagraph (C)
7 considered by the head of the functional compo-
8 nent to have, or have the potential to have, an
9 adverse impact on missions or capabilities of
10 the functional component.

11 (8) REVIEW OF MISSION TEAMS.—Not later
12 than 120 days after the date of the appointment of
13 the Secretary of Defense first appointed in 2017, the
14 Secretary of Defense shall complete an analysis, with
15 support from external experts in organizational and
16 management sciences, of successes and failures of
17 mission teams and determine how to apply the les-
18 sons learned from that analysis.

19 (d) COLLABORATIVE CULTURE WITHIN OSD.—

20 (1) DIRECTIVE ON PURPOSES, VALUES, AND
21 PRINCIPLES.—Not later than April 20, 2017, the
22 Secretary of Defense shall issue a directive on
23 shared purposes, values, and principles for the oper-
24 ation of the Office of the Secretary of Defense that
25 sets forth a team-oriented, results-driven culture

1 within the Office to support missions and objectives
2 of the Department of Defense and cross-boundary
3 collaboration within the Department.

4 (2) DIRECTIVE ON COLLABORATIVE BEHAV-
5 IOR.—Not later than May 20, 2017, the Secretary
6 shall issue a directive specifying the collaborative be-
7 havior required of personnel of the Office of the Sec-
8 retary of Defense, including the prevailing behaviors
9 that the Secretary expects to be sustained and the
10 behaviors that the Secretary seeks to eliminate.

11 (3) DIRECTIVE AND OTHER ACTIONS ON COL-
12 LABORATION.—Not later than July 20, 2017, the
13 Secretary shall—

14 (A) issue a directive describing the meth-
15 ods and means to achieve a high degree of col-
16 laboration within and between the Office of the
17 Secretary of Defense and the Joint Staff;

18 (B) require that cross-boundary collabora-
19 tion constitute 50 percent of the performance
20 review criteria for each official in such leader-
21 ship positions as the Secretary shall specify, in-
22 cluding leaders of mission teams and heads of
23 functional components of the Department with-
24 in the Office of the Secretary of Defense that

1 provide personnel or other support to the mis-
2 sion teams;

3 (C) for purposes of this subsection, provide
4 for a course of instruction in leadership, mod-
5 ern organizational practice, collaboration, and
6 the functioning of mission teams described in
7 subsection (c) for personnel in the Office of the
8 Secretary of Defense who serve in positions in
9 the Office pursuant to an appointment by and
10 with the advice and consent of the Senate; and

11 (D) issue policy requiring successful serv-
12 ice as leader or a member of a mission team as
13 a condition for promotion in the Senior Execu-
14 tive Service above such level as the Secretary
15 shall specify in the directive.

16 (e) STREAMLINING OF ORGANIZATIONAL STRUCTURE
17 AND PROCESSES OF OSD.—

18 (1) IN GENERAL.—Not later than one year
19 after the date of the appointment of the Secretary
20 of Defense first appointed in 2017, the Secretary of
21 Defense shall take such actions as the Secretary
22 considers appropriate to streamline the organiza-
23 tional structure and processes of the Office of the
24 Secretary of Defense in order to increase spans of
25 control, achieve a reduction in layers of manage-

1 ment, eliminate unnecessary duplication between the
2 Office and the Joint Staff, and reduce the time re-
3 quired to complete standard processes and activities.

4 (2) CONSULTATION AND SUPPORT.—In carrying
5 out this subsection, the Secretary shall consult with
6 the Defense Business Board, and shall enter into
7 contracts with individuals and entities outside Gov-
8 ernment with expertise in cross-functional teams, or-
9 ganizational science, and private-sector best prac-
10 tices to obtain advice regarding collaboration across
11 functional boundaries to achieve critical organiza-
12 tional objectives.

13 (3) REPORT.—Not later than the date on which
14 the Secretary commences actions under this sub-
15 section, the Secretary shall submit to the Committee
16 on Armed Services of the Senate and the House of
17 Representatives a report setting forth a description
18 of the actions the Secretary proposes to take under
19 this subsection. If legislative action is required in
20 connection with the taking of any such action, the
21 report shall include recommendations for such legis-
22 lative action.

23 (f) TRAINING FOR INDIVIDUALS NOMINATED FOR
24 APPOINTMENT FOR OSD POSITIONS CONFIRMED BY SEN-
25 ATE.—

1 (1) IN GENERAL.—An individual may not be
2 nominated to a position in the Office of the Sec-
3 retary of Defense appointable by and with the advice
4 and consent of the Senate unless the individual has
5 successfully completed a course of instruction in
6 leadership, modern organizational practice, collabo-
7 ration, and the operation of mission teams described
8 in subsection (c).

9 (2) WAIVER.—The President may waive the
10 limitation in paragraph (1) with respect to an indi-
11 vidual if the Secretary of Defense determines in
12 writing that the individual possesses, through train-
13 ing and experience, the skill and knowledge other-
14 wise to be provided through a course of instruction
15 as described in that paragraph.

16 (g) COMPTROLLER GENERAL OF THE UNITED
17 STATES ASSESSMENTS.—

18 (1) BIENNIAL REPORT ON ASSESSMENTS.—Not
19 later than six months after the date of the enact-
20 ment of this Act, and every six months thereafter
21 through December 31, 2019, the Comptroller Gen-
22 eral of the United States shall submit to the Com-
23 mittees on Armed Services of the Senate and the
24 House of Representatives a report setting forth a
25 comprehensive assessment of the actions taken

1 under this section during the six-month period end-
2 ing on the date of such report and cumulatively
3 since the date of the enactment of this Act.

4 (2) ASSESSMENT TEAM.—The Comptroller Gen-
5 eral may establish within the Government Account-
6 ability Office a team of analysts to assist the Comp-
7 troller General in the performance assessments re-
8 quired by this subsection.

9 **SEC. 942. DEPARTMENT OF DEFENSE MANAGEMENT OVER-**
10 **VIEW BY THE SECRETARY OF DEFENSE.**

11 (a) IN GENERAL.—A Secretary of Defense serving in
12 that position pursuant to an appointment to that position
13 after January 20, 2017, shall submit to the Committees
14 on Armed Services of the Senate and the House of Rep-
15 resentatives, not later than each of the deadlines provided
16 in subsection (b), a report on the management of the De-
17 partment of Defense that includes, current as of the date
18 of such report, the following:

19 (1) HUMAN CAPITAL STRATEGY.—A human
20 capital strategy to address the manner in which the
21 Department of Defense civilian workforce is to be
22 managed during the five-year period beginning on
23 the date of the report, including an assessment of
24 the mix of military, civilian, and contractor per-
25 sonnel required across the Department by function.

1 (2) PERSONNEL COST SAVINGS TARGETS.—In
2 coordination with the Secretaries of the military de-
3 partments, savings targets for personnel costs dur-
4 ing the period of the most current future-years de-
5 fense program under section 221 of title 10, United
6 States Code, which targets—

7 (A) shall be applied across the entire De-
8 partment based on individual mission require-
9 ments, and may not be percentage targets for
10 each organization within the Department;

11 (B) shall use cost and function as barom-
12 eters of cost savings targets, and may not
13 achieve cost savings by billets or raw numbers
14 of personnel in an attempt to manage and opti-
15 mize a functional mix of senior, mid-career, and
16 entry-level personnel rather than preserve an
17 unbalanced and top-heavy upper-echelon staff
18 based upon tenure alone.

19 (3) ELIMINATION OF FUNCTIONS.—A plan to
20 eliminate unnecessary or redundant functions within
21 each component of the Department.

22 (4) FORCE MANAGEMENT AUTHORITIES.—Rec-
23 ommendations for legislative actions for force man-
24 agement and shaping authorities to achieve the sav-
25 ings targets specified pursuant to paragraph (3) and

1 the elimination of functions planned pursuant to
2 paragraph (4), which authorities shall focus on re-
3 warding talent, managing, hiring, and divestiture of
4 employees, and professional development of employ-
5 ees.

6 (5) DELAYERING ORGANIZATIONS.—A process
7 for delayering headquarters organizations across the
8 Department, beginning with the Office of the Sec-
9 retary of Defense and the Joint Staff and subse-
10 quently including the Defense Agencies, the combat-
11 ant commands, and the Armed Forces, which proc-
12 ess shall include—

13 (A) a description of low-priority or redun-
14 dant functions to be eliminated and of any or-
15 ganizations to be consolidated;

16 (B) appropriate plans and charts for the
17 reorganization of such headquarters that reflect
18 and depict the new headquarters structure as a
19 result of the process; and

20 (C) plans and mechanisms to oversee,
21 incentivize, and reward cross-functional teams.

22 (b) DEADLINES.—The deadlines for the submittal of
23 reports under subsection (a) are December 1, 2017, and
24 December 1 of each year thereafter through 2022.

1 **SEC. 943. MODIFICATION OF COMPOSITION AND MISSION**
2 **OF JOINT REQUIREMENTS OVERSIGHT COUN-**
3 **CIL.**

4 (a) IN GENERAL.—The text of section 181 of title
5 10, United States Code, is amended to read as follows:

6 “(a) IN GENERAL.—There is a Joint Requirements
7 Oversight Council in the Department of Defense.

8 “(b) MISSION.—The Joint Requirements Oversight
9 Council shall—

10 “(1) assist the Chairman of the Joint Chiefs of
11 Staff—

12 “(A) in assessing joint military capabilities
13 to meet applicable requirements in the national
14 defense strategy under section 118 of this title;

15 “(B) in identifying gaps in joint military
16 capabilities, including gaps that could be filled
17 by force-specific military capabilities or the
18 modification of force-specific military capabili-
19 ties;

20 “(C) in establishing requirements for new
21 joint military capabilities based on advances in
22 technology and concepts of operation;

23 “(D) in approving and prioritizing joint
24 military capability requirements or the modi-
25 fication of force-specific military capabilities

1 needed to address gaps in joint military capa-
2 bilities;

3 “(E) in validating proposed materiel capa-
4 bilities, non-materiel capabilities, or both to ful-
5 fill approved joint military capability require-
6 ments;

7 “(F) in ensuring interoperability, where
8 appropriate, of joint military capabilities and
9 between and among joint military capabilities
10 and force-specific military capabilities; and

11 “(G) in ensuring that appropriate trade-
12 offs are made among life-cycle cost, schedule,
13 performance objectives, and procurement quan-
14 tity objectives in the establishment and ap-
15 proval of joint military capability requirements
16 in consultation with the advisors specified in
17 subsection (d);

18 “(2) assist the Chairman, in consultation with
19 the advisors to the Council under subsection (d), in
20 reviewing the estimated level of resources required in
21 to fulfill each approved joint military capability re-
22 quirement and in ensuring that the total cost of
23 such resources is consistent with the level of priority
24 assigned to such requirement;

1 “(3) assist acquisition officials in identifying al-
2 ternatives to any acquisition program that meets ap-
3 proved joint military capability requirements for the
4 purposes of sections 2366a(b), 2366b(a)(4), and
5 2433(e)(2) of this title; and

6 “(4) assist the Chairman, in consultation with
7 the commanders of the combatant commands and
8 the Under Secretary of Defense for Research and
9 Engineering, in establishing an objective for the
10 overall period of time within which an initial oper-
11 ational capability should be delivered to meet each
12 approved joint military capability requirement.

13 “(c) COMPOSITION.—

14 “(1) IN GENERAL.—The Joint Requirements
15 Oversight Council is composed of the following:

16 “(A) The Vice Chairman of the Joint
17 Chiefs of Staff, who is the Chair of the Council
18 and is the principal adviser to the Chairman of
19 the Joint Chiefs for making recommendations
20 about joint military capabilities or the modifica-
21 tion of force-specific military capabilities to
22 meet joint military capability requirements.

23 “(B) An Army officer in the grade of gen-
24 eral.

1 “(C) A Navy officer in the grade of admiral.
2

3 “(D) An Air Force officer in the grade of
4 general.

5 “(E) A Marine Corps officer in the grade
6 of general.

7 “(2) RECOMMENDATIONS.—In making any recommendation to the Chairman as described in paragraph (1)(A), the Vice Chairman shall provide the
8 Chairman any dissenting view of members of the
9 Council under paragraph (1) with respect to such
10 recommendation.
11

12 “(d) ADVISORS.—

13 “(1) IN GENERAL.—The following officials of
14 the Department of Defense shall serve as advisors to
15 the Joint Requirements Oversight Council on matters within their authority and expertise:
16
17

18 “(A) The Under Secretary of Defense for
19 Policy.

20 “(B) The Under Secretary of Defense for
21 Intelligence.

22 “(C) The Under Secretary of Defense for
23 Research and Engineering.

24 “(D) The Director of Cost Assessment and
25 Program Evaluation.

1 “(E) The Director of Operational Test and
2 Evaluation.

3 “(F) The commander of a combatant com-
4 mand when matters related to the area of re-
5 sponsibility or functions of that command are
6 under consideration by the Council.

7 “(2) INPUT FROM COMBATANT COMMANDS.—
8 The Council shall seek and consider input from the
9 commanders of the combatant commands in carrying
10 out its mission under paragraphs (1) and (2) of sub-
11 section (b) and in conducting periodic reviews in ac-
12 cordance with the requirements of subsection (g).

13 “(3) INPUT FROM CHIEFS OF STAFF.—The
14 Council shall seek, and strongly consider, the views
15 of the Chiefs of Staff of the armed forces, in their
16 roles as customers of the acquisition system, on mat-
17 ters pertaining to trade-offs among cost, schedule,
18 technical feasibility, and performance in approving
19 and prioritizing joint military capability require-
20 ments or the modification of force-specific military
21 capabilities under subsection (b)(1)(D) and in the
22 balancing of resources with priorities pursuant to
23 subsection (b)(2).

24 “(e) FORCE-SPECIFIC MILITARY CAPABILITY RE-
25 QUIREMENTS.—

1 “(1) REQUIREMENTS AS RESPONSIBILITY OF
2 ARMED FORCE.—The Chief of Staff of an armed
3 force is responsible for all force-specific military ca-
4 pability requirements for that armed force. Except
5 as provided pursuant to paragraph (2), a force-spe-
6 cific military capability requirement does not need to
7 be validated by the Joint Requirements Oversight
8 Council before an acquisition program to meet such
9 requirement may commence.

10 “(2) EXCEPTION.—The following force-specific
11 military capability requirements shall be subject to
12 oversight by the Council:

13 “(A) A force-specific military capability re-
14 quirement designated by the Chairman of the
15 Joint Chiefs of Staff for purposes of this para-
16 graph, after a review conducted by the Chair-
17 man for purposes of this subsection.

18 “(B) A force-specific military capability re-
19 quirement described by subparagraph (B), (C),
20 or (F) of subsection (b)(1).

21 “(C) A force-specific military capability re-
22 quirement that is addressed by a major defense
23 acquisition program.

24 “(f) ANALYTIC SUPPORT FROM DIRECTOR OF COST
25 ASSESSMENT AND PROGRAM EVALUATION.—The Director

1 of Cost Assessment and Program Evaluation shall provide
2 resources and expertise in operations research and sys-
3 tems analysis, and cost estimation, to the Joint Require-
4 ments Oversight Council to assist the Council in assessing
5 trade-offs between cost, schedule, performance, and pro-
6 curement quantity in the identification, establishment, and
7 approval of joint military capability requirements.

8 “(g) PERIODIC REVIEWS OF CORE MISSIONS OF
9 DOD.—The Joint Requirements Oversight Council shall
10 conduct periodic reviews of joint military capability re-
11 quirements within a core mission area of the Department
12 of Defense. In any such review of a core mission area,
13 the officer or official assigned to lead the review shall have
14 a deputy from a different military department.

15 “(h) AVAILABILITY OF OVERSIGHT INFORMATION TO
16 CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary
17 of Defense shall ensure that, in the case of a recommenda-
18 tion by the Chairman of the Joint Chiefs of Staff to the
19 Secretary that is approved by the Secretary, oversight in-
20 formation with respect to such recommendation that is
21 produced as a result of the activities of the Joint Require-
22 ments Oversight Council is made available in a timely
23 fashion to the congressional defense committees.

24 “(i) DEFINITIONS.—In this section:

1 “(1) The term ‘military capability requirement’
2 means a materiel or non-materiel capability nec-
3 essary to fulfill a gap in joint or force-specific mili-
4 tary capabilities in support of the national defense
5 strategy.

6 “(2) The term ‘major defense acquisition pro-
7 gram’ has the meaning given that term in section
8 2430 of this title.

9 “(3) The term ‘oversight information’ means in-
10 formation and materials comprising analysis and
11 justification that are prepared to support a rec-
12 ommendation that is made to, and approved by, the
13 Secretary of Defense.”.

14 (b) MILESTONE APPROVALS.—

15 (1) MILESTONE A.—Section 2366a of title 10,
16 United States Code, is amended—

17 (A) in subsection (b), in the subsection
18 heading, by striking “WRITTEN” and inserting
19 “MILESTONE DECISION AUTHORITY WRIT-
20 TEN”;

21 (B) by redesignating subsections (c) and
22 (d) as subsections (d) and (e), respectively; and

23 (C) by inserting after subsection (b) the
24 following new subsection:

1 “(c) CHAIRMAN OF THE JOINT CHIEFS OF STAFF
2 WRITTEN DETERMINATION REQUIRED.—A major defense
3 acquisition program or subprogram may not receive Mile-
4 stone A approval or otherwise be initiated prior to Mile-
5 stone B approval until the Chairman of the Joint Chiefs
6 of Staff determines in writing that the program or subpro-
7 gram—

8 “(1) complies with applicable interoperability
9 requirements established pursuant to section
10 181(b)(1)(F) of this title; and

11 “(2) is an appropriate use of resources that will
12 effectively meet the future needs of the commanders
13 of the combatant commands.”.

14 (2) MILESTONE B.—Section 2366b of title 10,
15 United States Code, is amended—

16 (A) by redesignating subsections (g) as
17 subsection (h); and

18 (B) by inserting after subsection (f) the
19 following new subsection:

20 “(g) CHAIRMAN OF THE JOINT CHIEFS OF STAFF
21 WRITTEN DETERMINATION REQUIRED.—A major defense
22 acquisition program may not receive Milestone B approval
23 until the Chairman of the Joint Chiefs of Staff determines
24 in writing that the program—

1 “(1) complies with applicable interoperability
2 requirements established pursuant to section
3 181(b)(1)(F) of this title; and

4 “(2) is an appropriate use of resources that will
5 effectively meet the future needs of the commanders
6 of the combatant commands.”.

7 **SEC. 944. ENHANCED PERSONNEL MANAGEMENT AUTHORI-**
8 **TIES FOR THE CHIEF OF THE NATIONAL**
9 **GUARD BUREAU.**

10 Section 10508 of title 10, United States Code, is
11 amended—

12 (1) by inserting “(a) MANPOWER REQUIRE-
13 MENTS OF NATIONAL GUARD BUREAU.—” before
14 “The manpower requirements”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(b) PERSONNEL FOR FUNCTIONS OF NATIONAL
18 GUARD BUREAU.—

19 “(1) IN GENERAL.—The Chief of the National
20 Guard Bureau may program for, appoint, employ,
21 administer, detail, and assign persons under sections
22 2103, 2105, and 3101 of title 5, or section 328 of
23 title 32, within the National Guard Bureau and the
24 National Guard of each State, the Commonwealth of
25 Puerto Rico, the District of Columbia, Guam, and

1 the Virgin Islands to execute the functions of the
2 National Guard Bureau and the missions of the Na-
3 tional Guard, and missions as assigned by the Chief
4 of the National Guard Bureau.

5 “(2) ADMINISTRATION THROUGH ADJUTANTS
6 GENERAL.—The Chief of the National Guard Bu-
7 reau may designate the adjutants general referred to
8 in section 314 of title 32 to appoint, employ, and ad-
9 minister the National Guard employees authorized
10 by this subsection.

11 “(3) ADMINISTRATIVE ACTIONS.—Notwith-
12 standing the Intergovernmental Personnel Act of
13 1970 (42 U.S.C. 4701 et seq.) and under regula-
14 tions prescribed by the Chief of the National Guard
15 Bureau, all personnel actions or conditions of em-
16 ployment, including adverse actions under title 5,
17 pertaining to a person appointed, employed, or ad-
18 ministered by an adjutant general under this sub-
19 section shall be accomplished by the adjutant gen-
20 eral of the jurisdiction concerned. For purposes of
21 any administrative complaint, grievance, claim, or
22 action arising from, or relating to, such a personnel
23 action or condition of employment:

24 “(A) The adjutant general of the jurisdic-
25 tion concerned shall be considered the head of

1 the agency and the National Guard of the juris-
2 diction concerned shall be considered the em-
3 ploying agency of the individual and the sole de-
4 fendant or respondent in any administrative ac-
5 tion.

6 “(B) The National Guard of the jurisdic-
7 tion concerned shall defend any administrative
8 complaint, grievance, claim, or action, and shall
9 promptly implement all aspects of any final ad-
10 ministrative order, judgment, or decision.

11 “(C) In any civil action or proceeding
12 brought in any court arising from an action
13 under this section, the United States shall be
14 the sole defendant or respondent.

15 “(D) The Attorney General of the United
16 States shall defend the United States in actions
17 arising under this section described in subpara-
18 graph (C).

19 “(E) Any settlement, judgment, or costs
20 arising from an action described in subpara-
21 graph (A) or (C) shall be paid from appro-
22 priated funds allocated to the National Guard
23 of the jurisdiction concerned.”.

1 **SEC. 945. MANAGEMENT OF DEFENSE CLANDESTINE**
2 **HUMAN INTELLIGENCE COLLECTION.**

3 (a) ACTIONS SUPPORTING DECISION ON MANAGE-
4 MENT OF CLANDESTINE HUMAN INTELLIGENCE COLLEC-
5 TION.—

6 (1) IN GENERAL.—The Secretary of Defense
7 shall, in coordination with the Director of National
8 Intelligence, undertake actions to support a decision
9 on whether—

10 (A) to maintain a separate clandestine
11 human intelligence (HUMINT) collection capa-
12 bility within the Defense Intelligence Agency; or

13 (B) to consolidate clandestine human intel-
14 ligence collection within the Directorate of Op-
15 erations of the Central Intelligence Agency.

16 (2) PARTICULAR ACTIONS.—These actions un-
17 dertaken under paragraph (1) shall include the pilot
18 program required by subsection (b) and the assess-
19 ment required by subsection (c).

20 (b) PILOT PROGRAM ON MILITARY DIVISION WITHIN
21 DIRECTORATE OF OPERATIONS.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall, in coordination with the Director of National
24 Intelligence and the Director of the Central Intel-
25 ligence Agency, carry out a pilot program to assess
26 the feasibility and advisability of establishing a mili-

1 tary division within the Directorate of Operations of
2 the Central Intelligence Agency.

3 (2) ELEMENTS.—

4 (A) IN GENERAL.—The pilot program shall
5 consist of the following elements:

6 (i) Members of the Armed Forces and
7 civilian employees of the Department of
8 Defense who are trained to be human in-
9 telligence case officers (in this paragraph
10 referred to as “Department of Defense
11 case officers”) shall be detailed to, and
12 supported by, the Directorate of Oper-
13 ations.

14 (ii) An officer of the Armed Forces
15 shall serve as the deputy director of the
16 Director of Operations for the military di-
17 vision under the pilot program, in which
18 capacity the officer shall direct the activi-
19 ties of the Department of Defense case of-
20 ficers and rate their performance.

21 (iii) The Department of Defense case
22 officers, and any support personnel, de-
23 tailed under the pilot program shall be
24 drawn from the available pool of Defense
25 Clandestine Service military and civilian

1 billets and personnel for fiscal year 2017
2 or 2018, as applicable, and shall not be in
3 addition to any personnel planned for the
4 Defense Clandestine Service in the budget
5 of the President for such fiscal year sub-
6 mitted to Congress pursuant to section
7 1105 of title 31, United States Code.

8 (iv) The Department of Defense case
9 officers detailed under the pilot program
10 shall be primarily assigned to collect
11 human intelligence in support of Depart-
12 ment of Defense requirements, with par-
13 ticular focus on collection on intelligence
14 relating to science and technology.

15 (v) The information collected by the
16 Department of Defense case officers de-
17 tailed under the pilot program in support
18 of Department requirements shall be made
19 promptly and directly available to the De-
20 partment.

21 (B) DURATION.—The pilot program shall
22 run for such period as the Secretary considers
23 appropriate, but less than three years.

24 (c) ASSESSMENT OF PILOT PROGRAM.—The Sec-
25 retary of Defense and the Director of National Intelligence

1 shall jointly conduct an assessment of the pilot program
2 under subsection (b). The assessment shall address the
3 following:

4 (1) Whether institutional and procedural safe-
5 guards are available to ensure that the Department
6 of Defense can rely on the Directorate of Operations
7 of the Central Intelligence Agency to support the
8 human intelligence collection requirements of the
9 Department.

10 (2) Whether a high ratio of support personnel
11 to deployed case officers in the Directorate of Oper-
12 ations translates into more productive collection of
13 human intelligence when compared with a model of
14 a lower ratio of support personnel to deployed case
15 officers (as proposed by the Director of the Defense
16 Intelligence Agency for the Defense Clandestine
17 Service).

18 (3) Whether a consolidated clandestine human
19 intelligence collection organization charged with
20 meeting the needs of the Department and the intel-
21 ligence community provides a more effective and ef-
22 ficient solution than two organizations, one serving
23 within the Department and the other serving within
24 the Central Intelligence Agency.

1 (4) Whether it is more effective and efficient to
2 provide support and perform oversight of the con-
3 solidated organization described in paragraph (3)
4 through the Directorate of Operations or the De-
5 fense Intelligence Agency.

6 (5) Whether a permanent military division with-
7 in the Directorate of Operations should be funded
8 within the Military Intelligence Program (MIP) or
9 the National Intelligence Program (NIP).

10 (d) REPORTS.—

11 (1) INITIAL REPORT.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Defense and the Director of National Intel-
14 ligence shall jointly submit to the appropriate com-
15 mittees of Congress a report on the actions taken to
16 implement the pilot program required by subsection
17 (b).

18 (2) FINAL REPORT.—Not later than three years
19 after the date of the enactment of this Act, the Sec-
20 retary and the Director shall jointly submit to the
21 appropriate committees of Congress a report on the
22 actions taken under this section. The report shall in-
23 clude the following:

24 (A) A description of the pilot program
25 under subsection (b).

1 (B) The elements of the assessment under
2 subsection (c).

3 (C) The joint decision of the Secretary and
4 the Director under subsection (a) on whether—

5 (i) to maintain a separate clandestine
6 human intelligence collection capability
7 within the Defense Intelligence Agency; or

8 (ii) to consolidate clandestine human
9 intelligence collection within the Direc-
10 torate of Operations of the Central Intel-
11 ligence Agency.

12 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—In this section, the term “appropriate commit-
14 tees of Congress” means—

15 (1) the Committee on Armed Services, the
16 Committee on Appropriations, and the Select Com-
17 mittee on Intelligence of the Senate; and

18 (2) the Committee on Armed Services, the
19 Committee on Appropriations, and the Permanent
20 Select Committee on Intelligence of the House of
21 Representatives.

22 **SEC. 946. REPEAL OF FINANCIAL MANAGEMENT MOD-**
23 **ERNIZATION EXECUTIVE COMMITTEE.**

24 (a) REPEAL.—Section 185 of title 10, United States
25 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 7 of such title is amended by
 3 striking the item relating to section 185.

4 **SEC. 947. REORGANIZATION AND REDESIGNATION OF OF-**
 5 **FICE OF FAMILY POLICY AND OFFICE OF**
 6 **COMMUNITY SUPPORT FOR MILITARY FAMI-**
 7 **LIES WITH SPECIAL NEEDS.**

8 (a) OFFICE OF FAMILY POLICY.—

9 (1) REDESIGNATION AS OFFICE OF MILITARY
 10 FAMILY READINESS POLICY.—Section 1781(a) of
 11 title 10, United States Code, is amended—

12 (A) by striking “Office of Family Policy”
 13 and inserting “Office of Military Family Readiness
 14 Policy”; and

15 (B) by striking “Director of Family Pol-
 16 icy” and inserting “Director of Military Family
 17 Readiness Policy”.

18 (2) REQUIREMENT FOR DIRECTOR TO BE MEM-
 19 BER OF SENIOR EXECUTIVE SERVICE OR GENERAL
 20 OR FLAG OFFICER.—Such section is further amend-
 21 ed by adding at the end the following new sentence:
 22 “The Director shall be a member of the Senior Ex-
 23 ecutive Service or a general officer or flag officer.”.

24 (3) INCLUSION OF DIRECTOR ON MILITARY
 25 FAMILY READINESS COUNCIL.—Subsection (b)(1)(E)

1 of section 1781a of such title is amended by striking
2 “Office of Community Support for Military Families
3 with Special Needs” and inserting “Office of Military
4 Family Readiness Policy”.

5 (4) CONFORMING AMENDMENT.—Section
6 131(b)(7)(F) of such title is amended by striking
7 “Director of Family Policy” and inserting “Director
8 of Military Family Readiness Policy”.

9 (5) HEADING AND CLERICAL AMENDMENTS.—

10 (A) SECTION HEADING.—The heading of
11 section 1781 of such title is amended to read as
12 follows:

13 **“§ 1781. Office of Military Family Readiness Policy”.**

14 (B) CLERICAL AMENDMENT.—The table of
15 sections at the beginning of chapter 88 of such
16 title is amended by striking the item relating to
17 section 1781 and inserting the following new
18 item:

“1781. Office of Military Family Readiness Policy.”.

19 (b) OFFICE OF COMMUNITY SUPPORT FOR MILITARY
20 FAMILIES WITH SPECIAL NEEDS.—

21 (1) REDESIGNATION AS OFFICE OF SPECIAL
22 NEEDS.—Subsection (a) of section 1781c of title 10,
23 United States Code, is amended by striking “Office
24 of Community Support for Military Families with

1 Special Needs” and inserting “Office of Special
2 Needs”.

3 (2) REORGANIZATION UNDER OFFICE OF MILI-
4 TARY FAMILY READINESS POLICY.—Such subsection
5 is further amended by striking “Office of the Under
6 Secretary of Defense for Personnel and Readiness”
7 and inserting “Office of Military Family Readiness
8 Policy”.

9 (3) REPEAL OF REQUIREMENT FOR HEAD OF
10 OFFICE TO BE MEMBER OF SENIOR EXECUTIVE
11 SERVICE OR GENERAL OR FLAG OFFICER.—Such
12 section is further amended by striking subsection
13 (c).

14 (4) CONFORMING AMENDMENTS.—Such section
15 is further amended—

16 (A) by redesignating subsections (d)
17 through (i) as subsections (c) through (h), re-
18 spectively;

19 (B) by striking “subsection (e)” each place
20 it appears and inserting “subsection (d)”;

21 (C) in subsection (c), as so redesignated,
22 by striking “subsection (f)” in paragraph (2)
23 and inserting “subsection (e)”;

24 (D) in subsection (g), as so redesignated—

1 (i) in paragraph (2)(A), by striking
 2 “subsection (d)(3)” and inserting “sub-
 3 section (c)(3)”; and

4 (ii) in paragraph (2)(B), by striking
 5 “subsection (d)(4)” and inserting “sub-
 6 section (c)(4)”.

7 (5) HEADING AND CLERICAL AMENDMENTS.—

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

10 **“§ 1781c. Office of Special Needs”.**

11 (B) CLERICAL AMENDMENT.—The table of
 12 sections at the beginning of chapter 88 of such
 13 title is amended by striking the item relating to
 14 section 1781c and inserting the following new
 15 item:

“1781c. Office of Special Needs.”.

16 **SEC. 948. PILOT PROGRAMS ON WAIVER OF APPLICABILITY**
 17 **OF RULES AND REGULATIONS TO DEPART-**
 18 **MENT OF DEFENSE SCIENCE AND TECH-**
 19 **NOLOGY REINVENTION LABORATORIES AND**
 20 **DARPA TO IMPROVE OPERATIONS AND PER-**
 21 **SONNEL MANAGEMENT.**

22 (a) PILOT PROGRAMS AUTHORIZED.—The director of
 23 a Department of Defense science and technology reinven-
 24 tion laboratory and the Director of the Defense Advanced
 25 Research Projects Agency may carry out a pilot program

1 to assess the feasibility and advisability of enhancing op-
2 erations and personnel management of such laboratory or
3 Agency through the waiver of one or more regulations, in-
4 structions, publications, policies, or procedures of the De-
5 partment of Defense or a military department otherwise
6 applicable to such laboratory or the Defense Advanced Re-
7 search Projects Agency. A provision of statutory law may
8 not be waived under such a pilot program.

9 (b) PRIORITY IN WAIVER OF RULES AND REGULA-
10 TIONS ON OPERATIONS AND PERSONNEL MANAGE-
11 MENT.—In carrying out a pilot program under subsection
12 (a), the director of a Department of Defense science and
13 technology reinvention laboratory or the Director of the
14 Defense Advanced Research Projects Agency shall place
15 priority on the waiver of regulations, instructions, publica-
16 tions, policies, or procedures relating to the operations and
17 personnel management of the laboratory concerned or the
18 Defense Advanced Research Projects Agency, as applica-
19 ble, including regulations, instructions, publications, poli-
20 cies, or procedures relating to the following:

- 21 (1) Facilities management, construction, and
22 repair.
- 23 (2) Business operations.
- 24 (3) Human resources.
- 25 (4) Public outreach.

1 (c) WAIVER JUSTIFICATION.—

2 (1) DOD LABORATORIES.—The director of a
3 Department of Defense science and technology lab-
4 oratory proposing to grant a waiver under a pilot
5 program under subsection (a) shall submit to the
6 Secretary of the military department concerned and
7 the General Counsel of that military department a
8 justification for the waiver, including the matters
9 specified in paragraph (3).

10 (2) DARPA.—The Director of the Defense Ad-
11 vanced Research Projects Agency shall submit to the
12 Chief Management Officer of the Department of De-
13 fense and the General Counsel of the Department of
14 Defense a justification for each waiver proposed to
15 be issued by the Director under a pilot program
16 under subsection (a), including the matters specified
17 in paragraph (3).

18 (3) WAIVER JUSTIFICATION MATTERS.—The
19 matters to be included in the justification for a wai-
20 ver under this subsection are the following:

21 (A) The regulation, instruction, publica-
22 tion, policy, or procedure to be waived.

23 (B) The unit or activity to be affected by
24 the waiver.

25 (C) The anticipated duration of the waiver.

1 (D) An assessment of the anticipated mon-
2 etary or operational benefits of the waiver.

3 (E) A legal review of the waiver by—

4 (i) in the case of a waiver covered by
5 paragraph (1), a senior legal officer of the
6 laboratory concerned; or

7 (ii) in the case of a waiver covered by
8 paragraph (2), a senior legal officer of the
9 Defense Advanced Research Projects Agen-
10 cy.

11 (d) WAIVER EFFECTIVENESS.—

12 (1) DoD LABORATORIES.—A waiver proposed
13 for a Department of Defense science and technology
14 laboratory under a pilot program under subsection
15 (a) shall go into effect at the end of the 30-day pe-
16 riod beginning on the date of the receipt by the Sec-
17 retary of the military department concerned of the
18 justification for the waiver under subsection (c)(1),
19 unless the Secretary disapproves the waiver during
20 that period. The Secretaries of the military depart-
21 ments shall have sole discretion to disapprove waiv-
22 ers for purposes of pilot programs under subsection
23 (a), subject to the direction of the Secretary of De-
24 fense.

1 (2) DARPA.—A waiver proposed for the De-
2 fense Advanced Research Projects Agency under a
3 pilot program under subsection (a) shall go into ef-
4 fect at the end of the 30-day period beginning on the
5 date of the receipt by the Chief Management Officer
6 of the Department of Defense of the justification for
7 the waiver under subsection (c)(2), unless the Chief
8 Management Officer, in the Chief Management Offi-
9 cer’s sole discretion, disapproves the waiver during
10 that period.

11 (3) CONSIDERATIONS.—In considering whether
12 or not to disapprove a waiver pursuant to this sub-
13 section, the Secretaries of the military departments
14 and the Chief Management Officer shall take into
15 account whether the waiver will enhance the oper-
16 ations or personnel management of the laboratory
17 concerned or the Defense Advanced Research
18 Projects Agency, as applicable.

19 (e) DEPARTMENT OF DEFENSE SCIENCE AND TECH-
20 NOLOGY REINVENTION LABORATORY DEFINED.—In this
21 section, the term “Department of Defense science and
22 technology reinvention laboratory” means a laboratory
23 specified in section 1105(a) of the National Defense Au-
24 thorization Act for Fiscal Year 2010 (10 U.S.C. 2358
25 note).

1 (f) TERMINATION.—

2 (1) IN GENERAL.—The authority to grant waiv-
 3 ers under subsection (a) shall expire on December
 4 31, 2023.

5 (2) CONTINUATION OF PRIOR WAIVERS.—Noth-
 6 ing in paragraph (1) shall act to terminate a waiver
 7 granted under subsection (a) before the date speci-
 8 fied in paragraph (1). Any such waiver may continue
 9 according to its terms unless otherwise terminated
 10 by the Secretary of the military department con-
 11 cerned or the Chief Management Officer of the De-
 12 partment of Defense, as applicable.

13 **SEC. 949. REDESIGNATION OF ASSISTANT SECRETARY OF**
 14 **THE AIR FORCE FOR ACQUISITION AS ASSIST-**
 15 **ANT SECRETARY OF THE AIR FORCE FOR AC-**
 16 **QUISITION, TECHNOLOGY, AND LOGISTICS.**

17 (a) REDESIGNATION.—Section 8016(b)(4)(A) of title
 18 10, United States Code, is amended—

19 (1) by striking “Assistant Secretary of the Air
 20 Force for Acquisition” and inserting “Assistant Sec-
 21 retary of the Air Force for Acquisition, Technology,
 22 and Logistics”; and

23 (2) by inserting “, technology, and logistics”
 24 after “acquisition”.

1 (b) REFERENCES.—Any reference to the Assistant
2 Secretary of the Air Force for Acquisition in any law, reg-
3 ulation, map, document, record, or other paper of the
4 United States shall be deemed to be a reference to the
5 Assistant Secretary of the Air Force for Acquisition, Tech-
6 nology, and Logistics.

7 **Subtitle D—Whistleblower Protec-**
8 **tions for Members of the Armed**
9 **Forces**

10 **SEC. 961. IMPROVEMENTS TO WHISTLEBLOWER PROTEC-**
11 **TION PROCEDURES.**

12 (a) ACTIONS TREATABLE AS PROHIBITED PER-
13 SONNEL ACTIONS.—Paragraph (2) of subsection (b) of
14 section 1034 of title 10, United States Code, is amended
15 to read as follows:

16 “(2)(A) The actions considered for purposes of this
17 section to be a personnel action prohibited by this sub-
18 section shall include any action prohibited by paragraph
19 (1), including the threat to take any unfavorable action,
20 the withholding or threat to withhold any favorable action,
21 making or threatening to make a significant change in the
22 duties or responsibilities of a member of the armed forces
23 not commensurate with the member’s grade, a retaliatory
24 investigation, and the failure of a superior to respond to
25 retaliatory action or harassment by one or more subordi-

1 nates taken against a member of which the superior knew
2 or should have known.

3 “(B) In this paragraph, the term ‘retaliatory inves-
4 tigation’ means an investigation requested, directed, initi-
5 ated, or conducted for the primary purpose of punishing,
6 harassing, or ostracizing a member for making a protected
7 communication.

8 “(C) Nothing in this paragraph shall be construed to
9 limit the ability of a commander to consult with a superior
10 in the chain of command, an inspector general, or a judge
11 advocate general on the disposition of a complaint against
12 a member of the armed forces for an allegation of collat-
13 eral misconduct or for a matter unrelated to a protected
14 communication. Such consultation shall provide an affirm-
15 ative defense against an allegation that a member re-
16 quested, directed, initiated, or conducted a retaliatory in-
17 vestigation under this section.”

18 (b) ACTION IN RESPONSE TO HARDSHIP IN CONNec-
19 tion WITH PERSONNEL ACTIONS.—

20 (1) IN GENERAL.—Subsection (c)(4) of such
21 section is amended—

22 (A) by redesignating subparagraph (E) as
23 subparagraph (F); and

24 (B) by inserting after subparagraph (D)
25 the following new subparagraph (E):

1 “(E) If the Inspector General makes a preliminary
2 determination in an investigation under subparagraph (D)
3 that there are reasonable grounds to believe that a per-
4 sonnel action prohibited by subsection (b) has occurred
5 and the personnel action will result in an immediate hard-
6 ship to the member alleging the personnel action, the In-
7 spector General shall promptly notify the Secretary of the
8 military department concerned or the Secretary of Home-
9 land Security, as applicable, of the hardship, and such
10 Secretary shall take such action as such Secretary con-
11 siders appropriate.”.

12 (2) CONFORMING AMENDMENT.—Subsection
13 (e)(1) of such section is amended by striking “sub-
14 section (c)(4)(E)” and inserting “subsection
15 (c)(4)(F)”.

16 (c) PERIODIC NOTICE TO MEMBERS ON PROGRESS
17 OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph
18 (3) of subsection (e) of such section is amended to read
19 as follows:

20 “(3)(A) Not later than 180 days after the commence-
21 ment of an investigation of an allegation under subsection
22 (c)(4), and every 180 days thereafter until the trans-
23 mission of the report on the investigation under paragraph
24 (1) to the member concerned, the Inspector General con-

1 ducting the investigation shall submit a notice on the in-
2 vestigation described in subparagraph (B) to the following:

3 “(i) The member.

4 “(ii) The Secretary of Defense.

5 “(iii) The Secretary of the military department
6 concerned, or the Secretary of Homeland Security in
7 the case of a member of the Coast Guard when the
8 Coast Guard is not operating as a service in the
9 Navy.

10 “(B) Each notice on an investigation under subpara-
11 graph (A) shall include the following:

12 “(i) A description of the current progress of the
13 investigation.

14 “(ii) An estimate of the time remaining until
15 the completion of the investigation and the trans-
16 mittal of the report required by paragraph (1) to the
17 member concerned.”.

18 (d) CORRECTION OF RECORDS.—Paragraph (2) of
19 subsection (g) of such section is amended to read as fol-
20 lows:

21 “(2) In resolving an application described in para-
22 graph (1) for which there is a report of the Inspector Gen-
23 eral under subsection (e)(1), a correction board—

24 “(A) shall review the report of the Inspector
25 General;

1 “(B) may request the Inspector General to
2 gather further evidence;

3 “(C) may receive oral argument, examine and
4 cross-examine witnesses, and take depositions; and

5 “(D) shall consider a request by a member or
6 former member in determining whether to hold an
7 evidentiary hearing.”.

8 (e) UNIFORM STANDARDS FOR INSPECTOR GENERAL
9 INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS
10 AND OTHER MATTERS.—

11 (1) IN GENERAL.—Not later than one year
12 after the date of the enactment of this Act, the In-
13 spector General of the Department of Defense shall
14 prescribe uniform standards for the following:

15 (A) The investigation of allegations of pro-
16 hibited personnel actions under section 1034 of
17 title 10, United States Code (as amended by
18 this section), by the Inspector General and the
19 Inspectors General of the military departments.

20 (B) The training of the staffs of the In-
21 spectors General referred to in subparagraph
22 (A) on the conduct of investigations described
23 in that subparagraph.

24 (2) USE.—Commencing 180 days after pre-
25 scription of the standards required by paragraph

1 (1), the Inspectors General referred to in that para-
 2 graph shall comply with such standards in the con-
 3 duct of investigations described in that paragraph
 4 and in the training of the staffs of such Inspectors
 5 General in the conduct of such investigations.

6 **SEC. 962. MODIFICATION OF WHISTLEBLOWER PROTEC-**
 7 **TION AUTHORITIES TO RESTRICT CONTRARY**
 8 **FINDINGS OF PROHIBITED PERSONNEL AC-**
 9 **TION BY THE SECRETARY CONCERNED.**

10 (a) IN GENERAL.—Section 1034(f) of title 10, United
 11 States Code, is amended—

12 (1) in the subsection heading, by striking “VIO-
 13 LATIONS” and inserting “SUBSTANTIATED VIOLA-
 14 TIONS”; and

15 (2) in paragraph (1), by striking “there is suffi-
 16 cient basis” and all that follows and inserting “cor-
 17 rective or disciplinary action should be taken. If the
 18 Secretary concerned determines that corrective or
 19 disciplinary action should be taken, the Secretary
 20 shall take appropriate corrective or disciplinary ac-
 21 tion.”.

22 (b) ACTIONS FOLLOWING DETERMINATIONS.—Para-
 23 graph (2) of such section is amended—

24 (1) in the matter preceding subparagraph (A)—

1 (A) by striking “the Secretary concerned
2 determines under paragraph (1)” and inserting
3 “the Inspector General determines”; and

4 (B) by striking “the Secretary shall” and
5 inserting “the Secretary concerned shall”;

6 (2) in subparagraph (A), by inserting “, includ-
7 ing referring the report to the appropriate board for
8 the correction of military records” before the semi-
9 colon; and

10 (3) by striking subparagraph (B) and inserting
11 the following new subparagraph (B):

12 “(B) submit to the Inspector General a report
13 on the actions taken by the Secretary pursuant to
14 this paragraph, and provide for the inclusion of a
15 summary of the report under this subparagraph
16 (with any personally identifiable information re-
17 dacted) in the semiannual report to Congress of the
18 Inspector General of the Department of Defense or
19 the Inspector General of the Department of Home-
20 land Security, as applicable, under section 5 of the
21 Inspector General Act of 1978 (5 U.S.C. App.).”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of the enactment
24 of this Act, and shall apply with respect to reports received
25 by the Secretaries of the military departments and the

1 Secretary of Homeland Security under section 1034(e) of
2 title 10, United States Code, on or after that date.

3 **SEC. 963. IMPROVEMENTS TO AUTHORITIES AND PROCE-**
4 **DURES FOR THE CORRECTION OF MILITARY**
5 **RECORDS.**

6 (a) PROCEDURES OF BOARDS.—Paragraph (3) of
7 section 1552(a) of title 10, United States Code, is amend-
8 ed—

9 (1) by inserting “(A)” after “(3)”; and

10 (2) by adding at the end the following new sub-
11 paragraphs:

12 “(B) If a board makes a preliminary determination
13 that a claim under this section lacks sufficient information
14 or documents to support the claim, the board shall notify
15 the claimant, in writing, indicating the specific informa-
16 tion or documents necessary to make the claim complete
17 and reviewable by the board.

18 “(C) If a claimant is unable to provide military per-
19 sonnel or medical records applicable to a claim under this
20 section, the board shall make reasonable efforts to obtain
21 the records. A claimant shall provide the board with docu-
22 mentary evidence of the efforts of the claimant to obtain
23 such records. The board shall inform the claimant of the
24 results of the board’s efforts, and shall provide the claim-

1 ant copies of any records so obtained upon request of the
2 claimant.

3 “(D) Any request for reconsideration of a determina-
4 tion of a board under this section, no matter when filed,
5 shall be reconsidered by a board under this section if sup-
6 ported by materials not previously presented to or consid-
7 ered by the board in making such determination.”.

8 (b) JUDICIAL REVIEW OF DETERMINATIONS OF
9 BOARDS.—Paragraph (4) of such section is amended—

10 (1) by inserting “(A)” after “(4)”;

11 (2) in subparagraph (A), as so designated, by
12 inserting “or subject to review or appeal as de-
13 scribed in subparagraph (B)” after “Except when
14 procured by fraud”; and

15 (3) by adding at the end the following new sub-
16 paragraph:

17 “(B) A claimant may seek judicial review of a deter-
18 mination of a board under this section in an appropriate
19 court of the United States. The scope of judicial review
20 under this subparagraph shall be as specified in section
21 706 of title 5.”.

22 (c) PUBLICATION OF FINAL DECISIONS OF
23 BOARDS.—Such section is further amended by adding at
24 the end the following new paragraph:

1 “(5) Each final decision of a board under this sub-
2 section shall be made available to the public in electronic
3 form on a centralized Internet website. In any decision so
4 made available to the public there shall be redacted all
5 personally identifiable information.”.

6 (d) TRAINING OF MEMBERS OF BOARDS.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, each
9 Secretary concerned shall develop and implement a
10 comprehensive training curriculum for members of
11 boards for the correction of military records under
12 the jurisdiction of such Secretary in the duties of
13 such boards under section 1552 of title 10, United
14 States Code. The curriculum shall address all areas
15 of administrative law applicable to the duties of such
16 boards.

17 (2) UNIFORM CURRICULA.—The Secretary of
18 Defense and the Secretary of Homeland Security
19 shall jointly ensure that the curricula developed and
20 implemented pursuant to this subsection are, to the
21 extent practicable, uniform.

22 (3) TRAINING.—

23 (A) IN GENERAL.—Each member of a
24 board for the correction of military records
25 shall undergo retraining (consistent with the

1 curriculum developed and implemented pursu-
2 ant to this subsection) regarding the duties of
3 boards for the correction of military records
4 under section 1552 of title 10, United States
5 Code, at least once every five years during the
6 member's tenure on the board.

7 (B) CURRENT MEMBERS.—Each member
8 of a board for the correction of military records
9 as of the date of the implementation of the cur-
10 riculum required by paragraph (1) (in this
11 paragraph referred to as the “curriculum imple-
12 mentation date”) shall undergo training de-
13 scribed in subparagraph (A) not later than 90
14 days after the curriculum implementation date.

15 (C) NEW MEMBERS.—Each individual who
16 becomes a member of a board for the correction
17 of military records after the curriculum imple-
18 mentation date shall undergo training described
19 in subparagraph (A) by not later than 90 days
20 after the date on which such individual becomes
21 a member of the board.

22 (4) REPORTS.—Not later than 18 months after
23 the date of the enactment of this Act, each Secretary
24 concerned shall submit to Congress a report setting
25 forth the following:

1 (A) A description and assessment of the
2 progress made by such Secretary in imple-
3 menting training requirements for members of
4 boards for the correction of military records
5 under the jurisdiction of such Secretary.

6 (B) A detailed description of the training
7 curriculum required of such Secretary by para-
8 graph (1).

9 (C) A description and assessment of any
10 impediments to the implementation of training
11 requirements for members of boards for the
12 correction of military records under the juris-
13 diction of such Secretary.

14 (5) SECRETARY CONCERNED DEFINED.—In this
15 subsection, the term “Secretary concerned” means a
16 “Secretary concerned” as that term is used in sec-
17 tion 1552 of title 10, United States Code.

18 **SEC. 964. COMPTROLLER GENERAL OF THE UNITED**
19 **STATES REVIEW OF INTEGRITY OF DEPART-**
20 **MENT OF DEFENSE WHISTLEBLOWER PRO-**
21 **GRAM.**

22 (a) REPORT REQUIRED.—Not later than one year
23 after the date of the enactment of this Act, the Comp-
24 troller General of the United States shall submit to the
25 Committees on Armed Services of the Senate and the

1 House of Representatives a report setting forth a review
2 of the integrity of the Department of Defense whistle-
3 blower program.

4 (b) ELEMENTS.—The review for purposes of the re-
5 port required by subsection (a) shall include the following
6 elements:

7 (1) An assessment of the extent to which the
8 Department of Defense whistleblower program meets
9 Executive branch policies and goals for whistleblower
10 protections.

11 (2) An assessment of the adequacy of proce-
12 dures to handle and address complaints submitted
13 by employees in the Office of the Inspector General
14 of the Department of Defense to ensure that such
15 employees themselves are able to disclose a sus-
16 pected violation of law, rule, or regulation without
17 fear of reprisal.

18 (3) An assessment of the extent to which there
19 have been violations of standards used in regard to
20 the protection of confidentiality provided to whistle-
21 blowers by the Inspector General of the Department
22 of Defense.

23 (4) An assessment of the extent to which there
24 have been incidents of retaliatory investigations

1 against whistleblowers within the Office of the In-
2 specter General.

3 (5) An assessment of the extent to which the
4 Inspector General of the Department of Defense has
5 thoroughly investigated and substantiated allegations
6 within the past 10 years against civilian officials of
7 the Department of Defense appointed to their posi-
8 tions by and with the advice and consent of the Sen-
9 ate, and whether Congress has been notified of the
10 results of such investigations.

11 (6) An assessment of the ability of the Inspec-
12 tor General of the Department of Defense and the
13 Inspectors General of the military departments to
14 access agency information necessary to the execution
15 of their duties, including classified and other sen-
16 sitive information, and an assessment of the ade-
17 quacy of security procedures to safeguard such clas-
18 sified or sensitive information when so accessed.

1 **Subtitle E—Other Matters**

2 **SEC. 971. MODIFICATION OF REQUIREMENTS FOR AC-** 3 **COUNTING FOR MEMBERS OF THE ARMED** 4 **FORCES AND DEPARTMENT OF DEFENSE CI-** 5 **VILIAN EMPLOYEES LISTED AS MISSING.**

6 (a) **LIMITATION OF DPAA TO MISSING PERSONS**
7 **FROM PAST CONFLICTS.**—Section 1501(a) of title 10,
8 United States Code, is amended—

9 (1) in paragraph (1)(A), by inserting “from
10 past conflicts” after “matters relating to missing
11 persons”;

12 (2) in paragraph (2)—

13 (A) by striking subparagraph (A);

14 (B) by redesignating subparagraphs (B),
15 (C), (D), (E), and (F) as subparagraphs (A),
16 (B), (C), (D), and (E), respectively; and

17 (C) by inserting “from past conflicts” after
18 “missing persons” each place it appears;

19 (3) in paragraph (4)—

20 (A) by striking “for personal recovery (in-
21 cluding search, rescue, escape, and evasion)
22 and”; and

23 (B) by inserting “from past conflicts”
24 after “missing persons”; and

25 (4) by striking paragraph (5).

1 (b) ACTION UPON DISCOVERY OR RECEIPT OF IN-
2 FORMATION.—Section 1505(c) of such title is amended in
3 paragraphs (1), (2), and (3) by striking “designated Agen-
4 cy Director” and inserting “Secretary of Defense”.

5 (c) DEFINITION OF “ACCOUNTED FOR”.—Section
6 1513(3)(B) of such title is amended by inserting “to the
7 extent practicable” after “are recovered”.

8 **SEC. 972. MODIFICATION OF AUTHORITY OF THE SEC-**
9 **RETARY OF DEFENSE RELATING TO PROTEC-**
10 **TION OF THE PENTAGON RESERVATION AND**
11 **OTHER DEPARTMENT OF DEFENSE FACILI-**
12 **TIES IN THE NATIONAL CAPITAL REGION.**

13 (a) LAW ENFORCEMENT AUTHORITY.—Subsection
14 (b) of section 2674 of title 10, United States Code, is
15 amended—

16 (1) by redesignating paragraph (2) as para-
17 graph (5); and

18 (2) by striking the matter in such subsection
19 preceding such paragraph and inserting the fol-
20 lowing:

21 “(b)(1) The Secretary shall protect the buildings,
22 grounds, and property located in the National Capital Re-
23 gion that are occupied by, or under the jurisdiction, cus-
24 tody, or control of, the Department of Defense, and the
25 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

1 of the Administrator of General Services, including
2 the authority to promulgate regulations affecting
3 property under the custody and control of that Sec-
4 retary or the Administrator, respectively;

5 “(C) expand or limit section 21 of the Internal
6 Security Act of 1950 (50 U.S.C. 797);

7 “(D) affect chapter 47 of this title (the Uni-
8 form Code of Military Justice);

9 “(E) restrict any other authority of the Sec-
10 retary of Defense or the Secretary of a military de-
11 partment; or

12 “(F) restrict the authority of the Director of
13 the National Security Agency under section 11 of
14 the National Security Agency Act of 1959 (50
15 U.S.C. 3609).”.

16 (b) RATES OF BASIC PAY FOR CIVILIAN LAW EN-
17 FORCEMENT PERSONNEL.—Paragraph (5) of such sub-
18 section, as redesignated by subsection (a)(1) of this sec-
19 tion, is amended by inserting “, whichever is greater” be-
20 fore the period at the end.

21 (c) CODIFICATION OF AUTHORITY TO PROVIDE
22 PHYSICAL PROTECTION AND PERSONAL SECURITY WITH-
23 IN UNITED STATES TO CERTAIN SENIOR LEADERS IN
24 DoD AND OTHER SPECIFIED PERSONS.—

1 (1) IN GENERAL.—Chapter 41 of title 10,
2 United States Code, is amended by inserting after
3 section 713 a new section 714 consisting of—

4 (A) a heading as follows:

5 **“§ 714. Senior leaders of the Department of Defense**
6 **and other specified persons: authority to**
7 **provide protection within the United**
8 **States”; and**

9 (B) a text consisting of the text of sub-
10 sections (a) through (d) of section 1074 of the
11 National Defense Authorization Act for Fiscal
12 Year 2008 (10 U.S.C. 113 note).

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 41 of such title is
15 amended by adding at the end the following new
16 item:

“714. Senior leaders of the Department of Defense and other specified persons:
authority to provide protection within the United States.”.

17 (3) REPEAL OF CODIFIED PROVISION.—Section
18 1074 of the National Defense Authorization Act for
19 Fiscal Year 2008 is repealed.

20 (4) CONFORMING AND STYLISTIC AMENDMENTS
21 DUE TO CODIFICATION.—Section 714 of title 10,
22 United States Code, as added by paragraph (1), is
23 amended—

1 (A) in subsections (a), (b)(1), and (d)(1),
2 by striking “Armed Forces” and inserting
3 “armed forces”;

4 (B) in subsection (c)—

5 (i) by striking “section:” and all that
6 follows through “Forces’ and” and insert-
7 ing “section, the terms ‘qualified members
8 of the armed forces’ and”; and

9 (ii) by redesignating subparagraphs
10 (A) through (E) as paragraphs (1) through
11 (5), respectively, and realigning the left
12 margin of such paragraphs, as so redesign-
13 ated, two ems to the left; and

14 (C) in subsection (d)(2), by striking “,
15 United States Code”.

16 (5) AMENDMENTS FOR CONSISTENCY WITH
17 TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such sec-
18 tion is further amended—

19 (A) in subsection (a)—

20 (i) in paragraph (6), by striking
21 “Chiefs of the Services” and inserting
22 “Members of the Joint Chiefs of Staff in
23 addition to the Chairman and Vice Chair-
24 man”;

25 (ii) by striking paragraph (7); and

1 (iii) by redesignating paragraph (8) as
2 paragraph (7); and
3 (B) in subsection (b)(1), by striking
4 “through (8)” and inserting “through (7)”.

5 (6) AMENDMENTS FOR CONSISTENCY WITH
6 TITLE 10 USAGE AS TO “MILITARY MEMBER”.—Sub-
7 section (b)(2)(A) of such section is amended—
8 (A) by striking “, military member,”; and
9 (B) by inserting after “of the Department
10 of Defense” the following: “or member of the
11 armed forces”.

12 **SEC. 973. ENHANCED SECURITY PROGRAMS FOR DEPART-**
13 **MENT OF DEFENSE PERSONNEL AND INNO-**
14 **VATION INITIATIVES.**

15 (a) ENHANCEMENT OF SECURITY PROGRAMS GEN-
16 ERALLY.—

17 (1) PERSONNEL BACKGROUND AND SECURITY
18 INVESTIGATIONS REQUIRED.—The Secretary of De-
19 fense shall take such actions as may be necessary for
20 the Defense Security Service to conduct, before Oc-
21 tober 1, 2017, background investigations for per-
22 sonnel of the Department of Defense whose inves-
23 tigation are adjudicated by the Consolidated Adju-
24 dication Facility of the Department.

1 (2) TRANSFER OF INVESTIGATIVE PERSONNEL
2 TO DEPARTMENT OF DEFENSE.—Not later than Oc-
3 tober 1, 2017, the Secretary and the Director of the
4 Office of Personnel Management shall develop and
5 carry out a plan to transfer Government investiga-
6 tive personnel and contracted resources to the De-
7 partment in proportion to the background and secu-
8 rity investigative workload to be assumed by the De-
9 partment.

10 (3) REPORT.—Not later than August 15, 2016,
11 the Secretary shall submit to the congressional de-
12 fense committees a report on the number of full-time
13 equivalent employees of the management head-
14 quarters of the Department that will be required by
15 the Defense Security Service to carry out this sec-
16 tion.

17 (4) COLLECTION, STORAGE, AND RETENTION
18 OF INFORMATION BY INSIDER THREAT PROGRAMS.—
19 In order to enable detection and mitigation of poten-
20 tial insider threats, the Secretary shall ensure that
21 insider threat programs of the Department of De-
22 fense collect, store, and retain information from the
23 following:

24 (A) Personnel security.

25 (B) Physical security.

- 1 (C) Information security.
- 2 (D) Law enforcement.
- 3 (E) Counterintelligence.
- 4 (F) User activity monitoring.
- 5 (G) Information assurance.
- 6 (H) Such other data sources as the Sec-
- 7 retary considers necessary and appropriate.

8 (b) ESTABLISHMENT OF ENHANCED SECURITY PRO-
9 GRAM TO SUPPORT DEPARTMENT OF DEFENSE INNOVA-
10 TION INITIATIVE.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary shall establish a personnel security program,
14 and take such other actions as the Secretary deems
15 appropriate, to support the Innovation Initiative of
16 the Department to better leverage commercial tech-
17 nology.

18 (2) POLICIES AND PROCEDURES.—In estab-
19 lishing the program required by paragraph (1), the
20 Secretary shall develop policies and procedures to
21 rapidly and inexpensively investigate and adjudicate
22 security clearances for personnel from commercial
23 companies with innovative technologies and solutions
24 to enable such companies to receive relevant threat

1 reporting and to propose solutions for a broader set
2 of Department requirements.

3 (3) ACCESS TO CLASSIFIED INFORMATION.—

4 The Secretary shall ensure that access to classified
5 information under the program required by para-
6 graph (1) is not contingent on a company already
7 being under contract with the Department.

8 (4) AWARD OF SECURITY CLEARANCES.—The

9 Secretary may award secret clearances under the
10 program required by paragraph (1) for limited pur-
11 poses and periods relating to the acquisition or
12 modification of capabilities and services.

13 (c) RECIPROCITY FOR SENSITIVE NATIONAL SECUR-
14 RITY POSITIONS.—

15 (1) RECIPROCITY DIRECTIVE.—Not later than
16 180 days after the date of the enactment of this Act,
17 the Secretary of Defense shall coordinate with the
18 Security Executive Agent, in consultation with the
19 Suitability Executive Agent, to issue an updated rec-
20 iprocity directive that accounts for security policy
21 changes associated with new position designation
22 regulations under section 1400 of title 5, Code of
23 Federal Regulations, new continuous evaluation poli-
24 cies, and new Federal investigative standards.

1 (2) IMPLEMENTATION DIRECTIVES.—The Sec-
2 retary of Defense, working with the Security Execu-
3 tive Agent and the Suitability Executive Agent, shall
4 jointly develop and issue directives on—

5 (A) completing the implementation of the
6 National Security Sensitive Position designa-
7 tions required by section 1400 of title 5, Code
8 of Federal Regulations; and

9 (B) aligning to the maximum practical ex-
10 tent the investigative and adjudicative stand-
11 ards and criteria for positions requiring access
12 to classified information and national security
13 sensitive positions not requiring access to classi-
14 fied information to ensure effective and efficient
15 reciprocity and consistent designation of like-
16 positions across the Federal Government.

17 (d) INSIDER THREAT DEFINED.—In this section, the
18 term “insider threat” means, with respect to the Depart-
19 ment, a threat presented by a person who—

20 (1) has, or once had, authorized access to infor-
21 mation, a facility, a network, a person, or a resource
22 of the Department; and

23 (2) wittingly, or unwittingly, commits—

24 (A) an act in contravention of law or policy
25 that resulted in, or might result in, harm

1 through the loss or degradation of government
2 or company information, resources, or capabili-
3 ties; or

4 (B) a destructive act, which may include
5 physical harm to another in the workplace.

6 **TITLE X—GENERAL PROVISIONS**

7 **Subtitle A—Financial Matters**

8 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

9 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

10 (1) **AUTHORITY.**—Upon determination by the
11 Secretary of Defense that such action is necessary in
12 the national interest, the Secretary may transfer
13 amounts of authorizations made available to the De-
14 partment of Defense in this division for fiscal year
15 2017 between any such authorizations for that fiscal
16 year (or any subdivisions thereof). Amounts of au-
17 thorizations so transferred shall be merged with and
18 be available for the same purposes as the authoriza-
19 tion to which transferred.

20 (2) **LIMITATION.**—Except as provided in para-
21 graph (3), the total amount of authorizations that
22 the Secretary may transfer under the authority of
23 this section may not exceed \$4,000,000,000.

24 (3) **EXCEPTION FOR TRANSFERS BETWEEN**
25 **MILITARY PERSONNEL AUTHORIZATIONS.**—A trans-

1 fer of funds between military personnel authoriza-
2 tions under title IV shall not be counted toward the
3 dollar limitation in paragraph (2).

4 (b) LIMITATIONS.—The authority provided by sub-
5 section (a) to transfer authorizations—

6 (1) may only be used to provide authority for
7 items that have a higher priority than the items
8 from which authority is transferred; and

9 (2) may not be used to provide authority for an
10 item that has been denied authorization by Con-
11 gress.

12 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
13 transfer made from one account to another under the au-
14 thority of this section shall be deemed to increase the
15 amount authorized for the account to which the amount
16 is transferred by an amount equal to the amount trans-
17 ferred.

18 (d) NOTICE TO CONGRESS.—The Secretary shall
19 promptly notify Congress of each transfer made under
20 subsection (a).

1 **SEC. 1002. INCREASED USE OF COMMERCIAL DATA INTE-**
2 **GRATION AND ANALYSIS PRODUCTS FOR THE**
3 **PURPOSE OF PREPARING FINANCIAL STATE-**
4 **MENT AUDITS.**

5 (a) **DEPLOYMENT OF DATA ANALYTICS CAPABILI-**
6 **TIES.**—The Secretary of Defense shall use competitive
7 procedures under chapter 137 of title 10, United States
8 Code, to procure as soon as practicable information tech-
9 nology services, including non-relational database, data
10 analysis, and data integration platforms, to improve prep-
11 aration of auditable financial statements for the Depart-
12 ment of Defense.

13 (b) **USE OF FUNDING AND RESOURCES.**—The Sec-
14 retary of Defense shall use science and technology fund-
15 ing, prototypes, and test and evaluation resources as ap-
16 propriate in support of this deployment.

17 (c) **REPORT ON PERFORMANCE.**—Not later than 180
18 days after the date of the enactment of this Act, the Sec-
19 retary of Defense, in consultation with the Chief Financial
20 Officer and the Chief Management Officer of the Depart-
21 ment of Defense, shall submit to the congressional defense
22 committees a report on the capabilities procured pursuant
23 to subsection (a), including the results of using such capa-
24 bilities in connection with auditing a financial statement
25 of the Department of Defense.

1 **SEC. 1003. SENSE OF SENATE ON SEQUESTRATION.**

2 It is the sense of the Senate that—

3 (1) the fiscal challenges of the Nation are a top
4 priority for Congress, and sequestration—nonstra-
5 tegic, across-the-board budget cuts—remains an un-
6 reasonable and inadequate budgeting tool to address
7 the deficits and debt of the United States;

8 (2) sequestration relief must be accomplished
9 for fiscal years 2018 through 2021, the remaining
10 years of the discretionary spending caps under the
11 Budget Control Act of 2011;

12 (3) sequestration relief should include both de-
13 fense and nondefense relief; and

14 (4) sequestration relief should be offset through
15 targeted changes in mandatory and discretionary
16 spending and revenues.

17 **Subtitle B—Counter-Drug**
18 **Activities**

19 **SEC. 1006. CODIFICATION AND MODIFICATION OF AUTHOR-**
20 **ITY TO PROVIDE SUPPORT FOR COUNTER-**
21 **DRUG ACTIVITIES AND ACTIVITIES TO**
22 **COUNTER TRANSNATIONAL ORGANIZED**
23 **CRIME OF CIVILIAN LAW ENFORCEMENT**
24 **AGENCIES.**

25 (a) CODIFICATION AND MODIFICATION.—

1 (1) IN GENERAL.—Chapter 18 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 384. Support for counter-drug activities and activi-**
5 **ties to counter transnational organized**
6 **crime**

7 “(a) SUPPORT TO OTHER AGENCIES.—The Secretary
8 of Defense may provide support for the counter-drug ac-
9 tivities or activities to counter transnational organized
10 crime of any other department or agency of the Federal
11 Government or of any State, local, tribal, or foreign law
12 enforcement agency for any of the purposes set forth in
13 subsection (b) or (c), as applicable, if—

14 “(1) in the case of support described in sub-
15 section (b), such support is requested—

16 “(A) by the official who has responsibility
17 for the counterdrug activities or activities to
18 counter transnational organized crime of the
19 department or agency of the Federal Govern-
20 ment, in the case of support for other depart-
21 ments or agencies of the Federal Government;
22 or

23 “(B) by the appropriate official of a State,
24 local, or tribal government, in the case of sup-

1 port for State, local, or tribal law enforcement
2 agencies; or

3 “(2) in the case of support described in sub-
4 section (c), such support is requested by an appro-
5 priate official of a department or agency of the Fed-
6 eral Government that has counter-drug responsibil-
7 ities or responsibilities for countering transnational
8 organized crime.

9 “(b) TYPES OF SUPPORT FOR AGENCIES OF UNITED
10 STATES.—The purposes for which the Secretary may pro-
11 vide support under subsection (a) for other departments
12 or agencies of the Federal Government or a State, local,
13 or tribal law enforcement agencies, are the following:

14 “(1) The maintenance and repair of equipment
15 that has been made available to any department or
16 agency of the Federal Government or to any State,
17 local, or tribal government by the Department of
18 Defense for the purposes of—

19 “(A) preserving the potential future utility
20 of such equipment for the Department of De-
21 fense; and

22 “(B) upgrading such equipment to ensure
23 compatibility of that equipment with other
24 equipment used by the Department.

1 “(2) The maintenance, repair, or upgrading of
2 equipment (including computer software), other than
3 equipment referred to in paragraph (1) for the pur-
4 pose of—

5 “(A) ensuring that the equipment being
6 maintained or repaired is compatible with
7 equipment used by the Department of Defense;
8 and

9 “(B) upgrading such equipment to ensure
10 the compatibility of that equipment with equip-
11 ment used by the Department.

12 “(3) The transportation of personnel of the
13 United States and foreign countries (including per
14 diem expenses associated with such transportation),
15 and the transportation of supplies and equipment,
16 for the purpose of facilitating counter-drug activities
17 or activities to counter transnational organized crime
18 within or outside the United States.

19 “(4) The establishment (including an unspec-
20 ified minor military construction project) and oper-
21 ation of bases of operations or training facilities for
22 the purpose of facilitating counter-drug activities or
23 activities to counter transnational organized crime of
24 the Department of Defense or any Federal, State,

1 local, or tribal law enforcement agency within or
2 outside the United States.

3 “(5) Counter-drug or counter-transnational or-
4 ganized crime related training of law enforcement
5 personnel of the Federal Government, of State, local,
6 and tribal governments, including associated support
7 expenses for trainees and the provision of materials
8 necessary to carry out such training.

9 “(6) The detection, monitoring, and commu-
10 nication of the movement of—

11 “(A) air and sea traffic within 25 miles of
12 and outside the geographic boundaries of the
13 United States; and

14 “(B) surface traffic outside the geographic
15 boundary of the United States and within the
16 United States not to exceed 25 miles of the
17 boundary if the initial detection occurred out-
18 side of the boundary.

19 “(7) Construction of roads and fences and in-
20 stallation of lighting to block drug smuggling cor-
21 ridors across international boundaries of the United
22 States.

23 “(8) Establishment of command, control, com-
24 munications, and computer networks for improved

1 integration of law enforcement, active military, and
2 National Guard activities.

3 “(9) The provision of linguist and intelligence
4 analysis services.

5 “(10) Aerial and ground reconnaissance.

6 “(c) TYPES OF SUPPORT FOR FOREIGN LAW EN-
7 FORCEMENT AGENCIES.—The purposes for which the Sec-
8 retary may provide support under subsection (a) for for-
9 eign law enforcement agencies are the following:

10 “(1) The transportation of personnel of the
11 United States and foreign countries (including per
12 diem expenses associated with such transportation),
13 and the transportation of supplies and equipment,
14 for the purpose of facilitating counter-drug activities
15 or activities to counter transnational organized crime
16 within or outside the United States.

17 “(2) The establishment (including an unspec-
18 ified minor military construction project) and oper-
19 ation of bases of operations or training facilities for
20 the purpose of facilitating counter-drug activities or
21 activities to counter transnational organized crime of
22 a foreign law enforcement agency outside the United
23 States.

24 “(d) LIMITATION ON COUNTER-DRUG REQUIRE-
25 MENTS.—The Secretary may not limit the requirements

1 for which support may be provided under subsection (a)
2 only to critical, emergent, or unanticipated requirements.

3 “(e) CONTRACT AUTHORITY.—In carrying out sub-
4 section (a), the Secretary may acquire services or equip-
5 ment by contract for support provided under that sub-
6 section if the Department of Defense would normally ac-
7 quire such services or equipment by contract for the pur-
8 pose of conducting a similar activity for the Department.

9 “(f) LIMITED WAIVER OF PROHIBITION.—Notwith-
10 standing section 376 of this title, the Secretary may pro-
11 vide support pursuant to subsection (a) in any case in
12 which the Secretary determines that the provision of such
13 support would adversely affect the military preparedness
14 of the United States in the short term if the Secretary
15 determines that the importance of providing such support
16 outweighs such short-term adverse effect.

17 “(g) CONDUCT OF TRAINING OR OPERATION TO AID
18 CIVILIAN AGENCIES.—In providing support pursuant to
19 subsection (a), the Secretary may plan and execute other-
20 wise valid military training or operations (including train-
21 ing exercises undertaken pursuant to section 1206(a) of
22 the National Defense Authorization Act for Fiscal Years
23 1990 and 1991 (Public Law 101–189; 103 Stat. 1564)
24 for the purpose of aiding civilian law enforcement agen-
25 cies.

1 “(h) RELATIONSHIP TO OTHER SUPPORT AUTHORI-
2 TIES.—

3 “(1) ADDITIONAL AUTHORITY.—The authority
4 provided in this section for the support of counter-
5 drug activities or activities to counter transnational
6 organized crime by the Department of Defense is in
7 addition to, and except as provided in paragraph (2),
8 not subject to the other requirements of this chap-
9 ter.

10 “(2) EXCEPTION.—Support under this section
11 shall be subject to the provisions of section 375 and,
12 except as provided in subsection (e), section 376 of
13 this title.

14 “(i) CONGRESSIONAL NOTIFICATION OF FACILITIES
15 PROJECTS.—

16 “(1) IN GENERAL.—When a decision is made to
17 carry out a military construction project described in
18 paragraph (2), the Secretary shall submit to the
19 congressional defense committees written notice of
20 the decision, including the justification for the
21 project and the estimated cost of the project. The
22 project may be commenced only after the end of the
23 21-day period beginning on the date on which the
24 written notice is received by Congress.

1 “(2) COVERED PROJECTS.—Paragraph (1) ap-
2 plies to an unspecified minor military construction
3 project that—

4 “(A) is intended for the construction,
5 modification, or repair of any facility for the
6 purposes set forth in subsection (b)(4) or
7 (c)(2); and

8 “(B) has an estimated cost of more than
9 \$250,000.

10 “(3) CONSTRUCTION OF NOTICE REQUIRE-
11 MENT.—This subsection may not be construed as an
12 authorization for the use of funds for any military
13 construction project that would exceed the approved
14 cost limitations of an unspecified minor military con-
15 struction project under section 2805(a)(2) of this
16 title.

17 “(j) DEFINITIONS.—In this section:

18 “(1) The term ‘Indian tribe’ means a Federally
19 recognized Indian tribe.

20 “(2) The term ‘tribal government’ means the
21 governing body of an Indian tribe, the status of
22 whose land is ‘Indian country’ as defined in section
23 1151 of title 18 or held in trust by the United
24 States for the benefit of the Indian tribe.

1 “(3) The term ‘tribal law enforcement agency’
2 means the law enforcement agency of a tribal gov-
3 ernment.

4 “(4) The term ‘transnational organized crime’
5 means self-perpetuating associations of individuals
6 who operate transnationally for the purpose of ob-
7 taining power, influence, monetary, or commercial
8 gains, wholly or in part by illegal means, while pro-
9 tecting their activities through a pattern of corrup-
10 tion or violence or through a transnational organiza-
11 tion structure and the exploitation of transnational
12 commerce or communication mechanisms.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 18 of such title is
15 amended by adding at the end the following new
16 item:

“384. Support for counter-drug activities and activities to counter transnational organized crime.”.

17 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
18 1004 of the National Defense Authorization Act for Fiscal
19 Year 1991 (10 U.S.C. 374 note) is repealed.

20 **SEC. 1007. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
21 **FIED COUNTERDRUG AND COUNTERTER-**
22 **RORISM CAMPAIGN IN COLOMBIA.**

23 Section 1021 of the Ronald W. Reagan National De-
24 fense Authorization Act for Fiscal Year 2005 (Public Law

1 108–375; 118 Stat. 2042), as most recently amended by
 2 section 1011 of the National Defense Authorization Act
 3 for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 962),
 4 is further amended—

5 (1) in subsection (a)(1), by striking “2017” and
 6 inserting “2021”; and

7 (2) in subsection (e), by striking “2017” and
 8 inserting “2021”.

9 **Subtitle C—Naval Vessels and**
 10 **Shipyards**

11 **SEC. 1011. AVAILABILITY OF FUNDS FOR RETIREMENT OR**
 12 **INACTIVATION OF CRUISERS OR DOCK LAND-**
 13 **ING SHIPS.**

14 (a) **LIMITATION ON AVAILABILITY OF FUNDS.—**Ex-
 15 cept as provided in subsections (b) through (g), none of
 16 the funds authorized to be appropriated by this Act or
 17 otherwise made available for fiscal year 2017 may be obli-
 18 gated or expended to retire, prepare to retire, or inactivate
 19 a TICONDEROGA–class cruiser, WHIDBEY ISLAND–
 20 class dock landing ship, or HARPERS FERRY–class
 21 dock landing ship.

22 (b) **CERTIFICATION OF REQUIREMENT FOR OPER-**
 23 **ATIONAL CRUISERS AND DOCK LANDING SHIPS.—**The
 24 Chief of Naval Operations shall certify to the congres-
 25 sional defense committees the Navy requirement for oper-

1 ational cruisers and dock landing ships, as provided under
2 subsection (d)(1), from fiscal year 2017 through fiscal
3 year 2030. The certification shall also state the require-
4 ment for basic (BMD 3.X), intermediate (BMD 4.X), and
5 advanced (BMD 5.X) ballistic missile defense capability
6 on operational cruisers from fiscal year 2017 through fis-
7 cal year 2030.

8 (c) SHIP MODERNIZATION, OPERATIONS, AND
9 SUSTAINMENT FUND (SMOSF).—Funds within the Ship
10 Modernization, Operations, and Sustainment Fund
11 (SMOSF) shall only be used for 11 TICONDEROGA-
12 class cruisers (CG–63 through CG–73) and 3 WHIDBEY
13 ISLAND-class dock landing ships (LSD–41, LSD–42,
14 and LSD–46).

15 (d) PHASED MODERNIZATION.—The Secretary of the
16 Navy shall retain the current inventory of 22 TICON-
17 DEROGA-class cruisers and 12 WHIDBEY ISLAND- or
18 HARPERS FERRY-class dock landing ships until the end
19 of their service lives, as follows:

20 (1) OPERATIONAL FORCES.—Through fiscal
21 year 2030, the Navy shall maintain not less than the
22 Chief of Naval Operations' requirement for oper-
23 ational cruisers certified under subsection (b) or 11
24 operational cruisers, whichever is greater. The Navy
25 shall maintain no less than the Chief of Naval Oper-

1 ations' requirement for dock landing ships certified
2 under subsection (b) or 9 operational dock landing
3 ships, whichever is greater.

4 (2) PHASED MODERNIZATION.—The Navy is
5 authorized to conduct phased modernization of not
6 more than 11 cruisers and 3 dock landing ships.
7 During the phased modernization period, the Navy
8 may reduce manning on these ships to the minimal
9 level necessary to ensure safety and security of the
10 ship and to retain critical skills. Only the ships listed
11 in subsection (c) may undergo phased moderniza-
12 tion. Ships undergoing phased modernization shall
13 comply with subsection (e).

14 (3) TRANSITION FROM PHASED MODERNIZA-
15 TION TO OPERATIONAL FORCES.—Each of the cruis-
16 ers described under paragraph (1) may be decom-
17 missioned at the end of its service life concurrent
18 with being replaced by a cruiser that completes
19 phased modernization pursuant to paragraph (2).
20 After being reintroduced into the operational fleet,
21 each of the cruisers modernized pursuant to para-
22 graph (2) may be decommissioned upon reaching its
23 expected service life.

24 (4) AVAILABILITY FOR WORLDWIDE DEPLOY-
25 MENT.—For purposes of this subsection, an oper-

1 ational cruiser or dock landing ship is available for
2 worldwide deployment other than during routine or
3 scheduled maintenance or repair.

4 (e) REQUIREMENTS AND LIMITATIONS ON PHASED
5 MODERNIZATION.—

6 (1) IN GENERAL.—During the period of phased
7 modernization authorized under subsection (d), the
8 Secretary of the Navy shall—

9 (A) continue to maintain the ships in a
10 manner that will ensure the ability of the ships
11 to re-enter the operational fleet in accordance
12 with paragraph (3) of such subsection;

13 (B) conduct planning activities to ensure
14 scheduled and deferred maintenance and mod-
15 ernization work items are identified and in-
16 cluded in maintenance availability work pack-
17 ages;

18 (C) conduct hull, mechanical, and electrical
19 (HM&E) and combat system modernization
20 necessary to achieve a service life of 40 years;

21 (D) conduct basic (BMD 3.X), inter-
22 mediate (BMD 4.X), and advanced (BMD 5.X)
23 ballistic missile defense capability upgrades to
24 meet or exceed the Chief of Naval Operations'
25 requirement certified under subsection (b); and

1 (E) complete maintenance and moderniza-
2 tion of the cruisers, including required testing
3 and crew training, to allow for a one-for-one re-
4 placement of operational cruisers in accordance
5 with subsection (d)(3).

6 (2) RESTRICTED ACTIVITIES.—During the pe-
7 riod of phased modernization authorized under sub-
8 section (d), the Secretary of the Navy may not—

9 (A) permit removal or cannibalization of
10 equipment or systems, unless planned for full
11 replacement or upgrade during phased mod-
12 ernization, other than equipment or systems ex-
13 plicitly identified as—

14 (i) rotatable pool equipment; or

15 (ii) necessary to support urgent oper-
16 ational requirements approved by the Sec-
17 retary of Defense;

18 (B) make any irreversible modifications
19 that will prohibit the ship from re-entering the
20 operational fleet;

21 (C) through fiscal year 2030, reduce the
22 quantity of operational cruisers below the num-
23 ber certified to be required by the Chief of
24 Naval Operations under subsection (b) or 11
25 operational cruisers, whichever is greater;

1 (D) through fiscal year 2030, reduce the
2 quantity of operational dock landing ships
3 below the number certified to be required by the
4 Chief of Naval Operations under subsection (b)
5 or 9 operational dock landing ships, whichever
6 is greater; and

7 (E) through fiscal year 2030, reduce the
8 basic, intermediate, or advanced ballistic missile
9 defense capability on operational cruisers below
10 the quantities certified to be required by the
11 Chief of Naval Operations under subsection (b).

12 (f) REPORT REQUIRED.—The Secretary of the Navy
13 shall submit to the congressional defense committees an
14 annual report on the status of the phased modernization
15 program. This report shall accompany the budget of the
16 President submitted to Congress under section 1105(a) of
17 title 31, United States Code. The report shall include, with
18 respect to the ships undergoing phased modernization pur-
19 suant to subsection (d)(2), the following information:

20 (1) The status of modernization efforts, by ves-
21 sel, including availability schedules, equipment pro-
22 curement schedules, and annual funding require-
23 ments from the fiscal year of induction into the
24 phased modernization program through the fiscal
25 year of planned re-entry into the operational fleet.

1 (2) Each vessel's current readiness, operational,
2 and manning status.

3 (3) An assessment of each vessel's current ma-
4 teriel condition.

5 (4) A list of rotatable pool equipment that is
6 identified across the classes of cruisers and dock
7 landing ships as necessary to support operations on
8 a continuing basis.

9 (5) A list of equipment, other than rotatable
10 pool equipment, removed from each vessel, including
11 a justification for the removal, the disposition of the
12 equipment, and plan for restoration of the equip-
13 ment.

14 (6) A list of planned obligations and expendi-
15 tures, by vessel, for the fiscal year of the budget of
16 the President submitted to Congress.

17 (g) NOTIFICATION REQUIRED.—The Secretary of the
18 Navy shall notify the congressional defense committees in
19 writing 30 days prior to executing any deviations to the
20 plans provided pursuant to paragraphs (1) and (6) of sub-
21 section (f) of the most recent report required under such
22 subsection.

1 **SEC. 1012. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
2 **MENT OF LEGACY MARITIME MINE COUNTER-**
3 **MEASURES PLATFORMS.**

4 (a) PROHIBITIONS.—Except as provided under sub-
5 section (b), none of the funds authorized to be appro-
6 priated by this Act or otherwise made available for fiscal
7 year 2017 for the Navy may be obligated or expended to—

8 (1) retire, prepare to retire, transfer, or place
9 in storage any AVENGER-class mine counter-
10 measures ship or associated equipment;

11 (2) retire, prepare to retire, transfer, or place
12 in storage any SEA DRAGON (MH-53) helicopter
13 or associated equipment;

14 (3) make any reductions to manning levels with
15 respect to any AVENGER-class mine counter-
16 measures ship; or

17 (4) make any reductions to manning levels with
18 respect to any SEA DRAGON (MH-53) helicopter
19 squadron or detachment.

20 (b) WAIVER.—The Secretary of the Navy may waive
21 the limitations under subsection (a) if the Secretary cer-
22 tifies to the congressional defense committees that the
23 Secretary has—

24 (1) identified a replacement capability and the
25 necessary quantity of such systems to meet all com-
26 batant commander mine countermeasures oper-

1 ational requirements that are currently being met by
2 the AVENGER-class ships and SEA DRAGON heli-
3 copters to be retired, transferred, or placed in stor-
4 age;

5 (2) achieved initial operational capability of all
6 systems described in paragraph (1); and

7 (3) deployed a sufficient quantity of systems de-
8 scribed in paragraph (1) that have achieved initial
9 operational capability to continue to meet or exceed
10 all combatant commander mine countermeasures
11 operational requirements currently being met by the
12 AVENGER-class ships and SEA DRAGON heli-
13 copters.

14 **Subtitle D—Counterterrorism**

15 **SEC. 1021. EXTENSION OF PROHIBITION ON USE OF FUNDS**

16 **FOR TRANSFER OR RELEASE OF INDIVID-**

17 **UALS DETAINED AT UNITED STATES NAVAL**

18 **STATION, GUANTANAMO BAY, CUBA, TO THE**

19 **UNITED STATES.**

20 Section 1031 of the National Defense Authorization
21 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
22 968) is amended by striking “December 31, 2016” and
23 inserting “December 31, 2017”.

1 **SEC. 1022. EXTENSION OF PROHIBITION ON USE OF FUNDS**
2 **TO CONSTRUCT OR MODIFY FACILITIES IN**
3 **THE UNITED STATES TO HOUSE DETAINEES**
4 **TRANSFERRED FROM UNITED STATES NAVAL**
5 **STATION, GUANTANAMO BAY, CUBA.**

6 Section 1032(a) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
8 Stat. 968) is amended by striking “December 31, 2016”
9 and inserting “December 31, 2017”.

10 **SEC. 1022A. PROHIBITION ON REPROGRAMMING REQUESTS**
11 **FOR FUNDS FOR TRANSFER OR RELEASE, OR**
12 **CONSTRUCTION FOR TRANSFER OR RE-**
13 **LEASE, OF INDIVIDUALS DETAINED AT**
14 **UNITED STATES NAVAL STATION, GUANTA-**
15 **NAMO BAY, CUBA.**

16 While the prohibitions in sections 1031 and 1032 of
17 the National Defense Authorization Act for Fiscal Year
18 2016 (Public Law 114–92; 129 Stat. 968) are in effect,
19 the Department of Defense may not submit to Congress
20 a reprogramming request for funds to carry out any action
21 prohibited by either such section.

22 **SEC. 1023. DESIGNING AND PLANNING RELATED TO CON-**
23 **STRUCTION OF CERTAIN FACILITIES IN THE**
24 **UNITED STATES.**

25 (a) DESIGNING AND PLANNING AUTHORIZED.—Not-
26 withstanding any provision of law limiting the use of funds

1 for the construction or modification of facilities in the
2 United States or its territories or possessions to house in-
3 dividuals detained at Guantanamo, the Secretary of De-
4 fense may use amounts authorized to be appropriated or
5 otherwise made available for the Department of Defense
6 for designing and planning related to the construction or
7 modification of such facilities.

8 (b) INDIVIDUAL DETAINED AT GUANTANAMO DE-
9 FINED.—In this section, the term “individual detained at
10 Guantanamo” means an individual located at United
11 States Naval Station, Guantanamo Bay, Cuba, as of Octo-
12 ber 1, 2009, who—

13 (1) is not a national of the United States (as
14 defined in section 101(a)(22) of the Immigration
15 and Nationality Act (8 U.S.C. 1101(a)(22)) or a
16 member of the Armed Forces of the United States;
17 and

18 (2) is—

19 (A) in the custody or under the control of
20 the Department of Defense; or

21 (B) otherwise detained at United States
22 Naval Station, Guantanamo Bay.

1 **SEC. 1024. AUTHORITY TO TRANSFER INDIVIDUALS DE-**
2 **TAINED AT UNITED STATES NAVAL STATION,**
3 **GUANTANAMO BAY, CUBA, TO THE UNITED**
4 **STATES TEMPORARILY FOR EMERGENCY OR**
5 **CRITICAL MEDICAL TREATMENT.**

6 (a) TEMPORARY TRANSFER FOR MEDICAL TREAT-
7 MENT.—Notwithstanding section 1031 of the National
8 Defense Authorization Act for Fiscal Year 2016 (Public
9 Law 114–92; 129 Stat. 968), or any similar provision of
10 law enacted after September 30, 2015, the Secretary of
11 Defense may, after consultation with the Secretary of
12 Homeland Security, temporarily transfer an individual de-
13 tained at Guantanamo to a Department of Defense med-
14 ical facility in the United States for the sole purpose of
15 providing the individual medical treatment if the Secretary
16 of Defense determines that—

17 (1) the medical treatment of the individual is
18 necessary to prevent death or imminent significant
19 injury or harm to the health of the individual;

20 (2) the necessary medical treatment is not
21 available to be provided at United States Naval Sta-
22 tion, Guantanamo Bay, Cuba, without incurring ex-
23 cessive and unreasonable costs; and

24 (3) the Department of Defense has provided for
25 appropriate security measures for the custody and
26 control of the individual during any period in which

1 the individual is temporarily in the United States
2 under this section.

3 (b) LIMITATION ON EXERCISE OF AUTHORITY.—The
4 authority of the Secretary of Defense under subsection (a)
5 may be exercised only by the Secretary of Defense or an-
6 other official of the Department of Defense at the level
7 of Under Secretary of Defense or higher.

8 (c) CONDITIONS OF TRANSFER.—An individual who
9 is temporarily transferred under the authority in sub-
10 section (a) shall—

11 (1) while in the United States, remain in the
12 custody and control of the Secretary of Defense at
13 all times; and

14 (2) be returned to United States Naval Station,
15 Guantanamo Bay, Cuba, as soon as feasible after a
16 Department of Defense physician determines, in con-
17 sultation with the Commander, Joint Task Force-
18 Guantanamo Bay, Cuba, that any necessary follow-
19 up medical care may reasonably be provided the in-
20 dividual at United States Naval Station, Guanta-
21 namo Bay.

22 (d) STATUS WHILE IN UNITED STATES.—An indi-
23 vidual who is temporarily transferred under the authority
24 in subsection (a), while in the United States—

1 (1) shall be deemed at all times and in all re-
2 spects to be in the uninterrupted custody of the Sec-
3 retary of Defense, as though the individual remained
4 physically at United States Naval Station, Guanta-
5 namo Bay, Cuba;

6 (2) shall not at any time be subject to, and may
7 not apply for or obtain, or be deemed to enjoy, any
8 right, privilege, status, benefit, or eligibility for any
9 benefit under any provision of the immigration laws
10 (as defined in section 101(a)(17) of the Immigration
11 and Nationality Act (8 U.S.C. 1101(a)(17)), or any
12 other law or regulation;

13 (3) shall not be permitted to avail himself of
14 any right, privilege, or benefit of any law of the
15 United States beyond those available to individuals
16 detained at United States Naval Station, Guanta-
17 namo Bay; and

18 (4) shall not, as a result of such transfer, have
19 a change in any designation that may have attached
20 to that detainee while detained at United States
21 Naval Station, Guantanamo Bay, pursuant to the
22 Authorization for Use of Military Force (Public Law
23 107–40), as determined in accordance with applica-
24 ble law and regulations.

1 (e) NO CAUSE OF ACTION.—Any decision to transfer
2 or not to transfer an individual made under the authority
3 in subsection (a) shall not give rise to any claim or cause
4 of action.

5 (f) LIMITATION ON JUDICIAL REVIEW.—

6 (1) LIMITATION.—Except as provided in para-
7 graph (2), no court, justice, or judge shall have ju-
8 risdiction to hear or consider any claim or action
9 against the United States or its departments, agen-
10 cies, officers, employees, or agents arising from or
11 relating to any aspect of the detention, transfer,
12 treatment, or conditions of confinement of an indi-
13 vidual transferred under this section.

14 (2) EXCEPTION FOR HABEAS CORPUS.—The
15 United States District Court for the District of Co-
16 lumbia shall have exclusive jurisdiction to consider
17 an application for writ of habeas corpus seeking re-
18 lease from custody filed by or on behalf of an indi-
19 vidual who is in the United States pursuant to a
20 temporary transfer under the authority in subsection
21 (a). Such jurisdiction shall be limited to that re-
22 quired by the Constitution, and relief shall be only
23 as provided in paragraph (3). In such a proceeding
24 the court may not review, halt, or stay the return of
25 the individual who is the object of the application to

1 United States Naval Station, Guantanamo Bay,
2 Cuba, pursuant to subsection (c).

3 (3) RELIEF.—A court order in a proceeding
4 covered by paragraph (2)—

5 (A) may not order the release of the indi-
6 vidual within the United States; and

7 (B) shall be limited to an order of release
8 from custody which, when final, the Secretary
9 of Defense shall implement in accordance with
10 section 1034 of the National Defense Author-
11 ization Act for Fiscal Year 2016.

12 (g) NOTIFICATION.—Whenever a temporary transfer
13 of an individual detained at Guantanamo is made under
14 the authority of subsection (a), the Secretary of Defense
15 shall notify the Committees on Armed Services of the Sen-
16 ate and the House of Representatives of the transfer not
17 later than five days after the date on which the transfer
18 is made.

19 (h) INDIVIDUAL DETAINED AT GUANTANAMO DE-
20 FINED.—In this section, the term “individual detained at
21 Guantanamo” means an individual located at United
22 States Naval Station, Guantanamo Bay, Cuba, as of Octo-
23 ber 1, 2009, who—

24 (1) is not a national of the United States (as
25 defined in section 101(a)(22) of the Immigration

1 and Nationality Act (8 U.S.C. 1101(a)(22)) or a
2 member of the Armed Forces of the United States;
3 and

4 (2) is—

5 (A) in the custody or under the control of
6 the Department of Defense; or

7 (B) otherwise detained at United States
8 Naval Station, Guantanamo Bay.

9 (i) APPLICABILITY.—This section shall apply to an
10 individual temporarily transferred under the authority in
11 subsection (a) regardless of the status of any pending or
12 completed proceeding or detention on the date of the en-
13 actment of this Act.

14 **SEC. 1025. AUTHORITY FOR ARTICLE III JUDGES TO TAKE**
15 **CERTAIN ACTIONS RELATING TO INDIVID-**
16 **UALS DETAINED AT UNITED STATES NAVAL**
17 **STATION, GUANTANAMO BAY, CUBA.**

18 (a) USE OF VIDEO TELECONFERENCING.—A judge
19 of a United States District Court shall have jurisdiction
20 to take any of the following actions by video teleconfer-
21 encing with respect to an individual detained at Guanta-
22 namo:

23 (1) Arraign the individual for a charge under
24 the laws of the United States.

1 (2) Accept a plea to a charge under the laws of
2 the United States.

3 (3) Enter a judgment of conviction and sen-
4 tence the individual for a charge upon which the in-
5 dividual is convicted as a result of such a plea.

6 An action specified in paragraph (1), (2), or (3) may be
7 taken by video teleconferencing only with the consent of
8 the individual.

9 (b) VENUE.—A judge of a United States District
10 Court may act by video teleconferencing under subsection
11 (a) only where such District Court maintains venue con-
12 cerning the offense alleged.

13 (c) TRANSFER TO SERVE SENTENCE OF IMPRISON-
14 MENT.—The Attorney General may transfer to a foreign
15 country an offender who is convicted of an offense by rea-
16 son of a plea entered into as described in subsection (a)
17 and who is under a sentence of imprisonment resulting
18 from such conviction. Any such transfer shall be made for
19 the purpose of the offender serving the sentence imposed
20 on him, and shall be made under chapter 306 of title 18,
21 United States Code, without regard to the provisions of
22 section 4107 and subsections (a) and (b) of section 4100
23 of that title.

24 (d) DEFINITIONS.—In this section:

1 (1) The term “individual detained at Guanta-
2 namo” means any individual located at United
3 States Naval Station, Guantanamo Bay, Cuba, as of
4 October 1, 2009, who—

5 (A) is not a national of the United States
6 (as defined in section 101(a)(22) of the Immi-
7 gration and Nationality Act (8 U.S.C.
8 1101(a)(22)) or a member of the Armed Forces
9 of the United States; and

10 (B) is—

11 (i) in the custody or under the control
12 of the Department of Defense; or

13 (ii) otherwise under detention at
14 United States Naval Station, Guantanamo
15 Bay.

16 (2) The terms “imprisonment”, “offender”,
17 “sentence”, and “transfer” have the meanings given
18 those terms in section 4101 of title 18, United
19 States Code.

1 **SEC. 1026. EXTENSION OF PROHIBITION ON USE OF FUNDS**
2 **FOR TRANSFER OR RELEASE TO CERTAIN**
3 **COUNTRIES OF INDIVIDUALS DETAINED AT**
4 **UNITED STATES NAVAL STATION, GUANTA-**
5 **NAMO BAY, CUBA.**

6 Section 1033 of the National Defense Authorization
7 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
8 968) is amended by striking “December 31, 2016” and
9 inserting “December 31, 2017”.

10 **SEC. 1027. MATTERS ON MEMORANDUM OF UNDER-**
11 **STANDING BETWEEN THE UNITED STATES**
12 **AND GOVERNMENTS OF RECEIVING FOREIGN**
13 **COUNTRIES AND ENTITIES IN CERTIFI-**
14 **CATIONS ON TRANSFER OF DETAINEES AT**
15 **UNITED STATES NAVAL STATION, GUANTA-**
16 **NAMO BAY, CUBA.**

17 Section 1034(b) of the National Defense Authoriza-
18 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
19 Stat. 969; 10 U.S.C. 801 note) is amended—

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

22 (2) by inserting after paragraph (3) the fol-
23 lowing new paragraph (4):

24 “(4) both—

25 “(A) the United States Government, on
26 the one hand, and the government of the for-

1 eign country or the recognized leadership of the
2 foreign entity, on the other hand, have entered
3 into a written memorandum of understanding
4 (MOU) regarding the transfer of the individual;
5 and

6 “(B) the memorandum of understanding—

7 “(i) has been transmitted to the ap-
8 propriate committees of Congress, in clas-
9 sified form (if necessary); and

10 “(ii) includes an assessment, whether
11 in classified or unclassified form, of the ca-
12 pacity, willingness, and past practices (if
13 applicable) of the foreign country or for-
14 eign entity, as the case may be, with re-
15 spect to the matters certified by the Sec-
16 retary pursuant to paragraphs (2) and
17 (3);”.

18 **SEC. 1028. LIMITATION ON TRANSFER OF DETAINEES AT**
19 **UNITED STATES NAVAL STATION, GUANTA-**
20 **NAMO BAY, CUBA, PENDING A REPORT ON**
21 **THEIR TERRORIST ACTIONS AND AFFILI-**
22 **ATIONS.**

23 (a) **LIMITATION.**—No amounts authorized to be ap-
24 propriated or otherwise made available for fiscal year 2017
25 for the Department of Defense may be used to transfer,

1 release, or assist in the transfer or release to any foreign
2 government or foreign entity of an individual detained at
3 Guantanamo until the Secretary of Defense submits to the
4 appropriate committees of Congress a report on the indi-
5 vidual that includes the following:

6 (1) A description of the individual's previous
7 terrorist activities.

8 (2) A description of the individual's previous
9 memberships in or affiliations or associations with
10 terrorist organizations.

11 (3) A description of the individual's support for
12 or participation in attacks against the United States
13 or United States allies.

14 (b) FORM.—Each report under subsection (a) shall
15 be submitted in unclassified form, and may not include
16 a classified annex as a means of conveying any informa-
17 tion of material significance to such report.

18 (c) CONSTRUCTION WITH OTHER PROHIBITIONS
19 AND LIMITATIONS.—The limitation in subsection (a) is in
20 addition to any prohibition or other limitation on the
21 transfer or release of individuals detained at Guantanamo
22 under any other provision of law, including the provisions
23 of subtitle D of title X of the National Defense Authoriza-
24 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
25 Stat. 968).

1 (d) DEFINITIONS.—In this section:

2 (1) The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Armed Services, the
5 Committee on Appropriations, and the Select
6 Committee on Intelligence of the Senate; and

7 (B) the Committee on Armed Services, the
8 Committee on Appropriations, and the Perma-
9 nent Select Committee on Intelligence of the
10 House of Representatives.

11 (2) The term “individual detained at Guanta-
12 namo” means any individual located at United
13 States Naval Station, Guantanamo Bay, Cuba, as of
14 October 1, 2009, who—

15 (A) is not a citizen of the United States or
16 a member of the Armed Forces of the United
17 States; and

18 (B) is—

19 (i) in the custody or under the control
20 of the Department of Defense; or

21 (ii) otherwise under detention at
22 United States Naval Station, Guantanamo
23 Bay, Cuba.

1 **SEC. 1029. PROHIBITION ON USE OF FUNDS FOR TRANSFER**
2 **OR RELEASE OF INDIVIDUALS DETAINED AT**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA, TO COUNTRIES COVERED**
5 **BY DEPARTMENT OF STATE TRAVEL WARN-**
6 **INGS.**

7 (a) **FINDING.**—The Senate makes the following find-
8 ings:

9 (1) The Department of State issues travel
10 warnings regarding travel to foreign countries for
11 reasons that include “unstable government, civil
12 war, ongoing intense crime or violence, or frequent
13 terrorist attacks”.

14 (2) These travel warnings are issued to high-
15 light the “risks of traveling” to particular countries
16 and are left in place until the situation in the coun-
17 try concerned improves.

18 (b) **SENSE OF SENATE.**—It is the sense of the Senate
19 that—

20 (1) countries that pose such a significant travel
21 threat to United States citizens that the Department
22 of State feels obliged to issue a travel warning
23 should not be considered an appropriate recipient of
24 any detainee transferred from United States Naval
25 Station, Guantanamo Bay, Cuba; and

1 (2) if a country is subject to a Department of
2 State travel warning, it is highly unlikely that the
3 government of the country can provide the United
4 States Government appropriate security and assur-
5 ances regarding the prevention of the recidivism of
6 any detainee so transferred.

7 (c) PROHIBITION.—

8 (1) IN GENERAL.—Except as provided in para-
9 graphs and (2) and (3), no amounts authorized to
10 be appropriated by this Act or otherwise available
11 for the Department of Defense may be used, during
12 the period beginning on the date of the enactment
13 of this Act and ending on December 31, 2017, to
14 transfer, release, or assist in the transfer or release
15 of any individual detained in the custody or under
16 the control of the Department of Defense at United
17 States Naval Station, Guantanamo Bay to the cus-
18 tody or control of any country subject to a Depart-
19 ment of State travel warning at the time the trans-
20 fer or release would otherwise occur.

21 (2) EXCEPTION FOR CERTAIN WARNINGS.—

22 Paragraph (1) shall not apply with respect to any
23 country subject to a travel warning described in that
24 paragraph that is issued solely on the basis of one
25 or more of the following:

1 (A) Medical deficiencies, infectious disease
2 outbreaks, or other health-related concerns.

3 (B) A natural disaster.

4 (C) Criminal activity.

5 (3) EXCEPTION FOR CERTAIN COUNTRY.—

6 Paragraph (1) shall not apply with respect to the
7 Kingdom of Saudi Arabia.

8 **SEC. 1030. EXTENSION OF PROHIBITION ON USE OF FUNDS**
9 **FOR REALIGNMENT OF FORCES AT OR CLO-**
10 **SURE OF UNITED STATES NAVAL STATION,**
11 **GUANTANAMO BAY, CUBA.**

12 Section 1036(a) of the National Defense Authoriza-
13 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
14 Stat. 972) is amended by inserting “or 2017” after “fiscal
15 year 2016”.

16 **Subtitle E—Assured Access to**
17 **Space**

18 **SEC. 1036. RESTRICTIONS ON USE OF ROCKET ENGINES**
19 **FROM THE RUSSIAN FEDERATION FOR SPACE**
20 **LAUNCH OF NATIONAL SECURITY SAT-**
21 **ELLITES.**

22 (a) IN GENERAL.—Except as provided by section
23 1608(c) of the Carl Levin and Howard P. “Buck”
24 McKeon National Defense Authorization Act for Fiscal
25 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

1 (A) by striking “Except as provided in
2 paragraph (2)” and inserting “As directed by
3 the Secretary of Defense”;

4 (B) by striking “all forces” and inserting
5 “specified forces”; and

6 (C) by striking the second sentence;

7 (2) by striking paragraph (2) and inserting the
8 following new paragraph (2):

9 “(2) A force not assigned to a combatant command
10 or to the United States element of the North American
11 Aerospace Defense Command under paragraph (1) shall
12 remain assigned to the military department concerned for
13 carrying out the responsibilities of the Secretary of the
14 military department concerned as specified in section
15 3013, 5013, or 8013 of this title, as applicable.”; and

16 (3) in paragraph (4)—

17 (A) by striking “operating with the geo-
18 graphic area” and

19 (B) by striking “assigned to, and”.

20 **SEC. 1042. QUADRENNIAL INDEPENDENT REVIEW OF**
21 **UNITED STATES MILITARY STRATEGY AND**
22 **FORCE POSTURE IN THE UNITED STATES PA-**
23 **CIFIC COMMAND AREA OF RESPONSIBILITY.**

24 (a) INDEPENDENT REVIEW.—

1 (1) IN GENERAL.—Beginning in fiscal year
2 2018 and occurring every four years thereafter, the
3 Secretary of Defense shall commission an inde-
4 pendent review of United States policy in the Indo-
5 Asia-Pacific region, with a focus on issues expected
6 to be critical during the ten-year period beginning on
7 the date of such review, including the national secu-
8 rity interests and military strategy of the United
9 States in the Indo-Asia-Pacific region.

10 (2) CONDUCT OF REVIEW.—The review con-
11 ducted pursuant to paragraph (1) shall be conducted
12 by an independent organization that has—

13 (A) recognized credentials and expertise in
14 national security and military affairs; and

15 (B) access to policy experts throughout the
16 United States and from the Indo-Asia-Pacific
17 region.

18 (3) ELEMENTS.—Each review conducted pursu-
19 ant to paragraph (1) shall include the following ele-
20 ments:

21 (A) An assessment of the risks to United
22 States national security interests in the United
23 States Pacific Command area of responsibility
24 during the ten-year period beginning on the

1 date of such review as a result of changes in
2 the security environment.

3 (B) An assessment of the current and
4 planned United States force posture adjust-
5 ments with respect to the Indo-Asia-Pacific re-
6 gion.

7 (C) An evaluation of any key capability
8 gaps and shortfalls of the United States in the
9 Indo-Asia-Pacific region, including undersea
10 warfare (including submarines), naval and mar-
11 itime, ballistic missile defense, cyber, munitions,
12 anti-access area denial, land-force power projec-
13 tion, and intelligence, surveillance, and recon-
14 naissance capabilities.

15 (D) An analysis of the willingness and ca-
16 pacity of allies, partners, and regional organiza-
17 tions to contribute to the security and stability
18 of the Indo-Asia-Pacific region, including poten-
19 tial required adjustments to United States mili-
20 tary strategy based on that analysis.

21 (E) An appraisal of the Arctic ambitions of
22 actors in the Indo-Asia-Pacific region in the
23 context of current and projected capabilities, in-
24 cluding an analysis of the adequacy and rel-

1 evance of the Arctic Roadmap prepared by the
2 Navy.

3 (F) An evaluation of theater security co-
4 operation efforts of the United States Pacific
5 Command in the context of current and pro-
6 jected threats, and desired capabilities and pri-
7 orities of the United States and its allies and
8 partners.

9 (G) An evaluation of the seams between
10 United States Pacific Command and adjacent
11 geographic combatant commands and rec-
12 ommendations to mitigate the effects of those
13 seams.

14 (H) The views of noted policy leaders and
15 regional experts, including military com-
16 manders, in the Indo-Asia-Pacific region.

17 (b) REPORT.—

18 (1) SUBMITTAL TO SECRETARY OF DEFENSE.—
19 Not later than 180 days after commencing a review
20 pursuant to subsection (a), the independent organi-
21 zation conducting the review shall submit to the Sec-
22 retary of Defense a report containing the findings of
23 the review. The report shall be submitted in unclas-
24 sified form, but may contain an classified annex.

1 (2) SUBMITTAL TO CONGRESS.—Not later than
2 90 days after the date of receipt of a report required
3 by paragraph (1), the Secretary shall submit to the
4 congressional defense committees the report, to-
5 gether with any comments on the report that the
6 Secretary considers appropriate.

7 **SEC. 1043. DESIGNATION OF A DEPARTMENT OF DEFENSE**
8 **STRATEGIC ARCTIC PORT.**

9 (a) ARCTIC DEFINED.—In this section, the term
10 “Arctic” has the meaning given that term in section 112
11 of the Arctic Research and Policy Act of 1984 (15 U.S.C.
12 4111).

13 (b) IN GENERAL.—Not later than 180 days after the
14 date of the enactment of this Act, the Secretary of De-
15 fense, in consultation with the Chairman of the Joint
16 Chiefs of Staff, the Commanding General of the United
17 States Army Corps of Engineers, the Commandant of the
18 Coast Guard, and the Administrator of the Maritime Ad-
19 ministration, shall submit to the congressional defense
20 committees a report assessing the future security require-
21 ments for one or more strategic ports in the Arctic.

22 (c) REQUIREMENTS.—Consistent with the Depart-
23 ment of Defense Arctic Strategy set forth pursuant to sec-
24 tion 1068 of the National Defense Authorization Act for

1 Fiscal Year 2017 (Public Law 114–92; 129 Stat. 992),
2 the assessment in subsection (b) shall include—

3 (1) the amount of sufficient and suitable space
4 needed to create capacity for port and other nec-
5 essary infrastructure for at least one of each of type
6 of Navy or Coast Guard vessel, including an Arleigh
7 Burke class destroyer of the Navy, or a national se-
8 curity cutter or a heavy polar ice breaker of the
9 Coast Guard;

10 (2) the amount of sufficient and suitable space
11 needed to create capacity for equipment and fuel
12 storage, technological infrastructure, and civil infra-
13 structure to support military and civilian operations,
14 including—

15 (A) aerospace warning;

16 (B) maritime surface and subsurface warn-
17 ing;

18 (C) maritime control and defense;

19 (D) maritime domain awareness;

20 (E) homeland defense;

21 (F) defense support to civil authorities;

22 (G) humanitarian relief;

23 (H) search and rescue;

24 (I) disaster relief;

25 (J) oil spill response;

1 (K) medical stabilization and evacuation;
2 and

3 (L) meteorological measurements and fore-
4 casting;

5 (3) an identification of proximity and road ac-
6 cess to an airport designated as a commercial service
7 airport by the Federal Aviation Administration that
8 is capable of supporting military and civilian aircraft
9 for operations designated in subsection (c)(2); and

10 (4) a description of the requirements, to include
11 infrastructure and installations, communications,
12 and logistics necessary to improve response effective-
13 ness to support military and civilian operations des-
14 ignated in subsection (c)(2).

15 (d) DESIGNATION.—Upon completion of the report in
16 subsection (b), the Secretary of Defense, in consultation
17 with the Chairman of the Joint Chiefs of Staff, the Com-
18 manding General of the United States Army Corps of En-
19 gineers, the Commandant of the Coast Guard, the Admin-
20 istrator of the Maritime Administration, shall establish the
21 designation criteria for a Department of Defense “Stra-
22 tegic Arctic Port” and shall submit recommendations for
23 the designation of one or more Strategic Arctic Ports with-
24 in eighteen months. The recommendations shall include an

1 estimated cost for sufficient construction necessary to ini-
2 tiate and sustain expected operations.

3 (e) CONSTRUCTION.—Nothing in this section may be
4 construed to authorize any additional Department of De-
5 fense appropriations for the establishment of a port rec-
6 ommended pursuant to this section.

7 **SEC. 1044. MODIFICATION OF REQUIREMENTS REGARDING**
8 **NOTIFICATIONS TO CONGRESS ON SENSITIVE**
9 **MILITARY OPERATIONS.**

10 (a) TIMING OF NOTIFICATION REQUIREMENT.—Sub-
11 section (a) of section 130f of title 10, United States Code,
12 is amended by inserting “not later than 36 hours” before
13 “following such operation”.

14 (b) PROCEDURES.—Subsection (b) of such section is
15 amended—

16 (1) in paragraph (1), by adding at the end the
17 following new sentence: “The Secretary shall
18 promptly notify the congressional defense commit-
19 tees in writing of any changes to such procedures.”;
20 and

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

23 “(3) In the event of an unauthorized disclosure de-
24 scribed in paragraph (2), the Secretary shall ensure, to
25 the maximum extent practicable, that the congressional

1 defense committees are notified immediately of the sen-
2 sitive military operation concerned.”.

3 (c) BRIEFING REQUIREMENTS.—Such section is fur-
4 ther amended—

5 (1) in subsection (a), by striking the second
6 sentence; and

7 (2) in subsection (c), by inserting before the pe-
8 riod at the end the following: “, including Depart-
9 ment of Defense support to operations conducted
10 under the National Security Act of 1947 (50 U.S.C.
11 3001 et seq.)”.

12 (d) DEFINITION.—Subsection (d) of such section is
13 amended by striking “means” and all that follows and in-
14 serting “means the following:

15 “(1) A lethal operation or capture operation
16 conducted by the armed forces outside the United
17 States that targets a specific individual or individ-
18 uals.

19 “(2) An operation conducted by the armed
20 forces outside a theater of major hostilities in self-
21 defense or in defense of foreign partners.”.

22 (e) REPEAL OF EXCEPTION TO NOTIFICATION RE-
23 QUIREMENT.—Such section is further amended—

24 (1) by striking subsection (e); and

1 (2) by redesignating subsection (f) as sub-
2 section (e).

3 (f) CONFORMING AMENDMENTS.—

4 (1) SECTION HEADING AMENDMENT.—The
5 heading of such section is amended to read as fol-
6 lows:

7 **“§ 130f. Notification requirements for sensitive mili-
8 tary operations”.**

9 (2) TABLE OF SECTIONS AMENDMENT.—The
10 table of sections at the beginning of chapter 3 of
11 such title is amended by striking the item relating
12 to section 130f and insert the following new item:

“130f. Notification requirements for sensitive military operations.”.

13 **SEC. 1045. RECONNAISSANCE STRIKE GROUP MATTERS.**

14 (a) MODELING OF ALTERNATIVE ARMY DESIGN AND
15 OPERATIONAL CONCEPT.—

16 (1) IN GENERAL.—The Secretary of Defense
17 shall, in consultation with the Chairman of the Joint
18 Chiefs of Staff, provide for and oversee the modeling
19 of an alternative Army design and operational con-
20 cept for the Reconnaissance Strike Group (RSG).

21 (2) REPORT.—Not later than one year after the
22 date of the enactment of this Act, the Secretary
23 shall submit to the Committees on Armed Services
24 of the Senate and the House of Representatives a
25 report on the alternative design and operational con-

1 cept modeled as described in paragraph (1). The re-
2 port shall include an assessment of the feasibility
3 and advisability of a follow-on pilot program to test
4 force designs and concepts of operation developed
5 pursuant to the modeling.

6 (b) TEST, EVALUATION, DEVELOPMENT, AND VALI-
7 DATION.—

8 (1) OFFICE REQUIRED.—Commencing not later
9 than 60 days after the date of the enactment of this
10 Act, the commander of a combatant command des-
11 ignated by the Secretary for purposes of this sub-
12 section shall establish within that combatant com-
13 mand an office to carry out testing, evaluation, de-
14 velopment and validation of the joint warfighting
15 concepts, and required platforms and structure, of
16 the Reconnaissance Strike Group.

17 (2) REPORTS.—Not later than 90 days after
18 the date of the enactment of this Act, and periodi-
19 cally thereafter, the commander of the combatant
20 command designated pursuant to paragraph (1)
21 shall submit to the committees of Congress referred
22 to in subsection (a)(2) a report on the office re-
23 quired pursuant to paragraph (1), including the
24 structure of the office, the programmatic goals of

1 the office, and the funding required by the office to
2 carry out the activities specified in paragraph (1).

3 **SEC. 1046. TRANSITION OF AIR FORCE TO OPERATION OF**
4 **REMOTELY PILOTED AIRCRAFT BY ENLISTED**
5 **PERSONNEL.**

6 (a) IN GENERAL.—Not later than September 30,
7 2019, the Air Force shall fully transition to an organiza-
8 tional model for all Air Force remotely piloted aircraft
9 (RPA) that uses enlisted personnel as operators of such
10 aircraft rather than officers as the preponderance of oper-
11 ators of such aircraft.

12 (b) TRANSITION MATTERS.—The transition required
13 by subsection (a) shall account for the following:

14 (1) Training infrastructure for enlisted per-
15 sonnel operating Air Force remotely piloted aircraft.

16 (2) Supervisory roles for officers and senior en-
17 listed personnel for enlisted personnel operating Air
18 Force remotely piloted aircraft.

19 (c) REPORTS.—

20 (1) INITIAL REPORT.—Not later than March 1,
21 2017, the Secretary of Defense shall submit to the
22 Committees on Armed Services of the Senate and
23 House of Representatives a report that sets forth a
24 detailed description of the plan for the transition re-
25 quired by subsection (a), including the following:

1 (A) The objectives of the transition.

2 (B) The timeline of the transition.

3 (C) The resources required to implement
4 the transition.

5 (D) Recommendations for any legislation
6 action required to implement the transition.

7 (2) REPORTS ON PROGRESS IN IMPLEMENTA-
8 TION.—Not later than each of March 1, 2018, and
9 March 1, 2019, the Secretary shall submit to the
10 committees referred to in paragraph (1) a report on
11 the progress of the Air Force in implementing the
12 plan required under that paragraph, and in achiev-
13 ing the transition required by subsection (a), by not
14 later than September 30, 2019.

15 **SEC. 1047. PROHIBITION ON DIVESTMENT OF MARINE**
16 **CORPS SEARCH AND RESCUE UNITS.**

17 None of the amounts authorized to be appropriated
18 by this Act or otherwise made available for fiscal year
19 2017 for the Navy or the Marine Corps may be obligated
20 or expended—

21 (1) to retire, prepare to retire, transfer, or
22 place in storage any Marine Corps Search and Res-
23 cue Unit (SRU) aircraft; or

1 (2) to make any change or revision to manning
2 levels with respect to any Marine Corps Search and
3 Rescue Unit squadron.

4 **SEC. 1048. MODIFICATION OF REQUIREMENTS RELATING**
5 **TO MANAGEMENT OF MILITARY TECHNI-**
6 **CIANS.**

7 (a) CONVERSION OF CERTAIN MILITARY TECHNI-
8 CIAN (DUAL STATUS) POSITIONS.—Subsection (a) of sec-
9 tion 1053 of the National Defense Authorization Act for
10 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10
11 U.S.C. 10216 note) is amended—

12 (1) by striking paragraph (1) and inserting the
13 following new paragraph (1):

14 “(1) IN GENERAL.—By not later than October
15 1, 2017, the Secretary of Defense shall convert not
16 fewer than 20 percent of all military technician posi-
17 tions to positions filled by individuals who are em-
18 ployed under section 3101 of title 5, United States
19 Code, or section 1601 of title 10, United States
20 Code, or serving under section 328 of title 32,
21 United States Code, and are not military techni-
22 cians. The positions to be converted are described in
23 paragraph (2).”;

24 (2) in paragraph (2), by striking “the report”
25 and all that follows and inserting “by the Army Re-

1 serve, the Air Force Reserve, the National Guard
2 Bureau, and the State adjutants general in the
3 course of reviewing all military technician positions
4 for purposes of implementing this section.”; and

5 (3) in paragraph (3), by striking “may fill” and
6 inserting “shall fill”.

7 (b) CONVERSION OF ARMY RESERVE, AIR FORCE
8 RESERVE, AND NATIONAL GUARD NON-DUAL STATUS PO-
9 SITIONS.—Subsection (e) of section 10217 of title 10,
10 United States Code, is amended is amended to read as
11 follows:

12 “(e) CONVERSION OF POSITIONS.—(1) No individual
13 may be newly hired or employed, or rehired or reemployed,
14 as a non-dual status technician for purposes of this section
15 after September 30, 2017.

16 “(2) On October 1, 2017, the Secretary of Defense
17 shall convert all non-dual status technicians to positions
18 filled by individuals who are employed under section 3101
19 of title 5 or section 1601 of this title and are not military
20 technicians.

21 “(3) In the case of a position converted under para-
22 graph (2) for which there is an incumbent employee on
23 October 1, 2017, the Secretary shall fill that position, as
24 converted, with the incumbent employee without regard to

1 any requirement concerning competition or competitive
2 hiring procedures.

3 “(4) Any individual newly hired or employed, or re-
4 hired or employed, to a position required to be filled by
5 reason of paragraph (1) shall an individual employed in
6 such position under section 3101 of title 5 or section 1601
7 of this title.”.

8 (c) REPORT ON CONVERSION OF MILITARY TECHNI-
9 CIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE
10 GUARD AND RESERVE DUTY.—

11 (1) IN GENERAL.—Not later than March 1,
12 2017, the Secretary of Defense, shall in consultation
13 with the Chief of the National Guard Bureau, sub-
14 mit to the Committees on Armed Services of the
15 Senate and the House of Representatives a report on
16 the feasibility and advisability of converting any re-
17 maining military technicians (dual status) to per-
18 sonnel performing active Guard and Reserve duty
19 under section 328 of title 32, United States Code,
20 or other applicable provisions of law. The report
21 shall include the following:

22 (A) An analysis of the fully-burdened costs
23 of the conversion taking into account the new
24 modernized military retirement system.

1 (B) An assessment of the ratio of members
2 of the Armed Forces performing active Guard
3 and Reserve duty and civilian employees of the
4 Department of Defense required to best con-
5 tribute to the readiness of the Reserves and of
6 the National Guard for its Federalized and non-
7 Federalized missions.

8 (2) ACTIVE GUARD AND RESERVE DUTY DE-
9 FINED.—In this subsection, the term “active Guard
10 and Reserve duty” has the meaning given that term
11 in section 101(d)(6) of title 10, United States Code.

12 **SEC. 1049. SUPPORT FOR THE ASSOCIATE DIRECTOR OF**
13 **THE CENTRAL INTELLIGENCE AGENCY FOR**
14 **MILITARY AFFAIRS.**

15 (a) SELECTION OF ASSOCIATE DIRECTOR.—The As-
16 sociate Director of the Central Intelligence Agency for
17 Military Affairs shall be selected by the Secretary of De-
18 fense, with the concurrence of the Director of the Central
19 Intelligence Agency, from among commissioned officers of
20 the Armed Forces who are general or flag officers and who
21 have served, in the five years before selection, in a position
22 that involved significant interaction and coordination with
23 the Central Intelligence Agency.

24 (b) SUPPORT FOR ACTIVITIES.—

1 (1) IN GENERAL.—The Secretary of Defense
2 and the Under Secretary of Defense for Intelligence
3 shall ensure that the Associate Director of the Cen-
4 tral Intelligence Agency for Military Affairs has ac-
5 cess to, and support from, offices, Agencies, and
6 programs of the Department necessary for the pur-
7 poses of the Associate Director as follows:

8 (A) To facilitate and coordinate Depart-
9 ment of Defense support for the Central Intel-
10 ligence Agency requested by the Director of the
11 Central Intelligence Agency and approved by
12 the Secretary, including oversight of Depart-
13 ment of Defense military and civilian personnel
14 detailed or assigned to the Central Intelligence
15 Agency.

16 (B) To prioritize, communicate, and co-
17 ordinate Department of Defense requests for,
18 and the provision of support to, the Department
19 of Defense from the Central Intelligence Agen-
20 cy, including support requested by and provided
21 to the commanders of the combatant commands
22 and subordinate task forces and commands.

23 (2) POLICIES.—The Under Secretary shall de-
24 velop and supervise the implementation of policies to
25 integrate and prioritize Department of Defense re-

1 every 3 months by direct payment to the agency
2 supplying such support, supplies, or services by the
3 agency receiving such support, supplies, or services.

4 (3) Exchange entitlements accrued as a result
5 of acquisitions and transfers of covered support,
6 supplies, and services under this section shall be sat-
7 isfied within one year after the date of the delivery
8 of the covered support, supplies, or services. Ex-
9 change entitlements not satisfied shall be imme-
10 diately liquidated by direct payment to the agency
11 supplying such covered, support, supplies, or serv-
12 ices.

13 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF
14 FUNDS.—An order placed by an agency pursuant to an
15 agreement under this section is deemed to be an obligation
16 in the same manner that a similar order or contract placed
17 with a private contractor is an obligation. Appropriations
18 remain available to pay an obligation to the servicing
19 agency in the same manner as appropriations remain
20 available to pay an obligation to a private contractor.

21 (d) CREDITING OF RECEIPTS.—Any receipt as a re-
22 sult of an agreement entered into under this section shall
23 be credited, at the option of the Secretary of Defense with
24 respect to the Department of Defense and the Secretary
25 of State with respect to the Department of State, to—

1 (1) the appropriation, fund, or account used in
2 incurring the obligation; or

3 (2) an appropriate appropriation, fund, or ac-
4 count currently available for the purposes for which
5 the expenditures were made.

6 (e) DEFINITIONS.—In this section:

7 (1) CONTINGENCY OPERATION.—The term
8 “contingency operation” has the meaning given that
9 term in section 101(a)(13) of title 10, United States
10 Code.

11 (2) COVERED SUPPORT, SUPPLIES, AND SERV-
12 ICES.—The term “covered support, supplies, and
13 services” means food, billeting, transportation (in-
14 cluding airlift), petroleum, oils, lubricants, commu-
15 nications services, medical services, ammunition,
16 base operations support (and construction incident
17 to base operations support), use of facilities, spare
18 parts and components, repair and maintenance serv-
19 ices, and calibration services.

20 **SEC. 1051. ENHANCEMENT OF INFORMATION SHARING AND**
21 **COORDINATION OF MILITARY TRAINING BE-**
22 **TWEEN DEPARTMENT OF HOMELAND SECU-**
23 **RITY AND DEPARTMENT OF DEFENSE.**

24 (a) IN GENERAL.—The Secretary of Homeland Secu-
25 rity shall ensure that information needs of the Department

1 of Homeland Security relating to civilian law enforcement
2 activities in proximity to the borders of the United States
3 are identified and communicated to the Secretary of De-
4 fense for the purposes of planning and executing military
5 training.

6 (b) FORMAL MECHANISM OF NOTIFICATION.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of the enactment of this Act, the Secretary
9 of Homeland Security shall, in coordination with the
10 Secretary of Defense, establish a formal mechanism
11 through which Department of Homeland Security in-
12 formation needs relating to civilian law enforcement
13 activities in proximity to the borders of the United
14 States are identified and communicated to the Sec-
15 retary of Defense for the purposes of planning and
16 executing military training.

17 (2) DISSEMINATION TO THE ARMED FORCES.—

18 The Secretary of Defense shall ensure that such in-
19 formation needs are disseminated to the Armed
20 Forces in a timely manner so that the Armed Forces
21 have an opportunity to schedule and design training
22 in accordance with section 371 of title 10, United
23 States Code.

24 (3) COORDINATION OF TRAINING.—The Sec-
25 retary of Defense shall ensure that training sched-

1 uled and designed as described in paragraph (2) is
2 coordinated, to the maximum extent practicable,
3 with the Department of Homeland Security.

4 (c) SHARING OF CERTAIN INFORMATION.—Not later
5 than 90 days after the date of the enactment of this Act,
6 the Secretary of Homeland Security and the Secretary of
7 Defense shall formulate guidance to ensure that informa-
8 tion relevant to civilian law enforcement matters that is
9 collected by the Armed Forces during the normal course
10 of military training or operations in proximity to the bor-
11 ders of the United States is provided promptly to civilian
12 law enforcement officials in accordance with section 371
13 of title 10, United States Code.

14 **SEC. 1052. NOTIFICATION ON THE PROVISION OF DEFENSE**
15 **SENSITIVE SUPPORT.**

16 (a) LIMITATION.—The Secretary of Defense may pro-
17 vide defense sensitive support to a non-Department of De-
18 fense Federal department or agency only after the Sec-
19 retary has determined that such support—

20 (1) is consistent with the mission and functions
21 of the Department of Defense; and

22 (2) does—

23 (A) not significantly interfere with the mis-
24 sion or functions of the Department; or

1 (B) interfere with the mission and func-
2 tions of the Department of Defense but such
3 support is in the national security interest of
4 the United States.

5 (b) NOTICE REQUIRED.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (3), before providing defense sensitive support
8 to a non-Department of Defense Federal department
9 or agency, the Secretary of Defense shall notify the
10 congressional defense committees of the Secretary's
11 intent to provide such support.

12 (2) CONTENTS.—Notice provided under para-
13 graph (1) shall include the following:

14 (A) A description of the support to be pro-
15 vided.

16 (B) A description of how the support is
17 consistent with the mission and functions of the
18 Department.

19 (C) A description of how the support—

20 (i) does not significantly interfere with
21 the mission or functions of the Depart-
22 ment; or

23 (ii) significantly interferes with the
24 mission or functions of the Department

1 but is in the national security interest of
2 the United States.

3 (3) TIME SENSITIVE SUPPORT.—In the event
4 that the provision of defense sensitive support is
5 time-sensitive, the Secretary—

6 (A) may provide notification under para-
7 graph (1) after providing the support; and

8 (B) shall provide such notice as soon as
9 practicable after providing such support, but
10 not later than 48 hours after providing the sup-
11 port.

12 (c) DEFENSE SENSITIVE SUPPORT DEFINED.—In
13 this section, the term “defense sensitive support” means
14 support provided by the Department of Defense to a non-
15 Department of Defense Federal department or agency
16 that requires special protection from disclosure.

17 **SEC. 1053. MODIFICATION OF AUTHORITY TO TRANSFER**
18 **DEPARTMENT OF DEFENSE PROPERTY FOR**
19 **LAW ENFORCEMENT ACTIVITIES.**

20 (a) RESTATEMENT AND MODIFICATION OF CURRENT
21 AUTHORITY FOR TRANSFER FOR STATE AND LOCAL LAW
22 ENFORCEMENT ACTIVITIES.—Section 2576a of title 10,
23 United States Code, is amended by adding at the end the
24 following new subsections:

1 “(g) DETERMINATION OF ELIGIBLE DEFENSE
2 ITEMS.—

3 “(1) CONTROLLED DEFENSE ITEMS ELIGIBLE
4 FOR TREATMENT.—

5 “(A) IN GENERAL.—Subject to the provi-
6 sions of this paragraph, the controlled defense
7 items that may be treated as eligible defense
8 items for purposes of this section shall include
9 items that—

10 “(i) can be readily put to civilian use
11 by State and local law enforcement agen-
12 cies; and

13 “(ii) are suitable for transfer to State
14 and local law enforcement agencies pursu-
15 ant to this section.

16 “(B) INITIAL ELIGIBLE DEFENSE
17 ITEMS.—The controlled defense items to be
18 treated as eligible defense items for purposes of
19 this section as of the date of the enactment of
20 the National Defense Authorization Act for Fis-
21 cal Year 2017 are the following:

22 “(i) Camouflage uniforms and cloth-
23 ing.

24 “(ii) Fixed wing manned aircraft.

25 “(iii) Rotary wing manned aircraft.

1 “(iv) Unmanned aerial vehicles.

2 “(v) Wheeled armored vehicles.

3 “(vi) Wheeled tactical vehicles.

4 “(vii) Specialized firearms and ammu-
5 nition under .50-caliber.

6 “(viii) Explosives and pyrotechnics,
7 including explosive breaching tools.

8 “(ix) Breathing apparatus.

9 “(x) Riot batons.

10 “(C) LIST OF CONTROLLED DEFENSE
11 ITEMS TREATABLE AS ELIGIBLE DEFENSE
12 ITEMS.—The Secretary of Defense shall, acting
13 through the Director of the Defense Logistics
14 Agency and in consultation with the Working
15 Group established by Executive Order 13688,
16 maintain, and periodically update, a list of con-
17 trolled defense items that are currently appro-
18 priate for treatment as eligible defense items
19 for purposes of this section. The list shall be es-
20 tablished and maintained in accordance with
21 the regulations for purposes of this section
22 under subsection (g).

23 “(2) CONTROLLED DEFENSE ITEMS NOT ELIGI-
24 BLE FOR TREATMENT.—

1 “(A) IN GENERAL.—A controlled defense
2 item may not be treated as an eligible defense
3 item for purposes of this section if—

4 “(i) the item is made exclusively for
5 the military; and

6 “(ii) the item, or a substantially simi-
7 lar item, cannot be purchased by State or
8 local law enforcement agencies in the pri-
9 vate sector even after the item is demili-
10 tarized.

11 “(B) INITIAL PROHIBITED ITEMS.—Unless
12 and until determined otherwise by the Secretary
13 for purposes of this section, the controlled de-
14 fense items that may not be treated as eligible
15 defense items for purposes of this section are
16 the following:

17 “(i) Tracked armored vehicles.

18 “(ii) Weaponized aircraft, vessels, and
19 vehicles of any kind.

20 “(iii) Firearms of .50-caliber or high-
21 er.

22 “(iv) Ammunition of .50-caliber or
23 higher.

1 “(v) Grenades, flash bang grenades,
2 grenade launchers, and grenade launcher
3 attachments.

4 “(vi) Bayonets.

5 “(vii) Mine Resistant Ambush Pro-
6 tected (MRAP) vehicle.

7 “(viii) Tasers developed primarily for
8 use by the military.

9 “(C) LIST OF CONTROLLED ITEMS NOT
10 TREATABLE AS ELIGIBLE DEFENSE ITEMS.—
11 The Secretary shall, acting through the Direc-
12 tor and in consultation with the Working Group
13 referred to in paragraph (1)(C), maintain, and
14 periodically update, a list of controlled defense
15 items that are currently prohibited from treat-
16 ment as eligible defense items for purposes of
17 this section. The list shall be established and
18 maintained in accordance with the regulations
19 for purposes of this section under subsection
20 (g).

21 “(3) RETURN OF ITEMS NOT TREATED AS ELI-
22 GIBLE DEFENSE ITEMS NOT IMMEDIATELY RE-
23 QUIRED.—

24 “(A) RETURN OF INITIAL PROHIBITED
25 ITEMS NOT GENERALLY REQUIRED.—The regu-

1 lations for purposes of this section shall provide
2 that a law enforcement agency in possession on
3 the date of the enactment of the National De-
4 fense Authorization Act for Fiscal Year 2017 of
5 a controlled defense item that is not eligible for
6 treatment as an eligible defense item pursuant
7 to paragraph (2)(B) shall not be required to re-
8 turn such item to the Department pursuant to
9 Executive Order 13688.

10 “(B) RETURN OF ITEMS SUBSEQUENTLY
11 TREATED AS NOT ELIGIBLE NOT REQUIRED.—
12 The regulations for purposes of this section
13 shall provide that a law enforcement agency in
14 possession of a controlled defense item that is
15 no longer eligible for treatment as an eligible
16 defense item pursuant to paragraph (2)(C)
17 shall not be required to return such item to the
18 Department pursuant to Executive Order
19 13688.

20 “(C) CONSTRUCTION.—Nothing in this
21 section shall be construed to require a law en-
22 forcement agency, pursuant to Executive Order
23 13688, to return to the Department equipment
24 obtained from the Federal Government, or ob-
25 tained using Federal funds, if such equipment

1 was obtained by the agency in a manner con-
2 sistent with all applicable laws and regulations.

3 “(D) NO TRANSFER OF OWNERSHIP.—
4 Nothing in this section shall be construed as a
5 transfer of ownership of any equipment ob-
6 tained from the Federal Government pursuant
7 to this section.

8 “(h) PROHIBITION ON REQUIREMENT FOR TIMELY
9 USE OF TRANSFERRED ITEMS.—The regulations for pur-
10 poses of this section may not require the use of an eligible
11 defense item transferred under this section within one
12 year of the receipt of the item by the State or local law
13 enforcement agency concerned.

14 “(i) NOTICE ON REQUESTS FOR TRANSFERS TO
15 STATE AND LOCAL OFFICIALS.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), a State or local law enforcement agency
18 may not request transfer of an eligible defense item
19 under this section, including pursuant to interagency
20 transfer under subsection (t), unless the law enforce-
21 ment agency has provided notice of the request to
22 the head and legislative body of the State or political
23 subdivision of a State of which the law enforcement
24 agency is an agency.

25 “(2) EXCEPTION.—

1 “(A) ITEMS FOR UNDERCOVER OPER-
2 ATIONS.—A State or local law enforcement
3 agency requesting transfer of an eligible defense
4 item is not required to comply with paragraph
5 (1) if the item requested is for an active under-
6 cover operation.

7 “(B) ALTERNATIVE NOTICE REQUIRE-
8 MENT.—A State or local law enforcement agen-
9 cy receiving an item under this section pursuant
10 to a request covered by subparagraph (A) shall
11 notify the head and legislative body of the State
12 or political subdivision of a State of which the
13 law enforcement agency is an agency of the re-
14 quest not later than 10 business days after the
15 operation concerned becomes an open record.

16 “(j) TRAINING REQUIREMENTS.—

17 “(1) MINIMUM TRAINING REQUIREMENTS FOR
18 LAW ENFORCEMENT OFFICERS.—

19 “(A) IN GENERAL.—On and after the date
20 that is three years after the date of the enact-
21 ment of the National Defense Authorization Act
22 for Fiscal Year 2017, eligible defense items may
23 not be transferred to a State or local law en-
24 forcement agency of a State under this section
25 unless the Governor of the State (or the des-

1 ignee of the Governor) certifies to the Director
2 of the Defense Logistics Agency that the State
3 has in place minimum training requirements for
4 all sworn law enforcement officers in the State,
5 including—

6 “(i) a requirement that anyone that
7 has decisionmaking authority on the de-
8 ployment of a SWAT team attends the Na-
9 tional Tactical Officers Association unit
10 commanders course or an equivalent within
11 one year of commencing the exercise of
12 such authority;

13 “(ii) specialized leadership training re-
14 quirements for unit commanders who
15 have—

16 “(I) decisionmaking authority on
17 the deployment of SWAT teams and
18 tactical military vehicles; or

19 “(II) responsibility for drafting
20 policies on the use of force and SWAT
21 team deployment;

22 “(iii) annual specialized SWAT team
23 training requirements for all SWAT team
24 members, including in law enforcement
25 tactics used in tactical operations;

1 “(iv) annual training requirements for
2 all law enforcement officers that are mem-
3 bers of specialized tactical units other than
4 SWAT teams (including high-risk warrant
5 service teams, hostage rescue teams, and
6 drug enforcement task forces);

7 “(v) annual training on the general
8 policing standards of the law enforcement
9 agency on equipment such as eligible de-
10 fense items;

11 “(vi) annual training on sensitivity,
12 including training on ethnic and racial
13 bias, cultural diversity, and police inter-
14 action with the disabled, mentally ill, and
15 new immigrants;

16 “(vii) annual training in crowd control
17 tactics for any officers that may be called
18 upon to participate in crowd control ef-
19 forts; and

20 “(viii) such other training as rec-
21 ommended by the evaluation conducted
22 pursuant to section 1051(d) of the Na-
23 tional Defense Authorization Act for Fiscal
24 Year 2016.

1 “(B) SATISFACTION BY RECENT HIREES.—

2 The requirements under subparagraph (A) shall
3 provide for the first completion of the training
4 concerned by an individual who becomes an offi-
5 cer in a law enforcement agency by not later
6 than one year after the date on which the indi-
7 vidual becomes an officer in the law enforce-
8 ment agency.

9 “(C) RECORD-KEEPING.—Each law en-
10 forcement agency to which eligible defense
11 items are transferred pursuant to this section
12 shall retain training records of each office au-
13 thorized to use such items, either in the per-
14 sonnel file of the officer or by the training divi-
15 sion or equivalent entity of the agency, for not
16 less than three years after the date on which
17 the training occurs, and shall provide a copy of
18 such records to the Director upon request.

19 “(k) SUSPENSION AND TERMINATION.—

20 “(1) FOR LOST OR STOLEN ITEMS.—In the
21 event an offensive weapon or ordnance transferred to
22 a State or local law enforcement agency under this
23 section is lost, stolen, or misappropriated, the Direc-
24 tor of the Defense Logistics Agency, after providing
25 the law enforcement agency with notice and the op-

1 portunity to contest the allegation, shall suspend the
2 law enforcement agency from eligibility for receipt of
3 items under this section for a period of six months.

4 “(2) INTENTIONAL FALSIFICATION OF INFOR-
5 MATION.—In the event a State or local law enforce-
6 ment agency is determined by the Director (or the
7 designee of the Director) to have intentionally fal-
8 sified any information in requesting or applying for
9 items under this section, the Director, after pro-
10 viding the law enforcement agency with notice and
11 the opportunity to contest the determination, shall
12 terminate the law enforcement agency from eligi-
13 bility for receipt of items under this section until
14 such time as the head of the law enforcement agency
15 is replaced.

16 “(1) CONSTRUCTION WITH OTHER DLA AUTHOR-
17 ITY.—Nothing in this section shall be construed to over-
18 ride, alter, or supersede the authority of the Director of
19 the Defense Logistics Agency to dispose of property of the
20 Department of Defense that is not a controlled defense
21 item to law enforcement agencies under another provision
22 of law.

23 “(m) DEFINITIONS.—In this section:

24 “(1) The term ‘bayonet’ means a large knife de-
25 signed to be attached to the muzzle of a rifle, shot-

1 gun, or long gun for the purposes of hand-to-hand
2 combat.

3 “(2) The term ‘breaching apparatus’ means a
4 tool designed to provide law enforcement rapid entry
5 into a building or through a secured doorway, in-
6 cluding battering rams or similar entry devices, bal-
7 listic devices, and explosive devices.

8 “(3) The term ‘controlled defense item’ means
9 property of the Department of Defense that is sub-
10 ject to the restriction of the United States Munitions
11 List (22 Code of Federal Regulations Part 121) or
12 the Commerce Control List (15 Code of Federal
13 Regulations Part 774).

14 “(4) The term ‘eligible defense item’ means a
15 controlled defense item that is eligible for transfer to
16 a law enforcement agency pursuant to this section.

17 “(5) The term ‘fixed wing manned aircraft’
18 means a powered aircraft with a crew aboard, such
19 as airplanes, that uses a fixed wing for lift.

20 “(6) The term ‘grenade launcher’ means a fire-
21 arm or firearm accessory designed to launch small
22 explosive projectiles.

23 “(7) The term ‘riot baton’ means a nonexpand-
24 able baton of greater length than service-issued
25 types that are intended to protect its wielder during

1 melees by providing distance from assailants. The
2 term does not include a service-issued telescopic or
3 fixed length straight baton.

4 “(8) The term ‘specialized firearm and ammu-
5 nition under .50 caliber’ means a weapon and cor-
6 responding ammunition for specialized operations or
7 assignments. The term does not include service-
8 issued handguns, rifles, or shotguns that are issued
9 or approved by an agency to be used during the
10 course of regularly assigned duties.

11 “(9) The term ‘State Coordinator’ means an in-
12 dividual appointed by the Governor of a State—

13 “(A) to manage requests of State and local
14 law enforcement agencies of the State for eligi-
15 ble defense items; and

16 “(B) to ensure the appropriate use of eligi-
17 ble defense items transferred under this section
18 by such law enforcement agencies.

19 “(10) The term ‘State or local law enforcement
20 agency’ means a State or local agency or entity with
21 law enforcement officers that have arrest and appre-
22 hension authority and whose primary function is to
23 enforce the laws. The term includes a local edu-
24 cational agency with such officers. The term does
25 not include a firefighting agency or entity.

1 “(11) The term ‘SWAT team’ means a Special
2 Weapons and Tactics team or other specialized tac-
3 tical team composed of State or local sworn law en-
4 forcement officers.

5 “(12) The term ‘tactical military vehicle’ means
6 an armored vehicle having military characteristics
7 resulting from military research and development
8 processes that is designed primarily for use by forces
9 in the field in direct connection with, or support of,
10 combat or tactical operations.

11 “(13) The term ‘tracked armored vehicle’
12 means a vehicle that provides ballistic protection to
13 their occupants and utilizes a tracked system instead
14 of wheels for forward motion.

15 “(14) The term ‘unmanned aerial vehicle’
16 means a remotely piloted, powered aircraft without
17 a crew aboard.

18 “(15) The term ‘wheeled armored vehicle’
19 means any wheeled vehicle either purpose-built or
20 modified to provide ballistic protection to its occu-
21 pants, such as a Mine Resistant Ambush Protected
22 (MRAP) vehicle of an Armored Personnel Carrier.

23 “(16) The term ‘wheeled tactical vehicle’ means
24 a vehicle purpose-built to operate onroad and offroad
25 in support of military operations, such as a

1 HMMWV (‘Humvee’), 2.5ton truck, 5ton truck, or a
2 vehicle with a breaching or entry apparatus at-
3 tached.”.

4 (b) IN GENERAL.—Chapter 153 of title 10, United
5 States Code, is amended by inserting after section 2576b
6 the following new section:

7 **“§ 2576c. Excess property: priority in transfer to**
8 **other Federal agencies of property also**
9 **transferrable to State and local agencies**

10 “(a) IN GENERAL.—In transferring excess property
11 of the Department of Defense under authorities specified
12 in subsection (b) that authorize the transfer of such prop-
13 erty to both other Federal agencies and State and local
14 agencies, the Secretary of Defense shall afford a priority
15 to other Federal agencies in the transfer of any property
16 that is not a controlled defense item.

17 “(b) AUTHORITIES.—The authorities specified in this
18 subsection are the following:

19 “(1) The authority to transfer personal prop-
20 erty for law enforcement activities under section
21 2576a of this title.

22 “(2) The authority to transfer personal prop-
23 erty to assist firefighting activities under section
24 2576b of this title.

1 “(3) The authority to transfer documents, arti-
2 facts, and other materiel under section 2572 of this
3 title.

4 “(4) The authority to transfer nonlethal sup-
5 plies for homeless and humanitarian relief under sec-
6 tion 2557 of this title.

7 “(5) The authority to make foreign military
8 sales under the Arms Export Control Act (22 U.S.C.
9 2751 et seq.).

10 “(6) The authority to transfer research equip-
11 ment under section 11(i) of the Stevenson-Wydler
12 Technology Innovation Act of 1980 (15 U.S.C.
13 3710(i)).

14 “(7) Such other authorities relating to transfer
15 of property of the Department as the Secretary des-
16 ignates for purposes of this section.”.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 153 of such title is amended
19 by inserting after the item relating to section 2576b the
20 following new item:

“2576c. Excess property: priority in transfer to other Federal agencies of prop-
erty also transferrable to State and local agencies.”.

1 **SEC. 1054. EXEMPTION OF INFORMATION ON MILITARY**
2 **TACTICS, TECHNIQUES, AND PROCEDURES**
3 **FROM RELEASE UNDER FREEDOM OF INFOR-**
4 **MATION ACT.**

5 (a) EXEMPTION.—Subsection (a) of section 130e of
6 title 10, United States Code, is amended—

7 (1) in the matter preceding paragraph (1), by
8 inserting “or information related to military tactics,
9 techniques, and procedures” after “security informa-
10 tion”;

11 (2) by striking paragraph (1) and inserting the
12 following new paragraph (1):

13 “(1) the information is—

14 “(A) Department of Defense critical infra-
15 structure security information; or

16 “(B) related to a military tactic, technique,
17 or procedure, including a military rule of en-
18 gagement;”;

19 (3) by redesignating paragraph (2) as para-
20 graph (3); and

21 (4) by inserting after paragraph (1) the fol-
22 lowing new paragraph (2):

23 “(2) the public disclosure of the information
24 could reasonably be expected to risk impairment of
25 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

1 forces will initiate or continue combat engagement
2 with other forces encountered.”.

3 (c) DELEGATION AND TRANSPARENCY.—Such sec-
4 tion is further amended—

5 (1) by striking subsection (d);

6 (2) by redesignating subsections (e) and (f) (as
7 transferred and redesignated by subsection (b)(1) of
8 this section) as subsections (c) and (e), respectively;
9 and

10 (3) in subsection (c), as redesignated by para-
11 graph (2)—

12 (A) by striking “, or the Secretary’s des-
13 ignee,”; and

14 (B) by striking “through the Office of the
15 Director of Administration and Management”
16 and inserting “in accordance with guidelines
17 prescribed by the Secretary”.

18 (d) CITATION FOR PURPOSES OF OPEN FOIA ACT
19 OF 2009.—Such section is further amended—

20 (1) in subsection (a), as amended by subsection
21 (a) of this section, by striking “pursuant to section
22 552(b)(3) of title 5” in the matter preceding para-
23 graph (1); and

1 (2) by inserting after subsection (c), as redesignated by subsection (c)(2) of this section, the following new subsection (d):

4 “(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.”.

9 (e) CONFORMING AND CLERICAL AMENDMENTS.—

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

12 **“§ 130e. Nondisclosure of information: critical infrastructure; military tactics, techniques, and procedures”.**

15 (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”.

19 **SEC. 1055. TREATMENT OF CERTAIN SENSITIVE INFORMATION BY STATE AND LOCAL GOVERNMENTS.**

21 (a) SPECIAL NUCLEAR MATERIAL.—Section 128 of title 10, United States Code, is amended by adding at the end the following new subsection:

1 “(d) Information that the Secretary prohibits to be
2 disseminated pursuant to subsection (a) that is provided
3 to a State or local government shall remain under the con-
4 trol of the Department of Defense, and a State or local
5 law authorizing or requiring a State or local government
6 to disclose such information shall not apply to such infor-
7 mation.”.

8 (b) CRITICAL INFRASTRUCTURE SECURITY INFORMA-
9 TION.—Section 130e of such title is amended—

10 (1) by transferring subsection (c) to the end of
11 such section and redesignating such subsection, as
12 so transferred, as subsection (f); and

13 (2) by striking subsection (b) and inserting the
14 following new subsections:

15 “(b) DESIGNATION OF DEPARTMENT OF DEFENSE
16 CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—
17 In addition to any other authority or requirement regard-
18 ing protection from dissemination of information, the Sec-
19 retary may designate information as being Department of
20 Defense critical infrastructure security information, in-
21 cluding during the course of creating such information,
22 to ensure that such information is not disseminated with-
23 out authorization. Information so designated is subject to
24 the determination process under subsection (a) to deter-

1 mine whether to exempt such information from disclosure
2 described in such subsection.

3 “(c) INFORMATION PROVIDED TO STATE AND LOCAL
4 GOVERNMENTS.—(1) Department of Defense critical in-
5 frastructure security information covered by a written de-
6 termination under subsection (a) or designated under sub-
7 section (b) that is provided to a State or local government
8 shall remain under the control of the Department of De-
9 fense.

10 “(2)(A) A State or local law authorizing or requiring
11 a State or local government to disclose Department of De-
12 fense critical infrastructure security information that is
13 covered by a written determination under subsection (a)
14 shall not apply to such information.

15 “(B) If a person requests pursuant to a State or local
16 law that a State or local government disclose information
17 that is designated as Department of Defense critical infra-
18 structure security information under subsection (b), the
19 State or local government shall provide the Secretary an
20 opportunity to carry out the determination process under
21 subsection (a) to determine whether to exempt such infor-
22 mation from disclosure pursuant to subparagraph (A).”.

23 (c) CONFORMING AMENDMENTS.—

24 (1) SECTION 128.—The heading of section 128
25 of such title is amended to read as follows:

1 **“§ 128. Control and physical protection of special nu-**
2 **clear material: limitation on dissemina-**
3 **tion of unclassified information”.**

4 (2) SECTION 130E.—Section 130e of such title
5 is further amended—

6 (A) by striking the section heading and in-
7 serting the following new section heading:

8 **“§ 130e. Control and protection of critical infrastruc-**
9 **ture security information”;**

10 (B) in subsection (a), by striking the sub-
11 section heading and inserting the following new
12 subsection heading; “EXEMPTION FROM FREE-
13 DOM OF INFORMATION ACT.—”;

14 (C) in subsection (d), by striking the sub-
15 section heading and inserting the following new
16 subsection heading: “DELEGATION OF DETER-
17 MINATION AUTHORITY.—”; and

18 (D) in subsection (e), by striking the sub-
19 section heading and inserting the following new
20 subsection heading: “TRANSPARENCY OF DE-
21 TERMINATIONS.—”.

22 (d) CLERICAL AMENDMENTS.—The table of sections
23 at the beginning of chapter 3 of such title is amended—

24 (1) by striking the item relating to section 128
25 and inserting the following new item:

“128. Control and physical protection of special nuclear material: limitation on dissemination of unclassified information.”; and

1 (2) by striking the item relating to section 130e
2 and inserting the following new item:

“130e. Control and protection of critical infrastructure security information.”.

3 **SEC. 1056. RECOVERY OF EXCESS FIREARMS, AMMUNITION,**
4 **AND PARTS GRANTED TO FOREIGN COUN-**
5 **TRIES AND TRANSFER TO CERTAIN PERSONS.**

6 (a) RECOVERY.—Subchapter II of chapter 407 of
7 title 36, United States Code, is amended by inserting after
8 section 40728A the following new section:

9 **“§ 40728B. Recovery of excess firearms, ammunition,**
10 **and parts granted to foreign countries**
11 **and transfer to certain persons**

12 “(a) AUTHORITY TO RECOVER.—(1) Subject to para-
13 graph (2) and subsection (b), the Secretary of the Army
14 may acquire from any person any firearm, ammunition,
15 repair parts, or other supplies described in section
16 40731(a) of this title which were—

17 “(A) provided to any country on a grant basis
18 under the conditions imposed by section 505 of the
19 Foreign Assistance Act of 1961 (22 U.S.C. 2314)
20 that became excess to the needs of such country;
21 and

22 “(B) lawfully acquired by such person.

1 “(2) The Secretary of the Army may not acquire any-
2 thing under paragraph (1) except for transfer to a person
3 in the United States under subsection (c).

4 “(3) The Secretary of the Army may accept firearms,
5 ammunition, repair parts, or other supplies under para-
6 graph (1) notwithstanding section 1342 of title 31.

7 “(b) COST OF RECOVERY.—The Secretary of the
8 Army may not acquire anything under subsection (a) if
9 the United States would incur any cost for such acquisi-
10 tion.

11 “(c) AVAILABILITY FOR TRANSFER.—Any firearms,
12 ammunition, repair parts, or supplies acquired under sub-
13 section (a) shall be available for transfer in the United
14 States to the person from whom acquired if such person—

15 “(1) is licensed as a manufacturer, importer, or
16 dealer pursuant to section 923(a) of title 18; and

17 “(2) uses an ammunition depot of the Army
18 that is an eligible facility for receipt of any firearms,
19 ammunition, repair parts, or supplies under this
20 paragraph.

21 “(d) CONTRACTS.—Notwithstanding subsection (k)
22 of section 2304 of title 10, the Secretary may enter into
23 such contracts or cooperative agreements on a sole source
24 basis pursuant to paragraphs (4) and (5) of subsection
25 (c) of such section to carry out this section.

1 “(e) FIREARM DEFINED.—In this section, the term
2 ‘firearm’ has the meaning given such term in section 921
3 of title 18.”.

4 (b) SALE.—Section 40732 of such title is amended—
5 (1) by adding at the end the following new sub-
6 section:

7 “(d) SALES BY OTHER PERSONS.—A person who re-
8 ceives a firearm or any ammunition, repair parts, or sup-
9 plies under section 40728B(c) of this title may sell, at fair
10 market value, such firearm, ammunition, repair parts, or
11 supplies.”; and

12 (2) in subsection (c), in the heading, by insert-
13 ing “BY THE CORPORATION” after “LIMITATION ON
14 SALES”.

15 (c) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 407 of such title is amended
17 by inserting after the item relating to section 40728A the
18 following new item:

“40728B. Recovery of excess firearms, ammunition, and parts granted to for-
 eign countries and transfer to certain persons.”.

19 **SEC. 1057. SENSE OF THE SENATE ON DEVELOPMENT AND**
20 **FIELDING OF FIFTH GENERATION AIRBORNE**
21 **SYSTEMS.**

22 (a) FINDINGS.—The Senate makes the following
23 findings:

1 (1) The term “fifth generation”, with respect to
2 airborne systems, means those airborne systems ca-
3 pable of operating effectively in highly contested bat-
4 tle spaces defined by the most capable currently
5 fielded threats, and those reasonably expected to be
6 operational in the foreseeable future.

7 (2) Continued modernization of Department of
8 Defense airborne systems such as fighters, bombers,
9 and intelligence, surveillance, and reconnaissance
10 (ISR) aircraft with fifth generation capabilities is re-
11 quired because—

12 (A) adversary integrated air defense sys-
13 tems (IADS) have created regions where fourth
14 generation airborne systems may be limited in
15 their ability to effectively operate;

16 (B) adversary aircraft, air-to-air missiles,
17 and airborne electronic attack or electronic pro-
18 tection systems are advancing beyond the capa-
19 bilities of fourth generation airborne systems;
20 and

21 (C) fifth generation airborne systems pro-
22 vide a wider variety of options for a given
23 warfighting challenge, preserve the technological
24 advantage of the United States over near-peer
25 threats, and serve as a force multiplier by in-

1 creasing situational awareness and combat ef-
2 fectiveness of fourth generation airborne sys-
3 tems.

4 (b) SENSE OF THE SENATE.—It is the sense of the
5 Senate that development and fielding of fifth generation
6 airborne system systems should include the following:

7 (1) Multispectral (radar, infrared, visual, emis-
8 sions) low observable (LO) design features, self-pro-
9 tection jamming, and other capabilities that signifi-
10 cantly delay or deny threat system detection, track-
11 ing, and engagement.

12 (2) Integrated avionics that autonomously fuse
13 and prioritize onboard multispectral sensors and
14 offboard information data to provide an accurate
15 realtime operating picture and data download for
16 postmission exploitation and analysis.

17 (3) Resilient communications, navigation, and
18 identification techniques designed to effectively
19 counter adversary attempts to deny or confuse
20 friendly systems.

21 (4) Robust and secure networks linking indi-
22 vidual platforms to create a common, accurate, and
23 highly integrated picture of the battle space for
24 friendly forces.

1 (5) Advanced onboard diagnostics capable of
2 monitoring system health, accurately reporting sys-
3 tem faults, and increasing overall system perform-
4 ance and reliability.

5 (6) Integrated platform and subsystem designs
6 to maximize lethality and survivability while enabling
7 decision superiority.

8 (7) Maximum consideration for the fielding of
9 unmanned platforms either employed in concert with
10 fifth generation manned platforms or as standalone
11 unmanned platforms, to increase warfighting effec-
12 tiveness and reduce risk to personnel during high
13 risk missions.

14 (8) Advanced air-to-air, air-to-ground, and
15 other weapons able to leverage fifth generation capa-
16 bilities.

17 (9) Comprehensive and high-fidelity live, vir-
18 tual, and constructive training systems, updated
19 range infrastructure, and sufficient threat-represent-
20 ative adversary training assets to maximize fifth
21 generation force proficiency, effectiveness, and readi-
22 ness while protecting sensitive capabilities.

23 **SEC. 1058. TECHNICAL AND CONFORMING AMENDMENTS.**

24 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR
25 FISCAL YEAR 2016.—The National Defense Authoriza-

1 tion Act for Fiscal Year 2016 (Public Law 114–92) is
2 amended—

3 (1) in section 804(d)(3), by inserting “within 5
4 business days after such transfer” before the period
5 at the end of the first sentence; and

6 (2) in section 809(e)(2)(A), by striking “re-
7 pealed” and inserting “rescinded”.

8 (b) SECTION 2431B OF TITLE 10, UNITED STATES
9 CODE.—Subsection (d) of section 2431b of title 10,
10 United States Code, is amended to read as follows:

11 “(d) DEFINITIONS.—

12 “(1) CONCURRENCY.—The term ‘concurrency’
13 means, with respect to an acquisition strategy, the
14 combination or overlap of program phases or activi-
15 ties.

16 “(2) MAJOR DEFENSE ACQUISITION PROGRAMS
17 AND MAJOR SYSTEMS.—The terms ‘major defense
18 acquisition programs’ and ‘major systems’ have the
19 meanings provided in section 2431a of this title.”

1 **Subtitle G—National Commission**
2 **on Military, National, and Pub-**
3 **lic Service**

4 **SEC. 1066. PURPOSE AND SCOPE.**

5 (a) **PURPOSE.**—The purpose of this subtitle is to es-
6 tablish the National Commission on Military, National,
7 and Public Service to—

8 (1) conduct a review of the military selective
9 service process (commonly referred to as “the
10 draft”); and

11 (2) consider methods to increase participation
12 in military, national, and public service in order to
13 address national security and other public service
14 needs of the Nation.

15 (b) **SCOPE OF REVIEW.**—In order to provide the full-
16 est understanding of the matters required under the re-
17 view under subsection (a), the Commission shall con-
18 sider—

19 (1) the need for a military selective service
20 process, including the continuing need for a mecha-
21 nism to draft large numbers of replacement combat
22 troops;

23 (2) means by which to foster a greater attitude
24 and ethos of service among United States youth, in-
25 cluding an increased propensity for military service;

1 (3) the feasibility and advisability of modifying
2 the military selective service process in order to ob-
3 tain for military, national, and public service individ-
4 uals with skills (such as medical, dental, and nursing
5 skills, language skills, cyber skills, and science, tech-
6 nology, engineering, and mathematics (STEM
7 skills) for which the Nation has a critical need, with-
8 out regard to age or sex; and

9 (4) the feasibility and advisability of including
10 in the military selective service process, as so modi-
11 fied, an eligibility or entitlement for the receipt of
12 one or more Federal benefits (such as educational
13 benefits, subsidized or secured student loans, grants
14 or hiring preferences) specified by the Commission
15 for purposes of the review.

16 (c) DEFINITIONS.—In this subtitle:

17 (1) The term “military service” means active
18 service (as that term is defined in subsection (d)(3)
19 of section 101 of title 10, United States Code) in
20 one of the uniformed services (as that term is de-
21 fined in subsection (a)(5) of such section).

22 (2) The term “national service” means civilian
23 employment in Federal or State Government in a
24 field in which the Nation and the public have critical
25 needs.

1 (3) The term “public service” means civilian
2 employment in any non-governmental capacity, in-
3 cluding with private for-profit organizations and
4 non-profit organizations (including with appropriate
5 faith-based organizations), that pursues and en-
6 hances the common good and meets the needs of
7 communities, the States, or the Nation in sectors re-
8 lated to security, health, care for the elderly, and
9 other areas considered appropriate by the Commis-
10 sion for purposes of this subtitle.

11 **SEC. 1067. NATIONAL COMMISSION ON MILITARY, NA-**
12 **TIONAL, AND PUBLIC SERVICE.**

13 (a) **ESTABLISHMENT.**—There is established in the ex-
14 ecutive branch an independent commission to be known
15 as the National Commission on Military, National, and
16 Public Service (in this subtitle referred to as the “Com-
17 mission”). The Commission shall be considered an inde-
18 pendent establishment of the Federal Government as de-
19 fined by section 104 of title 5, United States Code, and
20 a temporary organization under section 3161 of such title.

21 (b) **MEMBERSHIP.**—

22 (1) **NUMBER AND APPOINTMENT.**—The Com-
23 mission shall be composed of 11 members appointed
24 as follows:

1 (A) The President shall appoint three
2 members.

3 (B) The Majority Leader of the Senate
4 shall appoint one member.

5 (C) The Minority Leader of the Senate
6 shall appoint one member.

7 (D) The Speaker of the House of Rep-
8 resentatives shall appoint one member.

9 (E) The Minority Leader of the House of
10 Representatives shall appoint one member.

11 (F) The Chairman of the Committee on
12 Armed Services of the Senate shall appoint one
13 member.

14 (G) The Ranking Member of the Com-
15 mittee on Armed Services of the Senate shall
16 appoint one member.

17 (H) The Chairman of the Committee on
18 Armed Services of the House of Representatives
19 shall appoint one member.

20 (I) The Ranking Member of the Committee
21 on Armed Services of the House of Representa-
22 tives shall appoint one member.

23 (2) DEADLINE FOR APPOINTMENT.—Members
24 shall be appointed to the Commission under para-

1 graph (1) not later than 90 days after the Commis-
2 sion establishment date.

3 (3) EFFECT OF LACK OF APPOINTMENT BY AP-
4 POINTMENT DATE.—If one or more appointments
5 under subparagraph (A) of paragraph (1) is not
6 made by the appointment date specified in para-
7 graph (2), the authority to make such appointment
8 or appointments shall expire, and the number of
9 members of the Commission shall be reduced by the
10 number equal to the number of appointments so not
11 made. If an appointment under subparagraph (B),
12 (C), (D), (E), (F), (G), (H), or (I) of paragraph (1)
13 is not made by the appointment date specified in
14 paragraph (2), the authority to make an appoint-
15 ment under such subparagraph shall expire, and the
16 number of members of the Commission shall be re-
17 duced by the number equal to the number otherwise
18 appointable under such subparagraph.

19 (c) CHAIR AND VICE CHAIR.—The Commission shall
20 elect a Chair and Vice Chair from amount its members.

21 (d) TERMS.—Members shall be appointed for the life
22 of the Commission. A vacancy in the Commission shall not
23 affect its powers, and shall be filled in the same manner
24 as the original appointment was made.

1 (e) STATUS AS FEDERAL EMPLOYEES.—Notwith-
2 standing the requirements of section 2105 of title 5,
3 United States Code, including the required supervision
4 under subsection (a)(3) of such section, the members of
5 the Commission shall be deemed to be Federal employees.

6 (f) PAY FOR MEMBERS OF THE COMMISSION.—

7 (1) IN GENERAL.—Each member, other than
8 the Chair, of the Commission shall be paid at a rate
9 equal to the daily equivalent of the annual rate of
10 basic pay payable for level IV of the Executive
11 Schedule under section 5315 of title 5, United
12 States Code, for each day (including travel time)
13 during which the member is engaged in the actual
14 performance of duties vested in the Commission.

15 (2) CHAIR.—The Chair of the Commission shall
16 be paid at a rate equal to the daily equivalent of the
17 annual rate of basic pay payable for level III of the
18 Executive Schedule under section 5314, of title 5,
19 United States Code, for each day (including travel
20 time) during which the member is engaged in the ac-
21 tual performance of duties vested in the Commis-
22 sion.

23 (g) USE OF GOVERNMENT INFORMATION.—The
24 Commission may secure directly from any department or
25 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,

1 while such individuals are traveling from their
2 homes or places of business to duty stations.

3 (2) **LIMITATION.**—The total number of experts
4 or consultants procured pursuant to paragraph (1)
5 may not exceed five experts or consultants.

6 (3) **MAXIMUM DAILY PAY RATES.**—The daily
7 rate paid an expert or consultant procured pursuant
8 to paragraph (1) may not exceed the daily rate paid
9 a person occupying a position at level IV of the Ex-
10 ecutive Schedule under section 5315 of title 5,
11 United States Code.

12 **SEC. 1068. COMMISSION HEARINGS AND MEETINGS.**

13 (a) **IN GENERAL.**—The Commission shall conduct
14 hearings on the recommendations it is taking under con-
15 sideration. Any such hearing, except a hearing in which
16 classified information is to be considered, shall be open
17 to the public. Any hearing open to the public shall be an-
18 nounced on a Federal website at least 14 days in advance.
19 For all hearings open to the public, the Commission shall
20 release an agenda and a listing of materials relevant to
21 the topics to be discussed. The Commission is authorized
22 and encouraged to hold hearings and meetings in various
23 locations throughout the country to provide maximum op-
24 portunity for public comment and participation in the
25 Commission's execution of its duties.

1 (b) MEETINGS.—

2 (1) INITIAL MEETING.—The Commission shall
3 hold its initial meeting not later than 30 days after
4 the date as of which all members have been ap-
5 pointed.

6 (2) SUBSEQUENT MEETINGS.—After its initial
7 meeting, the Commission shall meet upon the call of
8 the Chair or a majority of its members.

9 (3) PUBLIC MEETINGS.—Each meeting of the
10 Commission shall be held in public unless any mem-
11 ber objects or classified information is to be consid-
12 ered.

13 (c) QUORUM.—Six members of the Commission shall
14 constitute a quorum, but a lesser number may hold hear-
15 ings or meetings.

16 (d) PUBLIC COMMENTS.—

17 (1) SOLICITATION.—The Commission shall seek
18 written comments from the general public and inter-
19 ested parties on matters of the Commission's review
20 under this subtitle. Comments shall be requested
21 through a solicitation in the Federal Register and
22 announcement on the Internet website of the Com-
23 mission.

24 (2) PERIOD FOR SUBMITTAL.—The period for
25 the submittal of comments pursuant to the sollicita-

1 tion under paragraph (1) shall end not earlier than
2 30 days after the date of the solicitation and shall
3 end on or before the date on which recommendations
4 are transmitted to the Commission under section
5 1069(d).

6 (3) USE BY COMMISSION.—The Commission
7 shall consider the comments submitted under this
8 subsection when developing its recommendations.

9 (e) SPACE FOR USE OF COMMISSION.—Not later
10 than 90 days after the date of the enactment of this Act,
11 the Administrator of General Services, in consultation
12 with the Secretary, shall identify and make available suit-
13 able excess space within the Federal space inventory to
14 house the operations of the Commission. If the Adminis-
15 trator is not able to make such suitable excess space avail-
16 able within such 90-day period, the Commission may lease
17 space to the extent the funds are available.

18 (f) CONTRACTING AUTHORITY.—The Commission
19 may acquire administrative supplies and equipment for
20 Commission use to the extent funds are available.

21 **SEC. 1069. PRINCIPLES AND PROCEDURE FOR COMMISSION**

22 **RECOMMENDATIONS.**

23 (a) CONTEXT OF COMMISSION REVIEW.—The Com-
24 mission shall—

1 (1) conduct review of the military selective serv-
2 ice process; and

3 (2) consider methods to increase participation
4 in military, national and public service opportunities
5 to address national security and other public service
6 needs of the Nation.

7 (b) DEVELOPMENT OF COMMISSION RECOMMENDA-
8 TIONS.—The Commission shall develop recommendations
9 on the matters subject to its review under subsection (a)
10 that are consistent with the principles established by the
11 President under subsection (c).

12 (c) PRESIDENTIAL PRINCIPLES.—

13 (1) IN GENERAL.—Not later than three months
14 after the Commission establishment date, the Presi-
15 dent shall establish and transmit to the Commission
16 and Congress principles for reform of the military
17 selective service process, including means by which
18 to best acquire for the Nation skills necessary to
19 meet the military, national, and public service re-
20 quirements of the Nation in connection with that
21 process.

22 (2) ELEMENTS.—The principles required under
23 this subsection shall address the following:

24 (A) Whether, in light of the current and
25 predicted global security environment and the

1 changing nature of warfare, there continues to
2 be a continuous or potential need for a military
3 selective service process designed to produce
4 large numbers of combat members of the
5 Armed Forces, and if so, whether such a system
6 should include mandatory registration by all
7 citizens and residents, regardless of sex.

8 (B) The need, and how best to meet the
9 need, of the Nation, the military, the Federal
10 civilian sector, and the private sector (including
11 the non-profit sector) for individuals possessing
12 critical skills and abilities, and how best to em-
13 ploy individuals possessing those skills and
14 abilities for military, national, or public service.

15 (C) How to foster within the Nation, par-
16 ticularly among United States youth, an in-
17 creased sense of service and civic responsibility
18 in order to enhance the acquisition by the Na-
19 tion of critically needed skills through education
20 and training, and how best to acquire those
21 skills for military, national, or public service.

22 (D) How to increase a propensity among
23 United States youth for service in the military,
24 or alternatively in national or public service, in-

1 including how to increase the pool of qualified ap-
2 plicants for military service.

3 (E) The need in Government, including the
4 military, and in the civilian sector to increase
5 interest, education, and employment in certain
6 critical fields, including science, technology, en-
7 gineering, and mathematics (STEM), national
8 security, cyber, linguistics and foreign language,
9 education, health care, and the medical profes-
10 sions.

11 (F) How military, national, and public
12 service may be incentivized, including through
13 educational benefits, grants, Federally-insured
14 loans, Federal or State hiring preferences, or
15 other mechanisms that the President considers
16 appropriate.

17 (G) Any other matters the President con-
18 siders appropriate for purposes of this subtitle.

19 (d) CABINET RECOMMENDATIONS.—Not later than
20 seven months after the Commission establishment date,
21 the Secretary of Defense, the Attorney General, the Sec-
22 retary of Homeland Security, the Secretary of Labor, and
23 such other Government officials, and such experts, as the
24 President shall designate for purposes of this subsection
25 shall jointly transmit to the Commission and Congress rec-

1 ommendations for the reform of the military selective serv-
2 ice process and military, national, and public service in
3 connection with that process.

4 (e) COMMISSION REPORT AND RECOMMENDA-
5 TIONS.—

6 (1) REPORT.—Not later than 30 months after
7 the Commission establishment date, the Commission
8 shall transmit to the President and Congress a re-
9 port containing the findings and conclusions of the
10 Commission, together with the recommendations of
11 the Commission regarding the matters reviewed by
12 the Commission pursuant to this subtitle. The Com-
13 mission shall include in the report legislative lan-
14 guage and recommendations for administrative ac-
15 tion to implement the recommendations of the Com-
16 mission. The findings and conclusions in the report
17 shall be based on the review and analysis by the
18 Commission of the recommendations made under
19 subsection (d).

20 (2) REQUIREMENT FOR APPROVAL.—The rec-
21 ommendations of the Commission must be approved
22 by at least five members of the Commission before
23 the recommendations may be transmitted to the
24 President and Congress under paragraph (1).

1 (3) PUBLIC AVAILABILITY.—The Commission
2 shall publish a copy of the report required by para-
3 graph (1) on an Internet website available to the
4 public on the same date on which it transmits that
5 report to the President and Congress under that
6 paragraph.

7 **SEC. 1070. EXECUTIVE DIRECTOR AND STAFF.**

8 (a) EXECUTIVE DIRECTOR.—The Commission shall
9 appoint and fix the rate of basic pay for an Executive Di-
10 rector in accordance with section 3161 of title 5, United
11 States Code.

12 (b) STAFF.—Subject to subsections (c) and (d), the
13 Executive Director, with the approval of the Commission,
14 may appoint and fix the rate of basic pay for additional
15 personnel as staff of the Commission in accordance with
16 section 3161 of title 5, United States Code.

17 (c) LIMITATIONS ON STAFF.—

18 (1) NUMBER OF DETAILEES FROM EXECUTIVE
19 DEPARTMENTS.—Not more than one-third of the
20 personnel employed by or detailed to the Commission
21 may be on detail from the Department of Defense
22 and other executive branch departments.

23 (2) PRIOR DUTIES WITHIN EXECUTIVE
24 BRANCH.—A person may not be detailed from the
25 Department of Defense or other executive branch

1 department to the Commission if, in the year before
2 the detail is to begin, that person participated per-
3 sonally and substantially in any matter concerning
4 the preparation of recommendations for the military
5 selective service process and military and public
6 service in connection with that process.

7 (d) LIMITATIONS ON PERFORMANCE REVIEWS.—No
8 member of the uniformed services, and no officer or em-
9 ployee of the Department of Defense or other executive
10 branch department (other than a member of the uni-
11 formed services or officer or employee who is detailed to
12 the Commission), may—

13 (1) prepare any report concerning the effective-
14 ness, fitness, or efficiency of the performance of the
15 staff of the Commission or any person detailed to
16 that staff;

17 (2) review the preparation of such a report
18 (other than for administrative accuracy); or

19 (3) approve or disapprove such a report.

20 **SEC. 1071. JUDICIAL REVIEW PRECLUDED.**

21 Actions under section 1069 of the President, the offi-
22 cials specified or designated under subsection (d) of such
23 section, and the Commission shall not be subject to judi-
24 cial review.

1 **SEC. 1072. TERMINATION.**

2 Except as otherwise provided in this subtitle, the
3 Commission shall terminate not later than 36 months
4 after the Commission establishment date.

5 **SEC. 1073. FUNDING.**

6 Of the amounts authorized to be appropriated by this
7 Act for fiscal year 2017 for the Department of Defense,
8 up to \$15,000,000 shall be made available to the Commis-
9 sion to carry out its duties under this subtitle. Funds
10 made available to the Commission under the preceding
11 sentence shall remain available until expended.

12 **Subtitle H—Studies and Reports**

13 **SEC. 1076. ANNUAL REPORTS ON UNFUNDED PRIORITIES**
14 **OF THE ARMED FORCES AND THE COMBAT-**
15 **ANT COMMANDS.**

16 (a) ANNUAL REPORTS REQUIRED.—

17 (1) IN GENERAL.—Chapter 9 of title 10, United
18 States Code, is amended by inserting after section
19 222 the following new section:

20 **“§ 222a. Unfunded priorities of the armed forces and**
21 **combatant commands: annual report**

22 “(a) ANNUAL REPORT.—Not later than 25 days after
23 the date on which the budget of the President for a fiscal
24 year is submitted to Congress pursuant to section 1105
25 of title 31, each officer specified in subsection (b) shall
26 submit to the Secretary of Defense and the Chairman of

1 the Joint Chiefs of Staff, and to the congressional defense
2 committees, a report on the current unfunded priorities
3 of the armed force or forces or combatant command under
4 the jurisdiction or command of such officer.

5 “(b) OFFICERS.—The officers specified in this sub-
6 section are the following:

7 “(1) The Chief of Staff of the Army.

8 “(2) The Chief of Naval Operations.

9 “(3) The Chief of Staff of the Air Force.

10 “(4) The Commandant of the Marine Corps.

11 “(5) The commanders of the geographic com-
12 batant commands and the commanders of the func-
13 tional combatant commands.

14 “(c) ELEMENTS.—

15 “(1) IN GENERAL.—Each report under this
16 subsection shall specify, for each unfunded priority
17 covered by such report, the following:

18 “(A) A summary description of such pri-
19 ority, including the objectives to be achieved if
20 such priority is funded (whether in whole or in
21 part).

22 “(B) The additional funds required to fully
23 fund such priority.

1 “(C) Account information with respect to
2 such priority, including the following (as appli-
3 cable):

4 “(i) Line Item Number (LIN) for ap-
5 plicable procurement accounts.

6 “(ii) Program Element (PE) number
7 for applicable research, development, test,
8 and evaluation accounts.

9 “(iii) Sub-activity group (SAG) for
10 applicable operation and maintenance ac-
11 counts.

12 “(2) PRIORITIZATION OF PRIORITIES.—Each
13 report shall present the unfunded priorities covered
14 by such report in order of urgency of priority.

15 “(d) UNFUNDED PRIORITY DEFINED.—In this sec-
16 tion, the term ‘unfunded priority’, in the case of a fiscal
17 year, means a program, activity, or mission requirement
18 that—

19 “(1) is not funded in the budget of the Presi-
20 dent for the fiscal year as submitted to Congress
21 pursuant to section 1105 of title 31;

22 “(2) is necessary to fulfill a requirement associ-
23 ated with an operational or contingency plan of a
24 combatant command or other validated global force
25 requirement; and

1 “(3) would have been recommended for funding
2 through the budget referred to in paragraph (1) by
3 the officer submitting the report required by sub-
4 section (a) in connection with the budget if—

5 “(A) additional resources been available for
6 the budget to fund the program, activity, or
7 mission requirement; or

8 “(B) the program, activity, or mission re-
9 quirement had emerged before the budget was
10 so submitted.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 9 of such title is
13 amended by inserting after the item relating to sec-
14 tion 222 the following new item:

“222a. Unfunded priorities of the armed forces and combatant commands: an-
nual report.”.

15 (b) REPEAL OF SUPERSEDED PROVISION.—Section
16 1003 of the National Defense Authorization Act for Fiscal
17 Year 2013 (Public Law 113–239; 126 Stat. 1903) is re-
18 pealed.

19 **SEC. 1077. ASSESSMENT OF THE JOINT GROUND FORCES**
20 **OF THE ARMED FORCES.**

21 (a) IN GENERAL.—The Secretary of Defense shall,
22 in consultation with the Chairman of the Joint Chiefs of
23 Staff, provide for and oversee an assessment of the joint
24 ground forces of the Armed Forces.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the Committees on Armed Services of the Senate and
4 the House of Representatives a report on the assessment
5 described in subsection (a). The report shall include the
6 following:

7 (1) A description of any gaps in the capabilities
8 and capacities of the joint ground forces that threat-
9 en the successful execution of decisive operational
10 maneuver by the joint ground forces.

11 (2) Recommendations for actions to be taken to
12 eliminate or otherwise address such gaps in capabili-
13 ties or capacities.

14 **SEC. 1078. REPORT ON INDEPENDENT ASSESSMENT OF THE**
15 **FORCE STRUCTURE OF THE ARMED FORCES**
16 **TO MEET THE NATIONAL DEFENSE STRAT-**
17 **EGY.**

18 (a) REPORT REQUIRED.—The Secretary of Defense
19 shall, as provided in subsection (d), submit to Congress
20 a report setting forth an assessment, obtained by the Sec-
21 retary from an organization independent of the Depart-
22 ment of Defense, of the adequacy and sufficiency of the
23 force structure of the Armed Forces to meet future threats
24 to the United States.

25 (b) CONDUCT OF REVIEW.—

1 (1) CONTRACT.—Not later than 90 days after
2 the date of the enactment of this Act, the Secretary
3 shall contract with an organization independent of
4 the Department for the review required pursuant to
5 subsection (a).

6 (2) ENTITY QUALIFICATIONS.—The entity with
7 which the Secretary contracts under this subsection
8 shall be an organization that has—

9 (A) recognized credentials and expertise in
10 national security and military affairs; and

11 (B) access to policy experts throughout the
12 United States.

13 (c) ELEMENTS.—The report under subsection (a)
14 shall include the following:

15 (1) An identification and assessment of the
16 threats to the United States from Russia, China,
17 North Korea, Iran, the Islamic State of Iraq and the
18 Levant, global terrorism, and other sources.

19 (2) A description of potential conflicts arising
20 from the threats identified pursuant to paragraph
21 (1) and the proposed responses of the Department
22 and the Armed Forces to meet such threats, includ-
23 ing the concepts of operations, the end states de-
24 sired, the timelines required, the availability of host
25 nation and allied support, the use of weapons of

1 mass destruction, the anticipated duration of the
2 conflicts, and the need, if any, for post-hostilities
3 stabilization operations.

4 (3) An identification and assessment of the
5 forces, warfighting systems, acquisition programs,
6 and associated personnel strengths required to exe-
7 cute such responses at moderate risk, including the
8 demands of simultaneous or nearly simultaneous
9 conflicts in connection with such threats and ongo-
10 ing global commitments, with such strengths to in-
11 clude strengths for the regular and reserve compo-
12 nents of each Armed Force, for the United States
13 Special Operations Command, and for Government
14 civilian and operational contractor personnel.

15 (4) An identification and assessment of the
16 funding required to build and sustain the forces,
17 warfighting systems, acquisition programs, and per-
18 sonnel identified pursuant to paragraph (3).

19 (5) A comparison of the forces, warfighting sys-
20 tems, acquisition programs, manpower, and funding
21 identified pursuant to paragraphs (3) and (4) with
22 the forces, warfighting systems, acquisition pro-
23 grams, manpower, and funding planned in the fu-
24 ture-years defense program for fiscal year 2017, as
25 amended by any announced changes.

1 (6) An assessment of the ability of the forces
2 planned in the future-years defense program for fis-
3 cal year 2017 to meet the day-to-day requirements
4 of the commanders of the combatant commands for
5 forward deployments, forward stationing (such as in
6 Korea, Japan, and Europe), crisis response (such as
7 Freedom of Navigation operations), humanitarian
8 assistance and disaster response, no-fly zones, evacu-
9 ation operations, peacekeeping, counterterrorism, op-
10 erations in Iraq (Operation Inherent Resolve) and
11 Afghanistan (Operation Resolute Support), allied
12 and partner engagement, and homeland security (in-
13 cluding missile defense), including a specification of
14 appropriate dwell times for forces and members of
15 the Armed Forces, an assessment of the ability of
16 the Armed Forces to meet such specified dwell
17 times, and a specification of the readiness levels
18 needed for deployed and nondeployed forces.

19 (d) DEADLINE FOR REPORT; INTERIM BRIEFINGS.—

20 (1) SUBMITTAL TO SECRETARY OF DEFENSE.—

21 Not later than 180 days after the date on which the
22 Secretary enters into the contract described in sub-
23 section (b)(1), the organization with which the Sec-
24 retary contracts shall submit to the Secretary a re-

1 port containing the results of the review required
2 pursuant to subsection (a).

3 (2) INTERIM REPORTS.—The organization shall
4 provide the Secretary such interim briefings as the
5 Secretary considers appropriate to assist the Depart-
6 ment in the preparation of the national defense
7 strategy required by section 118 of title 10, United
8 States Code (as amended by section 1096 of this
9 Act), and the quadrennial roles and missions review
10 required by section 118b of such title.

11 (3) TRANSMITTAL TO CONGRESS.—Not later
12 than 90 days after the date of the receipt of the re-
13 port under paragraph (1), the Secretary shall trans-
14 mit the report to the congressional defense commit-
15 tees, together with any comments on the report that
16 the Secretary considers appropriate. The report and
17 such comments shall be transmitted in unclassified
18 form, but may contain a classified annex.

19 **SEC. 1079. ANNUAL REPORT ON OBSERVATION FLIGHTS**
20 **OVER THE UNITED STATES UNDER THE OPEN**
21 **SKIES TREATY.**

22 (a) ANNUAL REPORT ON OBSERVATION FLIGHTS.—

23 (1) IN GENERAL.—Not less frequently than
24 once each year, the Secretary of Defense shall sub-
25 mit to the appropriate committees of Congress a re-

1 port on the observation flights over the United
2 States under the Open Skies Treaty during the pre-
3 vious year.

4 (2) CONTENTS.—Each report required by para-
5 graph (1) shall include, for each observation flight
6 described in such paragraph covered by such report,
7 the following:

8 (A) A description of the flight path of such
9 observation flight.

10 (B) An analysis of whether and the extent
11 to which any critical infrastructure of the
12 United States or any covered state party critical
13 was the subject of image capture activities of
14 such observation flight.

15 (C) A description of the mitigation meas-
16 ures and costs imposed on the Department of
17 Defense or other departments and agencies of
18 the United States Government by such observa-
19 tion flight.

20 (b) UPGRADE ROADMAP.—In the first report sub-
21 mitted under subsection (a), the Secretary shall also in-
22 clude an upgrade roadmap for the observation aircraft of
23 the United States under the Open Skies Treaty that are
24 located at Offutt Air Force Base, Nebraska, and for any

1 analysis and support staff and equipment required in con-
2 nection with such aircraft.

3 (c) DEFINITIONS.—In this section:

4 (1) APPROPRIATE COMMITTEES OF CON-
5 GRESS.—The term “appropriate committees of Con-
6 gress” means—

7 (A) the Committee on Armed Services, the
8 Committee on Foreign Relations, and the Select
9 Committee on Intelligence of the Senate; and

10 (B) the Committee on Armed Services, the
11 Committee on Foreign Affairs, and the Perma-
12 nent Select Committee on Intelligence of the
13 House of Representatives.

14 (2) COVERED STATE PARTY.—The term “cov-
15 ered state party” means a foreign country that—

16 (A) is a state party to the Open Skies
17 Treaty; and

18 (B) is not the Russian Federation or
19 Belarus.

20 (3) OBSERVATION FLIGHT; OBSERVATION AIR-
21 CRAFT.—The terms “observation flight” and “obser-
22 vation aircraft” have the meaning given such terms
23 in Article II of the Open Skies Treaty.

24 (4) OPEN SKIES TREATY.—The term “Open
25 Skies Treaty” means the Treaty on Open Skies,

1 done at Helsinki March 24, 1992, and entered into
2 force January 1, 2002.

3 **SEC. 1080. REPORTS ON PROGRAMS MANAGED UNDER AL-**
4 **TERNATIVE COMPENSATORY CONTROL**
5 **MEASURES IN THE DEPARTMENT OF DE-**
6 **FENSE.**

7 (a) IN GENERAL.—Chapter 2 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 119a. Programs managed under alternative com-**
11 **pensatory control measures: congres-**
12 **sional oversight**

13 “(a) ANNUAL REPORT ON CURRENT PROGRAMS
14 UNDER AACMS.—

15 “(1) IN GENERAL.—Not later than March 1
16 each year, the Secretary of Defense shall submit to
17 the congressional defense committees a report on the
18 programs being managed under alternative compen-
19 satory control measures in the Department of De-
20 fense.

21 “(2) ELEMENTS.—Each report under para-
22 graph (1) shall set forth the following:

23 “(A) The total amount requested for pro-
24 grams being managed under alternative com-
25 pensatory control measures in the Department

1 in the budget of the President under section
2 1105 of title 31 for the fiscal year beginning in
3 the fiscal year in which such report is sub-
4 mitted.

5 “(B) For each program in that budget
6 that is a program being managed under alter-
7 native compensatory control measures in the
8 Department—

9 “(i) a brief description of the pro-
10 gram;

11 “(ii) a brief discussion of the major
12 milestones established for the program;

13 “(iii) the actual cost of the program
14 for each fiscal year during which the pro-
15 gram has been conducted before the fiscal
16 year during which that budget is sub-
17 mitted; and

18 “(iv) the estimated total cost of the
19 program and the estimated cost of the pro-
20 gram for—

21 “(I) the current fiscal year;

22 “(II) the fiscal year for which
23 that budget is submitted; and

1 “(III) each of the four succeeding
2 fiscal years during which the program
3 is expected to be conducted.

4 “(3) ELEMENTS ON PROGRAMS COVERED BY
5 MULTIYEAR BUDGETING.—In the case of a report
6 under paragraph (1) submitted in a year during
7 which the budget of the President for the fiscal year
8 concerned does not, because of multiyear budgeting
9 for the Department, include a full budget request for
10 the Department, the report required by paragraph
11 (1) shall set forth—

12 “(A) the total amount already appro-
13 priated for the next fiscal year for programs
14 being managed under alternative compensatory
15 control measures in the Department, and any
16 additional amount requested in that budget for
17 such programs for such fiscal year; and

18 “(B) for each program that is a program
19 being managed under alternative compensatory
20 control measures in the Department, the infor-
21 mation specified in paragraph (2)(B).

22 “(b) ANNUAL REPORT ON NEW PROGRAMS UNDER
23 AACMS.—

24 “(1) IN GENERAL.—Not later than February 1
25 each year, the Secretary shall submit to the congres-

1 sional defense committees a report that, with respect
2 to each new program being managed under alter-
3 native compensatory control measures in the Depart-
4 ment, provides—

5 “(A) notice of the designation of the pro-
6 gram as a program being managed under alter-
7 native compensatory control measures in the
8 Department; and

9 “(B) a justification for such designation.

10 “(2) ADDITIONAL ELEMENTS.—A report under
11 paragraph (1) with respect to a program shall in-
12 clude—

13 “(A) the current estimate of the total pro-
14 gram cost for the program; and

15 “(B) an identification of existing programs
16 or technologies that are similar to the tech-
17 nology, or that have a mission similar to the
18 mission, of the program that is the subject of
19 the report.

20 “(3) NEW PROGRAM BEING MANAGED UNDER
21 ALTERNATIVE COMPENSATORY CONTROL MEASURES
22 DEFINED.—In this subsection, the term ‘new pro-
23 gram being managed under alternative compensatory
24 control measures’ means a program in the Depart-

1 ment that has not previously been covered by a re-
2 port under this subsection.

3 “(c) REPORT ON CHANGE IN CLASSIFICATION OR
4 DECLASSIFICATION OF PROGRAMS.—

5 “(1) IN GENERAL.—Whenever a change in the
6 classification of a program being managed under al-
7 ternative compensatory control measures in the De-
8 partment is planned to be made, or whenever classi-
9 fied information concerning a program being man-
10 aged under alternative compensatory control meas-
11 ures in the Department is to be declassified and
12 made public, the Secretary shall submit to the con-
13 gressional defense committees a report containing a
14 description of the proposed change, the reasons for
15 the proposed change, and notice of any public an-
16 nouncement planned to be made with respect to the
17 proposed change.

18 “(2) DEADLINE FOR REPORT.—Except as pro-
19 vided in paragraph (3), a report required by para-
20 graph (1) shall be submitted not less than 14 days
21 before the date on which the proposed change or
22 public announcement concerned is to occur.

23 “(3) EXCEPTION.—If the Secretary determines
24 that because of exceptional circumstances the re-
25 quirement in paragraph (2) cannot be met with re-

1 spect to a proposed change or public announcement
2 concerning a program covered by paragraph (1), the
3 Secretary may submit the report required by that
4 paragraph regarding the proposed change or public
5 announcement at any time before the proposed
6 change or public announcement is made, and shall
7 include in the report an explanation of the excep-
8 tional circumstances.

9 “(d) MODIFICATION OF CRITERIA OR POLICY FOR
10 DESIGNATING PROGRAMS UNDER ACCMS.—Whenever
11 there is a modification or termination of the policy or cri-
12 teria used for designating a program as a program being
13 managed under alternative compensatory control meas-
14 ures in the Department, the Secretary shall promptly no-
15 tify the congressional defense committees of such modi-
16 fication or termination. Any such notification shall contain
17 the reasons for the modification or termination and, in the
18 case of a modification, the provisions of the policy or cri-
19 teria as modified.

20 “(e) WAIVER.—

21 “(1) IN GENERAL.—The Secretary may waive
22 any requirement in subsection (a), (b), or (c) that
23 certain information be included in a report under
24 such subsection if the Secretary determines that in-
25 clusion of that information in the report would ad-

1 versely affect the national security. Any such waiver
2 shall be made on a case-by-case basis.

3 “(2) NOTICE TO CONGRESS.—If the Secretary
4 exercises the authority in paragraph (1), the Sec-
5 retary shall provide the information described in the
6 applicable subsection with respect to the program
7 concerned, and the justification for the waiver, joint-
8 ly to the chairman and ranking minority member of
9 each of the congressional defense committees.

10 “(f) LIMITATION ON INITIATION OF PROGRAMS
11 UNDER ACCMS.—

12 “(1) NOTICE AND WAIT.—Except as provided in
13 paragraph (2), a program to be managed under al-
14 ternative compensatory control measures in the De-
15 partment may not be initiated until—

16 “(A) the congressional defense committees
17 are notified of the program; and

18 “(B) a period of 30 days elapses after such
19 notification is received.

20 “(2) EXCEPTION.—If the Secretary determines
21 that waiting for the regular notification process be-
22 fore initiating a program as described in paragraph
23 (1) would cause exceptionally grave damage to the
24 national security, the Secretary may begin a pro-
25 gram to be managed under alternative compensatory

1 control measures in the Department before such
 2 waiting period elapses. The Secretary shall notify
 3 the congressional defense committees within 10 days
 4 of initiating a program under this paragraph, includ-
 5 ing a justification for the determination of the Sec-
 6 retary that waiting for the regular notification proc-
 7 ess would cause exceptionally grave damage to the
 8 national security.”.

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

“119a. Programs managed under alternative compensatory control measures:
 congressional oversight.”.

12 **SEC. 1081. REQUIREMENT FOR NOTICE AND REPORTING TO**
 13 **COMMITTEES ON ARMED SERVICES ON CER-**
 14 **TAIN EXPENDITURES OF FUNDS BY DEFENSE**
 15 **INTELLIGENCE AGENCY.**

16 Section 105(c) of the National Security Act of 1947
 17 (50 U.S.C. 3038(c)) is amended by inserting “, the Com-
 18 mittee on Armed Services of the Senate, and the Com-
 19 mittee on Armed Services of the House of Representa-
 20 tives” after “committees” each place it appears.

1 **SEC. 1082. REPEAL OF DEPARTMENT OF DEFENSE REPORT-**
2 **ING REQUIREMENTS FOR WHICH STATUTORY**
3 **REQUIREMENT IS FROM AN AMENDMENT**
4 **MADE BY AN ANNUAL NATIONAL DEFENSE**
5 **AUTHORIZATION ACT.**

6 (a) PROVISIONS OF TITLE 10, UNITED STATES
7 DODE.—The following provisions of title 10, United
8 States Code, are repealed: sections 113(c)(2), 113(l),
9 115a, 115b(a), 118(a)(3), 127d(d), 129(f), 153(c),
10 179(f)(4) and (5)(B), 229(a), 235, 401(d), 428(f),
11 974(d)(3), 1705(f), 1722b(c), 2011(e), 2166(i), 2193b(g),
12 2218(h), 2225(e), 2249c(c), 2249d(f), 2262(d), 2263(b),
13 2306b(l)(4), 2313a, 2330a(e), 2330a(g), 2350j(f),
14 2410i(c) (second sentence), 2445b(a), 2475(a), 2506(b),
15 2537(b), 2561(c), 2564(e), 2674(a)(2), 2687a(a),
16 2687a(b)(4), 2687a(d)(2), 2711, 2831(e), 2859(c),
17 2861(d), 2866(b)(3), 2884(c), 2912(d), 4316, 4721(e),
18 5144(d)(2), 7310(c), 10504(b), 10543(a), and 10543(c).

19 (b) OTHER PROVISIONS OF LAW.—The following pro-
20 visions of law are repealed:

21 (1) Section 9902(f)(2)(B) of title 5, United
22 States Code.

23 (2) Section 509(k) of title 32, United States
24 Code.

25 (3) Section 103a(b)(3) of the Sikes Act (16
26 U.S.C. 670e–1(b)(3)).

1 (4) Section 1003(c) of the Department of De-
2 fense Authorization Act, 1985 (Public Law 98–525;
3 22 U.S.C. 1928 note).

4 (5) Section 3002(e)(4) of the Intelligence Re-
5 form and Terrorism Prevention Act of 2004 (50
6 U.S.C. 3343(e)(4)).

7 **SEC. 1083. REPEAL OF DEPARTMENT OF DEFENSE REPORT-**
8 **ING REQUIREMENTS FOR WHICH STATUTORY**
9 **REQUIREMENT IS SPECIFIED IN AN ANNUAL**
10 **NATIONAL DEFENSE AUTHORIZATION ACT.**

11 (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR
12 FISCAL YEARS 1990 AND 1991.—Section 211(e) of the
13 National Defense Authorization Act for Fiscal Years 1990
14 and 1991 (Public Law 101–189; 103 Stat. 1394) is re-
15 pealed.

16 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR
17 FISCAL YEAR 1991.—Section 1518(e) of the National De-
18 fense Authorization Act for Fiscal Year 1991 (24 U.S.C.
19 418(e)) is amended by striking paragraph (2).

20 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
21 FISCAL YEAR 1994.—Section 1603 of the National De-
22 fense Authorization Act for Fiscal Year 1994 (22 U.S.C.
23 2751 note) is amended by striking subsection (d).

24 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR
25 FISCAL YEAR 2000.—Section 366 of the National Defense

1 Authorization Act for Fiscal Year 2000 (10 U.S.C. 113
2 note) is amended by striking subsection (f).

3 (e) NATIONAL DEFENSE AUTHORIZATION ACT FOR
4 FISCAL YEAR 2002.—The National Defense Authoriza-
5 tion Act for Fiscal Year 2002 (Public Law 107–107) is
6 amended as follows:

7 (1) Section 346 (115 Stat. 1062) is amended
8 by striking subsection (b).

9 (2) Section 1008(d) (10 U.S.C. 113 note) is
10 amended by striking paragraph (2).

11 (f) BOB STUMP NATIONAL DEFENSE AUTHORIZA-
12 TION ACT FOR FISCAL YEAR 2003.—Section 817 of the
13 Bob Stump National Defense Authorization Act for Fiscal
14 Year 2003 (10 U.S.C. 2306a note) is amended by striking
15 subsection (d).

16 (g) NATIONAL DEFENSE AUTHORIZATION ACT FOR
17 FISCAL YEAR 2004.—Section 1022 of the National De-
18 fense Authorization Act for Fiscal Year 2004 (Public Law
19 108–136; 10 U.S.C. 371 note) is amended by striking sub-
20 section (c).

21 (h) NATIONAL DEFENSE AUTHORIZATION ACT FOR
22 FISCAL YEAR 2006.—The National Defense Authoriza-
23 tion Act for Fiscal Year 2006 (Public Law 109–163) is
24 amended as follows:

1 (1) Section 123(d) (119 Stat. 3157) is amended
2 by striking paragraph (1).

3 (2) Section 218(c) (119 Stat. 3172) is amended
4 by striking paragraph (3).

5 (3) Section 1224 (10 U.S.C. 113 note) is re-
6 pealed.

7 (i) JOHN WARNER NATIONAL DEFENSE AUTHORIZA-
8 TION ACT FOR FISCAL YEAR 2007.—The John Warner
9 National Defense Authorization Act for Fiscal Year 2007
10 (Public Law 109–364) is amended as follows:

11 (1) Section 357 (22 U.S.C. 4865 note) is
12 amended by striking subsection (b).

13 (2) Section 1017 (120 Stat. 2379) is amended
14 by striking subsection (e).

15 (j) NATIONAL DEFENSE AUTHORIZATION ACT FOR
16 FISCAL YEAR 2008.—The National Defense Authoriza-
17 tion Act for Fiscal Year 2008 (Public Law 110–181) is
18 amended as follows:

19 (1) Section 328(b) (10 U.S.C. 4544 note) is
20 amended by striking paragraph (1).

21 (2) Section 330 (122 Stat. 68) is amended by
22 striking subsection (e).

23 (3) Section 845 (5 U.S.C. App. 5 note) is re-
24 pealed.

1 (k) DUNCAN HUNTER NATIONAL DEFENSE AUTHOR-
2 IZATION ACT FOR FISCAL YEAR 2009.—The Duncan
3 Hunter National Defense Authorization Act for Fiscal
4 Year 2009 (Public Law 110–417) is amended as follows:

5 (1) Section 943 (122 Stat. 4578) is amended
6 by striking subsection (e).

7 (2) Section 1014 (122 Stat. 4586), as most re-
8 cently amended by section 1023 of the National De-
9 fense Authorization Act for Fiscal Year 2016 (Pub-
10 lic Law 114–92), is amended by striking subsection
11 (e).

12 (l) NATIONAL DEFENSE AUTHORIZATION ACT FOR
13 FISCAL YEAR 2010.—Section 121 of the National Defense
14 Authorization Act for Fiscal Year 2010 (Public Law 111–
15 84; 123 Stat. 2212) is amended by striking subsection (e).

16 (m) IKE SKELTON NATIONAL DEFENSE AUTHORIZA-
17 TION ACT FOR FISCAL YEAR 2011.—The Ike Skelton Na-
18 tional Defense Authorization Act for Fiscal Year 2011
19 (Public Law 111–383) is amended as follows:

20 (1) Section 112(b) (124 Stat. 4153) is amended
21 by striking paragraph (3).

22 (2) Section 243 (10 U.S.C. 2358 note) is
23 amended by striking subsection (e).

24 (3) Section 866(d) (10 U.S.C. 2302 note) is
25 amended by striking paragraph (1).

1 (4) Section 1054 (10 U.S.C. 113 note) is re-
2 pealed.

3 (n) NATIONAL DEFENSE AUTHORIZATION ACT FOR
4 FISCAL YEAR 2012.—The National Defense Authoriza-
5 tion Act for Fiscal Year 2012 (Public Law 112–81) is
6 amended as follows:

7 (1) Section 1081 (10 U.S.C. 168 note) is
8 amended by striking subsection (e).

9 (2) Section 1102 (5 U.S.C. 9902 note) is
10 amended by striking subsection (b).

11 (3) Section 1207 (22 U.S.C. 2151 note) is
12 amended by striking subsection (n).

13 (4) Section 2828 (10 U.S.C. 7291 note) is
14 amended by striking subsection (b).

15 (5) Section 2867 (10 U.S.C. 2223a note) is
16 amended by striking subsection (d).

17 (o) NATIONAL DEFENSE AUTHORIZATION ACT FOR
18 FISCAL YEAR 2013.—The National Defense Authoriza-
19 tion Act for Fiscal Year 2013 (Public Law 112–239) is
20 amended as follows:

21 (1) Section 126 (126 Stat. 1657) is amended
22 by striking subsection (b).

23 (2) Section 144 (126 Stat. 1663) is amended
24 by striking subsection (c).

1 (3) Section 716 (10 U.S.C. 1074g note) is
2 amended by striking subsection (e).

3 (4) Section 865 (126 Stat. 1861) is repealed.

4 (5) Section 917 (126 Stat. 1878) is repealed.

5 (6) Section 921(e) (126 Stat. 1878), as amend-
6 ed by section 1622 of the Carl Levin and Howard
7 P. “Buck” McKeon National Defense Authorization
8 Act for Fiscal Year 2015 (Public Law 113–291; 128
9 Stat. 3632), is repealed.

10 (7) Section 955(d) (10 U.S.C. 129a note) is
11 amended by striking paragraph (2).

12 (8) Section 1009 (126 Stat. 1906) is amended
13 by striking subsection (a).

14 (9) Section 1079(c) (10 U.S.C. 221 note) is re-
15 pealed.

16 (10) Section 1211(d)(3) (126 Stat. 1983), as
17 amended by section 1214(d) of the National Defense
18 Authorization Act for Fiscal Year 2014 (Public Law
19 113–66; 127 Stat. 907), is repealed.

20 (11) Section 1273 (22 U.S.C. 2421f) is amend-
21 ed by striking subsection (d).

22 (12) Section 1276 (10 U.S.C. 2350c note) is
23 amended by striking subsection (e).

24 (p) NATIONAL DEFENSE AUTHORIZATION ACT FOR
25 FISCAL YEAR 2014.—The National Defense Authoriza-

1 tion Act for Fiscal Year 2014 (Public Law 113–66) is
2 amended as follows:

3 (1) Section 907 (10 U.S.C. 1564 note) is
4 amended by striking subparagraph (B) of subsection
5 (c)(3).

6 (2) Section 923 (10 U.S.C. prec. 421 note) is
7 amended by striking subsection (b).

8 (3) Section 1107 (10 U.S.C. 2358 note) is
9 amended by striking subsection (g).

10 (4) Section 1203 (10 U.S.C. 2011 note) is
11 amended by striking subsection (e).

12 (5) Section 1249 (127 Stat. 925) is repealed.

13 (6) Section 1601 (10 U.S.C. 2533a note) is
14 amended by striking subsection (b).

15 (7) Section 1611 (127 Stat. 947) is amended
16 by striking subsection (d).

17 (8) Section 2916 (127 Stat. 1028) is amended
18 by striking subsection (b).

19 (q) CARL LEVIN AND HOWARD P. “BUCK” McKEON
20 NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
21 YEAR 2015.—The Carl Levin and Howard P. “Buck”
22 McKeon National Defense Authorization Act for Fiscal
23 Year 2015 (Public Law 113–291) is amended as follows:

24 (1) Section 232(e) (10 U.S.C. 2358 note) is re-
25 pealed.

1 (2) Section 914 (5 U.S.C. 5911 note) is amend-
2 ed by striking paragraphs (2) and (3) of subsection
3 (d).

4 (3) Section 1026(d) (128 Stat. 3490) is amend-
5 ed by striking paragraph (1).

6 (4) Section 1052(b) (128 Stat. 3497) is amend-
7 ed by striking paragraph (2).

8 (5) Section 1204(b) (10 U.S.C. 2249e note) is
9 repealed.

10 (6) Section 1205 (128 Stat. 3537) is amended
11 by striking subsection (e).

12 (7) Section 1206 (10 U.S.C. 2282 note) is
13 amended by striking subsection (e).

14 (8) Section 1207 (10 U.S.C. 2342 note) is
15 amended by striking subsection (d).

16 (9) Section 1209 (128 Stat. 3542) is amended
17 by striking subsection (d).

18 (10) Section 1236(d) (128 Stat. 3559), as
19 amended by section 1223(b)(1) of the National De-
20 fense Authorization Act for Fiscal Year 2016 (Pub-
21 lic Law 114–92), is repealed.

22 (11) Section 1268 (10 U.S.C. 9411 note) is
23 amended by striking subsection (g).

1 (12) Section 1275(b) (128 Stat. 3591) is
2 amended by striking “and every 180 days there-
3 after” and inserting “and every year thereafter”.

4 (13) Section 1325 (50 U.S.C. 3715) is amended
5 by striking subsection (e).

6 (14) Section 1341 (50 U.S.C. 3741) is re-
7 pealed.

8 (15) Section 1342 (50 U.S.C. 3742) is re-
9 pealed.

10 (16) Section 1534 (128 Stat. 3616) is amended
11 by striking subsection (g).

12 (17) Section 1607 (128 Stat. 3625) is amended
13 by striking subsection (b).

14 (18) Section 2821 (10 U.S.C. 2687 note) is
15 amended by striking subsection (a)(3).

16 (r) CONFORMING REPEAL.—Section 1080 of the Na-
17 tional Defense Authorization Act for Fiscal Year 2016
18 (Public Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note)
19 is repealed.

1 **SEC. 1084. REPEAL OF REQUIREMENTS RELATING TO EFFI-**
2 **CIENCIES PLAN FOR THE CIVILIAN PER-**
3 **SONNEL WORKFORCE AND SERVICE CON-**
4 **TRACTOR WORKFORCE OF THE DEPARTMENT**
5 **OF DEFENSE.**

6 Section 955 of the National Defense Authorization
7 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.
8 1896; 10 U.S.C. 129a note) is repealed.

9 **SEC. 1085. REPORT ON PRIORITIES FOR BED DOWNS, BAS-**
10 **ING CRITERIA, AND SPECIAL MISSION UNITS**
11 **FOR C-130J AIRCRAFT OF THE AIR FORCE.**

12 (a) SENSE OF SENATE.—It is the sense of the Senate
13 that—

14 (1) the Air Force Reserve Command contrib-
15 utes unique capabilities to the total force, including
16 all the weather reconnaissance and aerial spray ca-
17 pabilities, and 25 percent of the Modular Airborne
18 Firefighting System capabilities, of the Air Force;
19 and

20 (2) special mission units of the Air Force Re-
21 serve Command currently operate aging aircraft,
22 which jeopardizes future mission readiness and oper-
23 ational capabilities.

24 (b) REPORT ON PRIORITIES FOR C-130J BED
25 DOWNS, BASING CRITERIA, AND SPECIAL MISSION
26 UNITS.—Not later than February 1, 2017, the Secretary

1 of the Air Force shall submit to the congressional defense
2 committees a report on the following:

3 (1) The overall prioritization scheme of the Air
4 Force for future C-130J aircraft unit bed downs.

5 (2) The strategic basing criteria of the Air
6 Force for C-130J aircraft unit conversions.

7 (3) The unit conversion priorities for special
8 mission units of the Air Force Reserve Command,
9 the Air National Guard, and the regular Air Force,
10 and the manner which considerations such as age of
11 airframes factor into such priorities.

12 (4) Such other information relating to C-130J
13 aircraft unit conversions and bed downs as the Sec-
14 retary considers appropriate.

15 **Subtitle I—Other Matters**

16 **SEC. 1086. MILITARY SERVICE MANAGEMENT OF F-35 JOINT** 17 **STRIKE FIGHTER PROGRAM.**

18 (a) DISESTABLISHMENT OF F-35 JOINT PROGRAM
19 OFFICE.—

20 (1) IN GENERAL.—Except as provided under
21 subsection (d), not later than 180 days after Mile-
22 stone C approval for the F-35 Joint Strike Fighter
23 program, the Secretary of Defense shall disestablish
24 the F-35 Joint Program Office and devolve relevant
25 responsibilities to the Department of the Air Force

1 and the Department of the Navy. The Department
2 of the Air Force and the Department of the Navy
3 shall establish separate program offices to manage
4 the production, sustainment, and modernization of
5 their respective aircraft.

6 (2) RESPONSIBILITIES OF THE DEPARTMENT
7 OF THE AIR FORCE.—The Department of the Air
8 Force shall manage all aspects related to the F-35A
9 variant.

10 (3) RESPONSIBILITIES OF THE DEPARTMENT
11 OF THE NAVY.—The Department of the Navy shall
12 manage all aspects related to the F-35B and F-35C
13 variants.

14 (4) COORDINATION.—The Department of the
15 Air Force and the Department of the Navy shall es-
16 tablish processes to coordinate on F-35 Joint Strike
17 Fighter issues where commonality exists.

18 (b) REPORT.—Not later than February 1, 2017, the
19 Secretary of Defense shall submit to the congressional de-
20 fense committees a report outlining the Department's plan
21 for implementing the changes to management of the F-
22 35 Joint Strike Fighter program required under sub-
23 section (a).

24 (c) GAO REVIEW.—Not later than 90 days after the
25 Secretary of Defense submits the report and implementa-

1 tion plan required under subsection (b), the Comptroller
2 General of the United States shall review the implementa-
3 tion plan and brief the congressional defense committees
4 on its findings.

5 (d) WAIVER.—The Secretary of Defense may waive
6 the requirements of this section if the Secretary certifies
7 to the congressional defense committees that the current
8 Joint Program Office management structure is the opti-
9 mal management structure for the F-35 Joint Strike
10 Fighter program, including a business case analysis dem-
11 onstrating that the current management structure is the
12 optimal structure.

13 **SEC. 1087. TREATMENT OF FOLLOW-ON MODERNIZATION**
14 **FOR THE F-35 JOINT STRIKE FIGHTER AS A**
15 **MAJOR DEFENSE ACQUISITION PROGRAM.**

16 (a) IN GENERAL.—The Secretary of Defense shall
17 treat the programs referred to in subsection (b) for the
18 F-35 Joint Strike Fighter as a major defense acquisition
19 program for which Selected Acquisition Reports shall be
20 submitted to Congress in accordance with the require-
21 ments of section 2432 of title 10, United States Code.

22 (b) COVERED PROGRAMS.—The programs referred to
23 in this subsection for the F-35 Joint Strike Fighter are
24 the Block 4 Follow-on Modernization and any future F-
25 35 Joint Strike Fighter modernization program that

1 would otherwise, if a standalone program, qualify for
2 treatment as a major defense acquisition program for pur-
3 poses of chapter 144 of title 10, United States Code.

4 **SEC. 1088. REDUCTION IN MINIMUM NUMBER OF NAVY**
5 **CARRIER AIR WINGS AND CARRIER AIR WING**
6 **HEADQUARTERS REQUIRED TO BE MAIN-**
7 **TAINED.**

8 (a) CODIFICATION AND REDUCTION.—Section 5062
9 of title 10, United States Code, is amended by adding at
10 the end the following new subsection:

11 “(e) The Secretary of the Navy shall ensure that the
12 Navy maintains—

13 “(1) a minimum of 9 carrier air wings; and

14 “(2) for each such carrier air wing, a dedicated
15 and fully staffed headquarters.”.

16 (b) REPEAL OF SUPERSEDED REQUIREMENT.—Sec-
17 tion 1093 of the National Defense Authorization Act for
18 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606;
19 10 U.S.C. 5062 note) is repealed.

20 **SEC. 1089. STREAMLINING OF THE NATIONAL SECURITY**
21 **COUNCIL.**

22 Section 101 of the National Security Act of 1947 (50
23 U.S.C. 3021) is amended to read as follows:

1 **“SEC. 101. NATIONAL SECURITY COUNCIL.**

2 “(a) NATIONAL SECURITY COUNCIL.—There is a
3 council known as the National Security Council (in this
4 section referred to as the ‘Council’).

5 “(b) FUNCTIONS.—Consistent with the direction of
6 the President, the functions of the Council shall be to—

7 “(1) advise the President with respect to the in-
8 tegration of domestic, foreign, and military policies
9 relating to the national security so as to enable the
10 Armed Forces and the other departments and agen-
11 cies of the United States Government to cooperate
12 more effectively in matters involving the national se-
13 curity;

14 “(2) assess and appraise the objectives, commit-
15 ments, and risks of the United States in relation to
16 the actual and potential military power of the
17 United States, and make recommendations thereon
18 to the President; and

19 “(3) make recommendations to the President
20 concerning policies on matters of common interest to
21 the departments and agencies of the United States
22 Government concerned with the national security.

23 “(c) MEMBERSHIP.—

24 “(1) IN GENERAL.—The Council consists of the
25 President, the Vice President, the Secretary of
26 State, the Secretary of Defense, and such other offi-

1 cers of the United States Government as the Presi-
2 dent may designate.

3 “(2) ATTENDANCE AND PARTICIPATION IN
4 MEETINGS.—The President may designate such
5 other officers of the United States Government as
6 the President considers appropriate, including the
7 Director of National Intelligence, the Director of
8 National Drug Control Policy, and the Chairman of
9 the Joint Chiefs of Staff, to attend and participate
10 in meetings of the Council.

11 “(d) PRESIDING OFFICERS.—At meetings of the
12 Council, the President shall preside or, in the absence of
13 the President, a member of the Council designated by the
14 President shall preside.

15 “(e) STAFF.—

16 “(1) IN GENERAL.—The Council shall have a
17 staff headed by a civilian executive secretary ap-
18 pointed by the President.

19 “(2) STAFF.—Consistent with the direction of
20 the President and subject to paragraph (3), the ex-
21 ecutive secretary may, subject to the civil service
22 laws and chapter 51 and subchapter III of chapter
23 53 of title 5, United States Code, appoint and fix
24 the compensation of such personnel as may be nec-
25 essary to perform such duties as may be prescribed

1 by the President in connection with performance of
2 the functions of the Council.

3 “(3) NUMBER OF PROFESSIONAL STAFF.—The
4 professional staff for which this subsection provides
5 shall not exceed 150 persons, including persons em-
6 ployed by, assigned to, detailed to, under contract to
7 serve on, or otherwise serving or affiliated with the
8 staff. The limitation in this paragraph does not
9 apply to personnel serving wholly in support or ad-
10 ministrative positions.”.

11 **SEC. 1090. FORM OF ANNUAL NATIONAL SECURITY STRAT-**
12 **EGY REPORT.**

13 Section 108(c) of the National Security Act of 1947
14 (50 U.S.C. 3043(c)) is amended by striking “in both a
15 classified form and an unclassified form” and inserting
16 “in classified form, but may include an unclassified sum-
17 mary”.

18 **SEC. 1091. BORDER SECURITY METRICS.**

19 (a) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Homeland Security
24 and Governmental Affairs of the Senate;

1 (B) the Committee on Homeland Security
2 of the House of Representatives;

3 (C) the Committee on the Judiciary of the
4 Senate; and

5 (D) the Committee on the Judiciary of the
6 House of Representatives.

7 (2) CONSEQUENCE DELIVERY SYSTEM.—The
8 term “Consequence Delivery System” means the se-
9 ries of consequences applied by the Border Patrol to
10 persons unlawfully entering the United States to
11 prevent unlawful border crossing recidivism.

12 (3) GOT AWAY.—The term “got away” means
13 an unlawful border crosser who—

14 (A) is directly or indirectly observed mak-
15 ing an unlawful entry into the United States;
16 and

17 (B) is not a turn back and is not appre-
18 hended.

19 (4) KNOWN MIGRANT FLOW.—The term
20 “known migrant flow” means the sum of the num-
21 ber of undocumented migrants—

22 (A) interdicted at sea;

23 (B) identified at sea, but not interdicted;

24 (C) that successfully entered the United
25 States through the maritime border; or

1 (D) not described in subparagraph (A),
2 (B), or (C), which were otherwise reported, with
3 a significant degree of certainty, as having en-
4 tered, or attempted to enter, the United States
5 through the maritime border.

6 (5) MAJOR VIOLATOR.—The term “major viola-
7 tor” means a person or entity that has engaged in
8 serious criminal activities at any land, air, or sea
9 port of entry, including—

10 (A) possession of illicit drugs;

11 (B) smuggling of prohibited products;

12 (C) human smuggling;

13 (D) weapons possession;

14 (E) use of fraudulent United States docu-
15 ments; or

16 (F) other offenses that are serious enough
17 to result in arrest.

18 (6) SITUATIONAL AWARENESS.—The term “sit-
19 uational awareness” means knowledge and unified
20 understanding of current unlawful cross-border ac-
21 tivity, including—

22 (A) threats and trends concerning illicit
23 trafficking and unlawful crossings;

24 (B) the ability to forecast future shifts in
25 such threats and trends;

1 (C) the ability to evaluate such threats and
2 trends at a level sufficient to create actionable
3 plans; and

4 (D) the operational capability to conduct
5 persistent and integrated surveillance of the
6 international borders of the United States.

7 (7) TRANSIT ZONE.—The term “transit zone”
8 means the sea corridors of the western Atlantic
9 Ocean, the Gulf of Mexico, the Caribbean Sea, and
10 the eastern Pacific Ocean through which undocu-
11 mented migrants and illicit drugs transit, either di-
12 rectly or indirectly, to the United States.

13 (8) TURN BACK.—The term “turn back” means
14 an unlawful border crosser who, after making an un-
15 lawful entry into the United States, promptly re-
16 turns to the country from which such crosser en-
17 tered.

18 (9) UNLAWFUL BORDER CROSSING EFFECTIVE-
19 NESS RATE.—The term “unlawful border crossing
20 effectiveness rate” means the percentage that results
21 from dividing—

22 (A) the number of apprehensions and turn
23 backs; and

1 (B) the number of apprehensions, esti-
2 mated unlawful entries, turn backs, and got
3 away.

4 (10) UNLAWFUL ENTRY.—The term “unlawful
5 entry” means an unlawful border crosser who enters
6 the United States and is not apprehended by a bor-
7 der security component of the Department of Home-
8 land Security.

9 (b) METRICS FOR SECURING THE BORDER BETWEEN
10 PORTS OF ENTRY.—

11 (1) IN GENERAL.—Not later than 120 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Homeland Security shall develop metrics,
14 informed by situational awareness, to measure the
15 effectiveness of security between ports of entry. The
16 Secretary shall annually implement the metrics de-
17 veloped under this subsection, which shall include—

18 (A) estimates, including recidivism data,
19 survey data, known-flow data, technologically-
20 measured data, and alternative methodologies
21 considered appropriate by the Secretary, of—

22 (i) total attempted unlawful border
23 crossings;

24 (ii) the rate of apprehension of at-
25 tempted unlawful border crossers; and

- 1 (iii) the number of unlawful entries;
- 2 (B) measurement of situational awareness
3 achieved in each Border Patrol sector;
- 4 (C) an unlawful border crossing effective-
5 ness rate;
- 6 (D) a probability of detection, which com-
7 pares the estimated total unlawful border cross-
8 ing attempts not detected by the Border Patrol
9 to the unlawful border crossing effectiveness
10 rate, as informed by subparagraph (A);
- 11 (E) an illicit drugs seizure rate for drugs
12 seized by the Border Patrol, which compares
13 the ratio of the amount and type of illicit drugs
14 seized by the Border Patrol in any fiscal year
15 to the average of the amount and type of illicit
16 drugs seized by the Border Patrol in the imme-
17 diately preceding 5 fiscal years;
- 18 (F) estimates of the impact of the Con-
19 sequence Delivery System on the rate of recidi-
20 vism of unlawful border crossers over multiple
21 fiscal years; and
- 22 (G) an examination of each consequence
23 referred to in subparagraph (F), including—
- 24 (i) voluntary return;

- 1 (ii) warrant of arrest or notice to ap-
2 pear;
3 (iii) expedited removal;
4 (iv) reinstatement of removal;
5 (v) alien transfer exit program;
6 (vi) Operation Streamline;
7 (vii) standard prosecution; and
8 (viii) Operation Against Smugglers
9 Initiative on Safety and Security.

10 (2) METRICS CONSULTATION.—In developing
11 the metrics required under paragraph (1), the Sec-
12 retary shall—

13 (A) consult with the appropriate compo-
14 nents of the Department of Homeland Security;
15 and

16 (B) as appropriate, work with other agen-
17 cies, including the Office of Refugee Resettle-
18 ment of the Department of Health and Human
19 Services and the Executive Office for Immigra-
20 tion Review of the Department of Justice, to
21 ensure that authoritative data sources are uti-
22 lized.

23 (3) MANNER OF COLLECTION.—The data used
24 by the Secretary of Homeland Security shall be col-
25 lected and reported in a consistent and standardized

1 manner across all Border Patrol sectors, informed
2 by situational awareness.

3 (c) METRICS FOR SECURING THE BORDER AT PORTS
4 OF ENTRY.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Homeland Security shall develop metrics,
8 informed by situational awareness, to measure the
9 effectiveness of security at ports of entry. The Sec-
10 retary shall annually implement the metrics devel-
11 oped under this subsection, which shall include—

12 (A) estimates, using alternative methodolo-
13 gies, including survey data and randomized sec-
14 ondary screening data, of—

15 (i) total attempted inadmissible border
16 crossings;

17 (ii) the rate of apprehension of at-
18 tempted inadmissible border crossings; and

19 (iii) the number of unlawful entries;

20 (B) the amount and type of illicit drugs
21 seized by the Office of Field Operations of U.S.
22 Customs and Border Protection at United
23 States land, air, and sea ports during the pre-
24 vious fiscal year;

1 (C) an illicit drugs seizure rate for drugs
2 seized by the Office of Field Operations, which
3 compares the ratio of the amount and type of
4 illicit drugs seized by the Office of Field Oper-
5 ations in any fiscal year to the average of the
6 amount and type of illicit drugs seized by the
7 Office of Field Operations in the immediately
8 preceding 5 fiscal years;

9 (D) the number of infractions related to
10 travelers and cargo committed by major viola-
11 tors who are apprehended by the Office of Field
12 Operations at ports of entry, and the estimated
13 number of such infractions committed by major
14 violators who are not apprehended;

15 (E) a measurement of how border security
16 operations affect crossing times, including—

17 (i) a wait time ratio that compares
18 the average wait times to total commercial
19 and private vehicular traffic volumes at
20 each port of entry;

21 (ii) an infrastructure capacity utiliza-
22 tion rate that measures traffic volume
23 against the physical and staffing capacity
24 at each port of entry;

- 1 (iii) a secondary examination rate that
2 measures the frequency of secondary ex-
3 aminations at each port of entry; and
- 4 (iv) an enforcement rate that meas-
5 ures the effectiveness of secondary exami-
6 nations at detecting major violators; and
- 7 (F) a cargo scanning rate that includes—
- 8 (i) a comparison of the number of
9 high-risk cargo containers scanned by the
10 Office of Field Operations at each United
11 States seaport during the fiscal year to the
12 total number of high-risk cargo containers
13 entering the United States at each seaport
14 during the previous fiscal year;
- 15 (ii) the percentage of all cargo that is
16 considered “high-risk” cargo; and
- 17 (iii) the percentage of high-risk cargo
18 scanned—
- 19 (I) upon arrival at a United
20 States seaport before entering United
21 States commerce; and
- 22 (II) before being laden on a ves-
23 sel destined for the United States.

1 (2) METRICS CONSULTATION.—In developing
2 the metrics required under paragraph (1), the Sec-
3 retary shall—

4 (A) consult with the appropriate compo-
5 nents of the Department of Homeland Security;
6 and

7 (B) as appropriate, work with other agen-
8 cies, including the Office of Refugee Resettle-
9 ment of the Department of Health and Human
10 Services and the Executive Office for Immigra-
11 tion Review of the Department of Justice, to
12 ensure that authoritative data sources are uti-
13 lized.

14 (3) MANNER OF COLLECTION.—The data used
15 by the Secretary of Homeland Security shall be col-
16 lected and reported in a consistent and standardized
17 manner across all field offices, informed by situa-
18 tional awareness.

19 (d) METRICS FOR SECURING THE MARITIME BOR-
20 DER.—

21 (1) IN GENERAL.—Not later than 120 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Homeland Security shall develop metrics,
24 informed by situational awareness, to measure the
25 effectiveness of security in the maritime environ-

1 ment. The Secretary shall annually implement the
2 metrics developed under this subsection, which shall
3 include—

4 (A) situational awareness achieved in the
5 maritime environment;

6 (B) an undocumented migrant interdiction
7 rate, which compares the migrants interdicted
8 at sea to the total known migrant flow;

9 (C) an illicit drugs removal rate, for drugs
10 removed inside and outside of a transit zone,
11 which compares the amount and type of illicit
12 drugs removed, including drugs abandoned at
13 sea, by the Department of Homeland Security’s
14 maritime security components in any fiscal year
15 to the average of the amount and type of illicit
16 drugs removed by the Department of Homeland
17 Security’s maritime components for the imme-
18 diately preceding 5 fiscal years;

19 (D) a response rate, which compares the
20 ability of the maritime security components of
21 the Department of Homeland Security to re-
22 spond to and resolve known maritime threats,
23 whether inside and outside a transit zone, by
24 placing assets on-scene, to the total number of

1 events with respect to which the Department
2 has known threat information; and

3 (E) an intergovernmental response rate,
4 which compares the ability of the maritime se-
5 curity components of the Department of Home-
6 land Security or other United States Govern-
7 ment entities to respond to and resolve action-
8 able maritime threats, whether inside or outside
9 the Western Hemisphere transit zone, by tar-
10 geting maritime threats in order to detect them,
11 and of those threats detected, the total number
12 of maritime threats interdicted or disrupted.

13 (2) METRICS CONSULTATION.—In developing
14 the metrics required under paragraph (1), the Sec-
15 retary shall—

16 (A) consult with the appropriate compo-
17 nents of the Department of Homeland Security;
18 and

19 (B) as appropriate, work with other agen-
20 cies, including the Drug Enforcement Agency,
21 the Department of Defense, and the Depart-
22 ment of Justice, to ensure that authoritative
23 data sources are utilized.

24 (3) MANNER OF COLLECTION.—The data used
25 by the Secretary of Homeland Security shall be col-

1 lected and reported in a consistent and standardized
2 manner, informed by situational awareness.

3 (e) AIR AND MARINE SECURITY METRICS IN THE
4 LAND DOMAIN.—

5 (1) IN GENERAL.—Not later than 120 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Homeland Security shall develop metrics,
8 informed by situational awareness, to measure the
9 effectiveness of the aviation assets and operations of
10 the Office of Air and Marine of U.S. Customs and
11 Border Protection. The Secretary shall annually im-
12 plement the metrics developed under this subsection,
13 which shall include—

14 (A) an effectiveness rate, which compares
15 Office of Air and Marine flight hours require-
16 ments to the number of flight hours flown by
17 such Office;

18 (B) a funded flight hour effectiveness rate,
19 which compares the number of funded flight
20 hours appropriated to the Office of Air and Ma-
21 rine to the number of actual flight hours flown
22 by such Office;

23 (C) a readiness rate, which compares the
24 number of aviation missions flown by the Office
25 of Air and Marine to the number of aviation

1 missions cancelled by such Office due to main-
2 tenance, operations, or other causes;

3 (D) the number of missions cancelled by
4 such Office due to weather compared to the
5 total planned missions;

6 (E) the number of subjects detected by the
7 Office of Air and Marine through the use of un-
8 manned aerial systems and manned aircrafts;

9 (F) the number of apprehensions assisted
10 by the Office of Air and Marine through the use
11 of unmanned aerial systems and manned air-
12 craft;

13 (G) the number and quantity of illicit drug
14 seizures assisted by the Office of Air and Ma-
15 rine through the use of unmanned aerial sys-
16 tems and manned aircrafts; and

17 (H) the number of times that actionable
18 intelligence related to border security was ob-
19 tained through the use of unmanned aerial sys-
20 tems and manned aircraft.

21 (2) METRICS CONSULTATION.—In developing
22 the metrics required under paragraph (1), the Sec-
23 retary shall—

1 (A) consult with the appropriate compo-
2 nents of the Department of Homeland Security;
3 and

4 (B) as appropriate, work with other de-
5 partments and agencies, including the Depart-
6 ment of Justice, to ensure that authoritative
7 data sources are utilized.

8 (3) MANNER OF COLLECTION.—The data used
9 by the Secretary of Homeland Security shall be col-
10 lected and reported in a consistent and standardized
11 manner, informed by situational awareness.

12 (f) DATA TRANSPARENCY.—The Secretary of Home-
13 land Security shall—

14 (1) in accordance with applicable privacy laws,
15 make data related to apprehensions, inadmissible
16 aliens, drug seizures, and other enforcement actions
17 available to the public, academic research, and law
18 enforcement communities; and

19 (2) provide the Office of Immigration Statistics
20 of the Department of Homeland Security with unfet-
21 tered access to the data described in paragraph (1).

22 (g) EVALUATION BY THE GOVERNMENT ACCOUNT-
23 ABILITY OFFICE AND THE SECRETARY OF HOMELAND
24 SECURITY.—

25 (1) METRICS REPORT.—

1 (A) MANDATORY DISCLOSURES.—The Sec-
2 retary of Homeland Security shall submit an
3 annual report containing the metrics required
4 under subsections (b) through (e) and the data
5 and methodology used to develop such metrics
6 to—

7 (i) the appropriate congressional com-
8 mittees; and

9 (ii) the Comptroller General of the
10 United States.

11 (B) PERMISSIBLE DISCLOSURES.—The
12 Secretary of Homeland Security, for the pur-
13 pose of validation and verification, may submit
14 the annual report described in subparagraph
15 (A) to—

16 (i) the National Center for Border Se-
17 curity and Immigration;

18 (ii) the head of a national laboratory
19 within the Department of Homeland Secu-
20 rity laboratory network with prior expertise
21 in border security; and

22 (iii) a Federally Funded Research and
23 Development Center sponsored by the De-
24 partment of Homeland Security.

1 (2) GAO REPORT.—Not later than 270 days
2 after receiving the first report under paragraph
3 (1)(A), and biennially thereafter for the following 10
4 years, the Comptroller General of the United States,
5 shall submit a report to the appropriate congress-
6 sional committees that—

7 (A) analyzes the suitability and statistical
8 validity of the data and methodology contained
9 in such report; and

10 (B) includes recommendations to Congress
11 on—

12 (i) the feasibility of other suitable
13 metrics that may be used to measure the
14 effectiveness of border security; and

15 (ii) improvements that need to be
16 made to the metrics being used to measure
17 the effectiveness of border security.

18 (3) STATE OF THE BORDER REPORT.—Not
19 later than 60 days after the end of each fiscal year
20 through fiscal year 2025, the Secretary of Homeland
21 Security shall submit a “State of the Border” report
22 to the appropriate congressional committees that—

23 (A) provides trends for each metric under
24 subsections (b) through (e) for the last 10
25 years, to the extent possible;

1 (B) provides selected analysis into related
2 aspects of illegal flow rates, including legal
3 flows and stock estimation techniques; and

4 (C) includes any other information that the
5 Secretary determines appropriate.

6 (4) METRICS UPDATE.—

7 (A) IN GENERAL.—After submitting the
8 final report to the Comptroller General under
9 paragraph (2), the Secretary of Homeland Se-
10 curity may reevaluate and update any of the
11 metrics required under subsections (b) through
12 (e) to ensure that such metrics—

13 (i) meet the Department of Homeland
14 Security's performance management needs;
15 and

16 (ii) are suitable to measure the effec-
17 tiveness of border security.

18 (B) CONGRESSIONAL NOTIFICATION.—Not
19 later than 30 days before updating the metrics
20 under subparagraph (A), the Secretary shall no-
21 tify the appropriate congressional committees of
22 such updates.

1 **SEC. 1093. PROTECTION AGAINST MISUSE OF NAVAL SPE-**
2 **CIAL WARFARE COMMAND INSIGNIA.**

3 (a) IN GENERAL.—Chapter 663 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 7882. Protection against misuse of insignia of**
7 **Naval Special Warfare Command**

8 “(a) PROTECTION AGAINST MISUSE.—Subject to
9 subsection (b), no person may use any covered Naval Spe-
10 cial Warfare insignia in connection with any promotion,
11 good, service, or other commercial activity when a par-
12 ticular use would be likely to suggest a false affiliation,
13 connection, or association with, endorsement by, or ap-
14 proval of, the United States, the Department of Defense,
15 or the Department of the Navy.

16 “(b) EXCEPTION.—Subsection (a) shall not apply to
17 the use of a covered Naval Special Warfare insignia for
18 purposes such as criticism, comment, news reporting,
19 analysis, research, or scholarship.

20 “(c) TREATMENT OF DISCLAIMERS.—Any determina-
21 tion of whether a person has violated this section shall
22 be made without regard to any use of a disclaimer of affili-
23 ation, connection, or association with, endorsement by, or
24 approval of the United States Government, the Depart-
25 ment of Defense, the Department of the Navy, or any sub-

1 ordinate organization thereof to the extent consistent with
2 international obligations of the United States.

3 “(d) ENFORCEMENT.—Whenever it appears to the
4 Attorney General that any person is engaged in, or is
5 about to engage in, an act or practice that constitutes or
6 will constitute conduct prohibited by this section, the At-
7 torney General may initiate a civil proceeding in a district
8 court of the United States to enjoin such act or practice,
9 and such court may take such injunctive or other action
10 as is warranted to prevent the act, practice, or conduct.

11 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to limit the authority of the Sec-
13 retary of the Navy to register any symbol, name, phrase,
14 term, acronym, or abbreviation otherwise capable of reg-
15 istration under the provisions of the Act of July 5, 1946,
16 popularly known as the Lanham Act or the Trademark
17 Act of 1946 (15 U.S.C. 1051 et seq.).

18 “(f) COVERED NAVAL SPECIAL WARFARE INSIGNIA
19 DEFINED.—In this section, the term ‘covered Naval Spe-
20 cial Warfare insignia’ means any of the following:

21 “(1) The Naval Special Warfare insignia com-
22 prising or consisting of the design of an eagle hold-
23 ing an anchor, trident, and flint-lock pistol.

24 “(2) The Special Warfare Combatant Craft
25 Crewman insignia comprising or consisting of the

1 design of the bow and superstructure of a Special
 2 Operations Craft on a crossed flint-lock pistol and
 3 enlisted cutlass, on a background of ocean swells.

4 “(3) Any colorable imitation of the insignia re-
 5 ferred to in paragraphs (1) and (2), in a manner
 6 which could reasonably be interpreted or construed
 7 as conveying the false impression that an advertise-
 8 ment, solicitation, business activity, or product is in
 9 any manner approved, endorsed, sponsored, or au-
 10 thorized by, or associated with, the United States
 11 Government, the Department of Defense, or the De-
 12 partment of the Navy.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of chapter 663 of such title is amended
 15 by adding at the end the following new item:

“7882. Protection against misuse of insignia of Naval Special Warfare Com-
 mand.”.

16 **SEC. 1094. PROGRAM TO COMMEMORATE THE 100TH ANNI-**
 17 **VERSARY OF THE TOMB OF THE UNKNOWN**
 18 **SOLDIER.**

19 (a) COMMEMORATIVE PROGRAM.—

20 (1) IN GENERAL.—The Secretary of Defense
 21 shall conduct a program to commemorate the 100th
 22 anniversary of the Tomb of the Unknown Soldier. In
 23 conducting the commemorative program, the Sec-
 24 retary shall coordinate, support, and facilitate other

1 programs and activities of the Federal Government
2 and State and local governments.

3 (2) WORK WITH NONGOVERNMENTAL ORGANI-
4 ZATIONS.—In conducting the commemorative pro-
5 gram, the Secretary may work with nongovern-
6 mental organizations working to support the com-
7 memoration of the Tomb of the Unknown Soldier.
8 No public funds may be used to undertake activities
9 sponsored by such organizations.

10 (b) SCHEDULE.—The Secretary shall determine the
11 schedule of major events and priority of efforts for the
12 commemorative program in order to ensure achievement
13 of the objectives specified in subsection (c).

14 (c) COMMEMORATIVE ACTIVITIES AND OBJEC-
15 TIVES.—The commemorative program may include activi-
16 ties and ceremonies to achieve the following objectives:

17 (1) To honor America's commitment to never
18 forget or forsake those who served and sacrificed for
19 our Country, including personnel who were held as
20 prisoners of war or listed as missing in action, and
21 to thank and honor the families of these veterans.

22 (2) To highlight the service of the Armed
23 Forces in times of war or armed conflict and con-
24 tributions of Federal agencies and governmental and

1 nongovernmental organizations that served with, or
2 in support of, the Armed Forces.

3 (3) To pay tribute to the contributions made on
4 the home front by the people of the United States
5 in times of war or armed conflict.

6 (4) To educate the American Public about serv-
7 ice and sacrifice on behalf of the United States of
8 America and the principles that define and unite us.

9 (5) To recognize the contributions and sac-
10 rifices made by the allies of the United States dur-
11 ing times of war or armed conflict.

12 (d) NAMES AND SYMBOLS.—The Secretary shall have
13 the sole and exclusive right to use the name “The United
14 States of America Tomb of the Unknown Soldier Com-
15 memoration”, and such seal, emblems, and badges incor-
16 porating such name as the Secretary may lawfully adopt.
17 Nothing in this section may be construed to supersede
18 rights that are established or vested before the date of the
19 enactment of this Act.

20 (e) COMMEMORATION FUND.—

21 (1) IN GENERAL.—Upon the establishment of
22 the commemorative program under subsection (a),
23 the Secretary of the Treasury shall establish in the
24 Treasury of the United States an account to be
25 known as the “Tomb of the Unknown Soldier Com-

1 memoration Fund” (in this subsection referred to as
2 the “Fund”). The Fund shall be administered by the
3 Secretary of Defense.

4 (2) DEPOSITS.—There shall be deposited into
5 the Fund the following:

6 (A) Amounts appropriated to the Fund.

7 (B) Proceeds derived from the use by the
8 Secretary of Defense of the exclusive rights de-
9 scribed in subsection (d).

10 (C) Donations made in support of the com-
11 memorative program by private and corporate
12 donors.

13 (D) Funds transferred to the Fund by the
14 Secretary of Defense from funds appropriated
15 for fiscal year 2017 and subsequent years for
16 the Department of Defense.

17 (3) USE OF FUND.—The Secretary of Defense
18 shall use the assets of the Fund only for the purpose
19 of conducting the commemorative program. The Sec-
20 retary shall prescribe such regulations regarding the
21 use of the Fund as the Secretary considers appro-
22 priate.

23 (4) AVAILABILITY.—Amounts deposited under
24 paragraph (2) shall constitute the assets of the
25 Fund and remain available until expended.

1 (5) BUDGET REQUEST.—The Secretary of De-
2 fense may establish a separate budget line for the
3 commemorative program. In the budget justification
4 materials submitted by the Secretary in support of
5 the budget of the President for any fiscal year for
6 which the Secretary establishes the separate budget
7 line (as submitted to Congress pursuant to section
8 1105 of title 31, United States Code), the Secretary
9 shall—

10 (A) identify and explain any amounts ex-
11 pended for the commemorative program in the
12 fiscal year preceding the budget request;

13 (B) identify and explain the amounts being
14 requested to support the commemorative pro-
15 gram for the fiscal year of the budget request;
16 and

17 (C) present a summary of the fiscal status
18 of the Fund.

19 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—

20 (1) AUTHORITY TO ACCEPT SERVICES.—Not-
21 withstanding section 1342 of title 31, United States
22 Code, the Secretary of Defense may accept from any
23 person voluntary services to be provided in further-
24 ance of the commemorative program. The Secretary
25 shall prohibit the solicitation of any voluntary serv-

1 ices if the nature or circumstances of such solicita-
2 tion would compromise the integrity or the appear-
3 ance of integrity of any program of the Department
4 of Defense or of any individual involved in the pro-
5 gram.

6 (2) REIMBURSEMENT OF INCIDENTAL EX-
7 PENSES.—The Secretary may provide for reimburse-
8 ment of incidental expenses incurred by a person
9 providing voluntary services under this subsection.
10 The Secretary shall determine which expenses are el-
11 igible for reimbursement under this paragraph.

12 (g) FINAL REPORT.—Not later than 60 days after
13 the end of the commemorative program, if established by
14 the Secretary of Defense under subsection (a), the Sec-
15 retary shall submit to Congress a report containing an ac-
16 counting of the following:

17 (1) All of the funds deposited into and ex-
18 pended from the Tomb of the Unknown Soldier
19 Commemoration Fund.

20 (2) Any other funds expended under this sec-
21 tion.

22 (3) Any unobligated funds remaining in the
23 Fund.

1 **SEC. 1095. SENSE OF CONGRESS REGARDING THE OCONUS**
2 **BASING OF THE KC-46A AIRCRAFT.**

3 (a) FINDING.—Congress finds that the Department
4 of Defense is continuing its process of permanently sta-
5 tioning the KC-46A aircraft at installations in the Conti-
6 nental United States (in this section referred to as
7 “CONUS”) and forward-basing outside the Continental
8 United States (in this section referred to as “OCONUS”).

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the Secretary of the Air Force, as part of the
11 strategic basing process for the KC-46A aircraft, should
12 continue to place emphasis on and consider the benefits
13 derived from outside the continental United States
14 (OCONUS) locations that—

15 (1) support day-to-day air refueling operations,
16 combatant commander operations plans, and flexi-
17 bility for contingency ops, and have—

18 (A) a strategic location that is essential to
19 the defense of the United States and its inter-
20 ests;

21 (B) receivers for boom or probe-and-drogue
22 training opportunities with joint and inter-
23 national partners; and

24 (C) sufficient airfield and airspace avail-
25 ability and capacity to meet requirements; and

26 (2) possess facilities that—

1 (A) take full advantage of existing infra-
2 structure to provide—

3 (i) runway, hangars, and aircrew and
4 maintenance operations; and

5 (ii) sufficient fuels receipt, storage,
6 and distribution for 5-day peacetime oper-
7 ating stock; and

8 (B) minimize overall construction and
9 operational costs.

10 **SEC. 1096. REPLACEMENT OF QUADRENNIAL DEFENSE RE-**
11 **VIEW WITH NATIONAL DEFENSE STRATEGY.**

12 (a) REPLACEMENT OF QUADRENNIAL REVIEW WITH
13 NATIONAL DEFENSE STRATEGY.—Section 118 of title 10,
14 United States Code, is amended to read as follows:

15 **“§ 118. National defense strategy**

16 **“(a) PRESENTATION OF DEFENSE STRATEGY.—**

17 **“(1) IN GENERAL.—**Except as provided in para-
18 graph (5), in January each year, the Secretary of
19 Defense shall present to the congressional defense
20 committees a defense strategy for such year. The
21 strategy shall be known as the ‘national defense
22 strategy’ for the year concerned.

23 **“(2) ELEMENTS.—**The defense strategy for a
24 year shall include the following:

1 “(A) The highest priority missions for the
2 Department of Defense.

3 “(B) The most critical and enduring
4 threats to the national security of the United
5 States and its allies posed by states or non-
6 state actors, and the strategies that the Depart-
7 ment will employ to counter such threats and
8 provide for the national defense.

9 “(C) A strategic framework that conforms
10 to resource levels prescribed by the Secretary
11 for the manner in which the Department will
12 prioritize among the threats described in sub-
13 paragraph (B) and the missions specified pur-
14 suant to subparagraph (A), allocate the result-
15 ing risks, and seek to mitigate such risks.

16 “(D) The major investments in defense ca-
17 pabilities, force readiness, global posture, and
18 technological innovation that the Department
19 will make over the following five-year period in
20 accordance with the strategic framework de-
21 scribed in subparagraph (C).

22 “(3) ADVICE OF CHAIRMAN OF JCS.—The Sec-
23 retary shall seek the military advice of the Chairman
24 of the Joint Chiefs of Staff in preparing each de-
25 fense strategy required by this subsection.

1 “(4) FORM.—Each defense strategy under this
2 subsection shall be presented in classified form, and
3 shall also include a written unclassified summary.

4 “(5) SUBMITTAL IN YEARS OF NEW ADMINIS-
5 TRATION.—In a year following an election for Presi-
6 dent, which election results in the President appoint-
7 ing a new Secretary of Defense, the Secretary shall
8 present the defense strategy required by this sub-
9 section as soon as possible after appointment by and
10 with the advice and consent of the Senate.

11 “(b) NATIONAL DEFENSE PANEL.—

12 “(1) QUADRENNIAL PANEL REQUIRED.—Not
13 later than February 1 of a year following a year
14 evenly divisible by four, there shall be established an
15 independent panel to be known as the National De-
16 fense Panel (in this subsection referred to as the
17 ‘Panel’).

18 “(2) MEMBERSHIP.—The Panel shall be com-
19 posed of ten members from private civilian life who
20 are recognized experts in matters relating to the na-
21 tional security of the United States. Eight of the
22 members shall be appointed as follows:

23 “(A) Two by the chair of the Committee
24 on Armed Services of the Senate.

1 “(B) Two by the chair of the Committee
2 on Armed Services of the House of Representa-
3 tives.

4 “(C) Two by the ranking member of the
5 Committee on Armed Services of the Senate.

6 “(D) Two by the ranking member of the
7 Committee on Armed Services of the House of
8 Representatives.

9 “(3) CO-CHAIRS PANEL.—In addition to the
10 members appointed under paragraph (2), the Sec-
11 retary of Defense shall appoint two members of the
12 Panel from private civilian life to serve as co-chairs
13 of the Panel.

14 “(4) PERIOD OF APPOINTMENT; VACANCIES.—
15 Members shall be appointed for the life of the Panel.
16 Any vacancy in the Panel shall be filled in the same
17 manner as the original appointment.

18 “(5) FIRST MEETING.—If the Secretary of De-
19 fense has not made appointments to the Panel under
20 paragraph (3) by March 1 of a year in which the
21 Panel is established, the Panel shall convene for its
22 first meeting with its other members on that date.

23 “(6) RECEIPT OF NATIONAL DEFENSE STRAT-
24 EGY.—The national defense strategy under sub-
25 section (a) for a year in which the Panel is estab-

1 lished under this subsection shall be submitted to
2 the Panel by the Secretary not later than March 1
3 of such year.

4 “(7) DUTIES.—The Panel shall have the fol-
5 lowing duties:

6 “(A) Assessing the current national de-
7 fense strategy submitted to the Panel pursuant
8 to paragraph (5).

9 “(B) Identifying any changes in domestic
10 or international circumstances that could un-
11 dermine or limit the effectiveness of the na-
12 tional defense strategy.

13 “(C) Assessing the key assumptions on
14 which the national defense strategy is based.

15 “(D) Evaluating the efforts of the Depart-
16 ment of Defense to mitigate risks in connection
17 with the strategic framework and choices in the
18 national defense strategy.

19 “(E) Assessing the extent to which the
20 current annual budget, future-years defense
21 program, and other critical activities of the De-
22 partment align with the national defense strat-
23 egy.

24 “(F) Considering alternative national de-
25 fense strategies.

1 “(G) Providing to the Secretary and Con-
2 gress, in the report required by paragraph (8),
3 any recommendations the Panel considers ap-
4 propriate for consideration.

5 “(8) REPORT.—Not later than November 1 of
6 each year in which the Panel is established, the
7 Panel shall submit to the Secretary and the congress-
8 sional defense committees a report on the results of
9 the discharge of the duties of the Panel in that year
10 under paragraph (7). The report shall be submitted
11 to the congressional defense committees in an un-
12 classified summary, but shall also include with such
13 summary the full report in a classified annex.

14 “(9) ADMINISTRATIVE PROVISIONS.—The fol-
15 lowing administrative provisions apply to a Panel:

16 “(A) The Panel may request directly from
17 the Department and any of its components such
18 information as the Panel considers necessary to
19 carry out its duties under this subsection. The
20 head of the department or agency concerned
21 shall cooperate with the Panel to ensure that
22 information requested by the Panel under this
23 paragraph is promptly provided to the max-
24 imum extent practical.

1 “(B) Upon the request of the co-chairs, the
2 Secretary shall make available to the Panel the
3 services of any Federally funded research and
4 development center that is covered by a spon-
5 soring agreement of the Department of De-
6 fense.

7 “(C) The Panel shall have the authorities
8 provided in section 3161 of title 5, and shall be
9 subject to the conditions set forth in such sec-
10 tion.

11 “(D) Funds for activities of the Panel shall
12 be derived from amounts available to the De-
13 partment.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of chapter 2 of such title is amended by
16 striking the item relating to section 118 and inserting the
17 following new item:

 “118. National defense strategy.”.

18 **SEC. 1097. PROJECT MANAGEMENT.**

19 (a) DEPUTY DIRECTOR FOR MANAGEMENT.—

20 (1) ADDITIONAL FUNCTIONS.—Section 503 of
21 title 31, United States Code, is amended by adding
22 at the end the following:

23 “(c) PROGRAM AND PROJECT MANAGEMENT.—

1 “(1) REQUIREMENT.—Subject to the direction
2 and approval of the Director, the Deputy Director
3 for Management or a designee shall—

4 “(A) adopt governmentwide standards,
5 policies, and guidelines for program and project
6 management for executive agencies;

7 “(B) oversee implementation of program
8 and project management for the standards,
9 policies, and guidelines established under sub-
10 paragraph (A);

11 “(C) chair the Program Management Pol-
12 icy Council established under section 1126(b);

13 “(D) establish standards and policies for
14 executive agencies, consistent with widely ac-
15 cepted standards for program and project man-
16 agement planning and delivery;

17 “(E) engage with the private sector to
18 identify best practices in program and project
19 management that would improve Federal pro-
20 gram and project management;

21 “(F) conduct portfolio reviews to address
22 programs identified as high risk by the Govern-
23 ment Accountability Office;

24 “(G) not less than annually, conduct port-
25 folio reviews of agency programs in coordination

1 with Project Management Improvement Officers
2 designated under section 1126(a)(1) to assess
3 the quality and effectiveness of program man-
4 agement; and

5 “(H) establish a 5-year strategic plan for
6 program and project management.

7 “(2) APPLICATION TO DEPARTMENT OF DE-
8 FENSE.—Paragraph (1) shall not apply to the De-
9 partment of Defense to the extent that the provi-
10 sions of that paragraph are substantially similar to
11 or duplicative of the provisions of chapter 87 of title
12 10.”.

13 (2) DEADLINE FOR STANDARDS, POLICIES, AND
14 GUIDELINES.—Not later than 1 year after the date
15 of enactment of this Act, the Deputy Director for
16 Management of the Office of Management and
17 Budget shall issue the standards, policies, and
18 guidelines required under section 503(c) of title 31,
19 United States Code, as added by paragraph (1).

20 (3) REGULATIONS.—Not later than 90 days
21 after the date on which the standards, policies, and
22 guidelines are issued under paragraph (2), the Dep-
23 uty Director for Management of the Office of Man-
24 agement and Budget, in consultation with the Pro-
25 gram Management Policy Council established under

1 section 1126(b) of title 31, United States Code, as
 2 added by subsection (b)(1), and the Director of the
 3 Office of Management and Budget, shall issue any
 4 regulations as are necessary to implement the re-
 5 quirements of section 503(c) of title 31, United
 6 States Code, as added by paragraph (1).

7 (b) PROGRAM MANAGEMENT IMPROVEMENT OFFI-
 8 CERS AND PROGRAM MANAGEMENT POLICY COUNCIL.—

9 (1) AMENDMENT.—Chapter 11 of title 31,
 10 United States Code, is amended by adding at the
 11 end the following:

12 **“§ 1126. Program Management Improvement Officers**
 13 **and Program Management Policy Council**

14 “(a) PROGRAM MANAGEMENT IMPROVEMENT OFFI-
 15 CERS.—

16 “(1) DESIGNATION.—The head of each agency
 17 described in section 901(b) shall designate a senior
 18 executive of the agency as the Program Management
 19 Improvement Officer of the agency.

20 “(2) FUNCTIONS.—The Program Management
 21 Improvement Officer of an agency designated under
 22 paragraph (1) shall—

23 “(A) implement program management poli-
 24 cies established by the agency under section
 25 503(c); and

1 “(B) develop a strategy for enhancing the
2 role of program managers within the agency
3 that includes the following:

4 “(i) Enhanced training and edu-
5 cational opportunities for program man-
6 agers that shall include—

7 “(I) training in the relevant com-
8 petencies encompassed with program
9 and project manager within the pri-
10 vate sector for program managers;
11 and

12 “(II) training that emphasizes
13 cost containment for large projects
14 and programs.

15 “(ii) Mentoring of current and future
16 program managers by experienced senior
17 executives and program managers within
18 the agency.

19 “(iii) Improved career paths and ca-
20 reer opportunities for program managers.

21 “(iv) A plan to encourage the recruit-
22 ment and retention of highly qualified indi-
23 viduals to serve as program managers.

24 “(v) Improved means of collecting and
25 disseminating best practices and lessons

1 learned to enhance program management
2 across the agency.

3 “(vi) Common templates and tools to
4 support improved data gathering and anal-
5 ysis for program management and over-
6 sight purposes.

7 “(3) APPLICATION TO DEPARTMENT OF DE-
8 FENSE.—This subsection shall not apply to the De-
9 partment of Defense to the extent that the provi-
10 sions of this subsection are substantially similar to
11 or duplicative of the provisions of chapter 87 of title
12 10.

13 “(b) PROGRAM MANAGEMENT POLICY COUNCIL.—

14 “(1) ESTABLISHMENT.—There is established in
15 the Office of Management and Budget a council to
16 be known as the ‘Program Management Policy
17 Council’ (in this subsection referred to as the ‘Coun-
18 cil’).

19 “(2) PURPOSE AND FUNCTIONS.—The Council
20 shall act as the principal interagency forum for im-
21 proving agency practices related to program and
22 project management. The Council shall—

23 “(A) advise and assist the Deputy Director
24 for Management of the Office of Management
25 and Budget;

1 “(B) review programs identified as high
2 risk by the General Accountability Office and
3 make recommendations for actions to be taken
4 by the Deputy Director for Management of the
5 Office of Management and Budget or a des-
6 ignee;

7 “(C) discuss topics of importance to the
8 workforce, including—

9 “(i) career development and workforce
10 development needs;

11 “(ii) policy to support continuous im-
12 provement in program and project manage-
13 ment; and

14 “(iii) major challenges across agencies
15 in managing programs;

16 “(D) advise on the development and appli-
17 cability of standards governmentwide for pro-
18 gram management transparency; and

19 “(E) review the information published on
20 the website of the Office of Management and
21 Budget pursuant to section 1122.

22 “(3) MEMBERSHIP.—

23 “(A) COMPOSITION.—The Council shall be
24 composed of the following members:

1 “(i) Five members from the Office of
2 Management and Budget as follows:

3 “(I) The Deputy Director for
4 Management.

5 “(II) The Administrator of the
6 Office of Electronic Government.

7 “(III) The Administrator of Fed-
8 eral Procurement Policy.

9 “(IV) The Controller of the Of-
10 fice of Federal Financial Manage-
11 ment.

12 “(V) The Director of the Office
13 of Performance and Personnel Man-
14 agement.

15 “(ii) The Program Management Im-
16 provement Officer from each agency de-
17 scribed in section 901(b).

18 “(iii) Other individuals as determined
19 appropriate by the Chairperson.

20 “(B) CHAIRPERSON AND VICE CHAIR-
21 PERSON.—

22 “(i) IN GENERAL.—The Deputy Di-
23 rector for Management of the Office of
24 Management and Budget shall be the
25 Chairperson of the Council. A Vice Chair-

1 person shall be elected by the members and
2 shall serve a term of not more than 1 year.

3 “(ii) DUTIES.—The Chairperson shall
4 preside at the meetings of the Council, de-
5 termine the agenda of the Council, direct
6 the work of the Council, and establish and
7 direct subgroups of the Council as appro-
8 priate.

9 “(4) MEETINGS.—The Council shall meet not
10 less than twice per fiscal year and may meet at the
11 call of the Chairperson or a majority of the members
12 of the Council.

13 “(5) SUPPORT.—The head of each agency with
14 a Project Management Improvement Officer serving
15 on the Council shall provide administrative support
16 to the Council, as appropriate, at the request of the
17 Chairperson.

18 “(6) COMMITTEE DURATION.—Section 14(a)(2)
19 of the Federal Advisory Committee Act (5 U.S.C.
20 App.) shall not apply to the Council.”.

21 (2) REPORT REQUIRED.—Not later than 1 year
22 after the date of enactment of this Act, the Director
23 of the Office of Management and Budget, in con-
24 sultation with each Program Management Improve-
25 ment 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.

1 (d) GAO REPORT ON EFFECTIVENESS OF POLICIES
2 ON PROGRAM AND PROJECT MANAGEMENT.—Not later
3 than 3 years after the date of enactment of this Act, the
4 Government Accountability Office shall issue, in conjunc-
5 tion with the High Risk list of the Government Account-
6 ability Office, a report examining the effectiveness of the
7 following on improving Federal program and project man-
8 agement:

9 (1) The standards, policies, and guidelines for
10 program and project management issued under sec-
11 tion 503(c) of title 31, United States Code, as added
12 by subsection (a)(1).

13 (2) The 5-year strategic plan established under
14 section 503(c)(1)(H) of title 31, United States Code,
15 as added by subsection (a)(1).

16 (3) Program Management Improvement Offi-
17 cers designated under section 1126(a)(1) of title 31,
18 United States Code, as added by subsection (b)(1).

19 (4) The Program Management Policy Council
20 established under section 1126(b)(1) of title 31,
21 United States Code, as added by subsection (b)(1).

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **Subtitle A—Department of Defense**
4 **Matters Generally**

5 **SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.**

6 (a) MODIFICATION OF MANAGEMENT LIMITA-
7 TIONS.—Section 129 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in the first sentence, by striking “sole-
11 ly”;

12 (B) in the second sentence—

13 (i) by striking “The management of
14 such personnel in any fiscal year shall not
15 be subject to any” and inserting “Any”;
16 and

17 (ii) by inserting before the period the
18 following: “shall be developed on the basis
19 of those factors and shall be subject to ad-
20 justment solely for reasons of changed cir-
21 cumstances”; and

22 (C) in the third sentence, by striking “un-
23 less such reduction” and all that follows and in-
24 serting “except in accordance with the require-

1 ments of this section and section 129a of this
2 title.”;

3 (2) by striking subsections (b), (c), (e), and (f);

4 (3) by redesignating subsection (d) as sub-
5 section (b); and

6 (4) by adding at the end the following new sub-
7 section (c):

8 “(c)(1) Not later than February 1 of each year—

9 “(A) the Secretary of Defense shall submit to
10 the congressional defense committees a report on the
11 management of the civilian workforce of the Office
12 of the Secretary of Defense and the Defense Agen-
13 cies and Field Activities; and

14 “(B) the Secretary of each military department
15 shall submit to the congressional defense committees
16 a report on the management of the civilian
17 workforces under the jurisdiction of such Secretary.

18 “(2) Each report under paragraph (1) shall contain,
19 with respect to the civilian workforce under the jurisdic-
20 tion of the official submitting the report, the following:

21 “(A) An assessment of the projected size of
22 such civilian workforce in the current year and for
23 each year in the future-years defense program.

24 “(B) If the projected size of such civilian work-
25 force has changed from the previous year’s projected

1 size, an explanation of the reasons for the increase
 2 or decrease from the previous projection, including
 3 an explanation of any efforts that have been taken
 4 to identify offsetting reductions and avoid unneces-
 5 sary overall growth in the size of the civilian work-
 6 force.

7 “(C) In the case of a transfer of functions be-
 8 tween military, civilian, and contractor workforces,
 9 an explanation of the reasons for the transfer and
 10 the steps that have been taken to control the overall
 11 cost of the function to the Department.”.

12 (b) CONFORMING AMENDMENTS.—

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

15 **“§ 129. Civilian personnel management”.**

16 (2) CLERICAL AMENDMENT.—The item relating
 17 to such section in the table of sections at the begin-
 18 ning of chapter 3 of such title is amended to read
 19 as follows:

“129. Civilian personnel management.”.

20 **SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRA-**
 21 **TEGIC WORKFORCE PLAN FOR THE DEPART-**
 22 **MENT OF DEFENSE.**

23 (a) REPEAL.—Section 115b of title 10, United States
 24 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 2 of such title is amended by
3 striking the item relating to section 115b.

4 **SEC. 1103. TEMPORARY AND TERM APPOINTMENTS IN THE**
5 **COMPETITIVE SERVICE IN THE DEPARTMENT**
6 **OF DEFENSE.**

7 (a) APPOINTMENT.—

8 (1) IN GENERAL.—The Secretary of Defense
9 may make a temporary appointment or a term ap-
10 pointment in the Department when the need for the
11 services of an employee in the Department is not
12 permanent.

13 (2) EXTENSION.—The Secretary may extend a
14 temporary appointment or a term appointment made
15 under paragraph (1).

16 (b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

17 (1) IN GENERAL.—If there is a critical hiring
18 need, the Secretary of Defense may make a non-
19 competitive temporary appointment or a noncompeti-
20 tive term appointment in the Department of De-
21 fense, without regard to the requirements of sections
22 3327 and 3330 of title 5, United States Code, for
23 a period that is not more than 18 months.

1 (2) NO EXTENSION AVAILABLE.—An appoint-
2 ment made under paragraph (1) may not be ex-
3 tended.

4 (c) REGULATIONS.—The Secretary may prescribe
5 regulations to carry out this section.

6 (d) DEFINITIONS.—In this section:

7 (1) The term “temporary appointment” means
8 the appointment of an employee in the competitive
9 service for a period that is not more than one year.

10 (2) The term “term appointment” means the
11 appointment of an employee in the competitive serv-
12 ice for a period that is more than one year and not
13 more than five years, unless the Secretary of De-
14 fense, before the appointment of the employee, au-
15 thorizes a longer period.

16 **SEC. 1104. PERSONNEL AUTHORITIES RELATED TO THE DE-**
17 **FENSE ACQUISITION WORKFORCE.**

18 (a) REPLACEMENT FOR ACQUISITION DEMONSTRA-
19 TION PROGRAM.—Chapter 87 of title 10, United States
20 Code, is amended by inserting after section 1762 the fol-
21 lowing new section.

22 **“§ 1763. Special system of personnel authorities re-**
23 **lated to the acquisition workforce**

24 “(a) AUTHORITY.—The Secretary of Defense may es-
25 tablish, and from time to time adjust, a special system

1 of personnel programs under the authorities provided by
2 this section for employees in the acquisition workforce of
3 the Department of Defense and supporting personnel as-
4 signed to work directly with the acquisition workforce.

5 “(b) COVERED EMPLOYEES.—

6 “(1) IN GENERAL.—The Secretary of Defense
7 may determine which employees who meet the re-
8 quirements in subparagraphs (A) and (B) of sub-
9 section (k)(1) are covered by system established
10 under this section, subject to the requirements in
11 subsection (i).

12 “(2) NOTICE AND WAIT OF COVERAGE OF CAT-
13 EGORIES OF EMPLOYEES.—A determination by the
14 Secretary under paragraph (1) to cover a category
15 of employees under a system established under this
16 section may not take effect until—

17 “(A) a general notice of the proposed cov-
18 erage is provided to affected employees; and

19 “(B) a period of 30 days has elapsed from
20 the date of the notice, during which those em-
21 ployees (for their representatives) shall be pro-
22 vided an opportunity to provide comments.

23 “(c) CLASSIFICATION AND RATES OF BASIC PAY.—

24 The Secretary of Defense may determine classification and
25 fix rates of basic pay for covered employees without regard

1 to chapter 51 and subchapter III of chapter 53 of title
2 5, subject to the following requirements:

3 “(1) Broadband or classification levels under
4 the system shall be linked to specific levels of the
5 General Schedule and associated minimum and max-
6 imum rates of basic pay.

7 “(2) Rates of basic pay fixed under this sub-
8 section may not exceed the maximum rate of basic
9 pay for a position at GS-15 of the General Schedule
10 under section 5332 of title 5, except for a retained
11 rate established under section 3594 or 5363 of such
12 title.

13 “(3) Covered employees shall receive locality-
14 based comparability payments under section 5304 of
15 title 5 on the same basis as if they were in a General
16 Schedule position, with rates of basic pay fixed
17 under this subsection treated as scheduled rates of
18 basic pay.

19 “(4) A covered employee shall be treated as if
20 the covered employee is in a General Schedule posi-
21 tion for the purposes of determining eligibility under
22 the following provisions of title 5:

23 “(A) The pay retention provisions in sec-
24 tions 5363–5366.

1 “(B) Section 5545(d) (relating to eligibility
2 for hazardous duty differentials).

3 “(C) Sections 5753–5755 (relating to re-
4 cruitment, relocation, and retention bonuses,
5 and supervisory differentials).

6 “(D) Section 5941 (relating to allowances
7 based on living costs and environmental condi-
8 tions for employees stationed in parts of the
9 United States outside the continental United
10 States or Alaska).

11 “(d) PERFORMANCE MANAGEMENT APPRAISALS AND
12 ADVERSE ACTIONS.—In applying the provisions of chap-
13 ter 43 (relating to performance appraisal), chapter 45 (re-
14 lating to incentive awards), and chapter 75 (relating to
15 adverse actions) of title 5 to a covered employee, the Sec-
16 retary of Defense—

17 “(1) shall exclude from the provisions in chap-
18 ters 43 and 75 dealing with a reduction in grade any
19 reduction in broadband or classification level under
20 the system established under this section, if such re-
21 duction in broadband or classification level is the re-
22 sult of a covered employee’s rate of basic pay falling
23 below the minimum rate of basic pay for the level
24 to which the covered employee is assigned (because
25 the covered employee did not receive the full amount

1 of an increase in the rate of basic pay based on in-
2 adequate performance or contributions); and

3 “(2) may provide awards that are integrated
4 within the system of providing performance-based or
5 contribution-based salary adjustments without re-
6 gard to the limitations on awards in subsections (a)
7 and (b) of section 4502.

8 “(e) AUTHORITY TO WAIVE CERTAIN PROVISIONS OF
9 LAW.—In applying the provisions of chapter 31 (relating
10 to employment), chapter 33 (relating to examination, se-
11 lection, and placement, chapter 43 (relating to perform-
12 ance appraisals), chapter 71, and chapter 75 of title 5 to
13 a covered employee, the Secretary of Defense may act
14 without regard to the following provisions:

15 “(1) Section 3111 (relating to acceptance of
16 volunteer service), to the extent necessary to allow
17 volunteer service under the provisions of a voluntary
18 emeritus program established by the Secretary for
19 covered employees.

20 “(2) Section 3308 (relating to examination for
21 the competitive service), to the extent necessary to
22 accommodate the requirement for a college degree
23 appointment as part of a scholastic achievement pro-
24 gram established by the Secretary for covered em-
25 ployees.

1 “(3) Section 3317(a) (relating to competitive
2 service registers) and section 3318(a) (relating to
3 competitive service selection).

4 “(4) Subchapter I of chapter 33 (other than
5 sections 3303 and 3328), to the extent necessary to
6 structure streamlined external recruitment and ap-
7 pointment programs that afford the swiftest and
8 best access to qualified candidates for direct ap-
9 pointment to positions covered by this chapter.

10 “(5) Section 3341(b) (relating to details within
11 executive or military departments).

12 “(6) Section 4304(b) (relating to OPM review
13 of agency performance appraisal systems).

14 “(7) Sections 7105(a)(2)(E), 7114, and 7116,
15 to the extent those provisions are inconsistent with
16 this section or would prohibit the Department or a
17 labor organization from unilaterally terminating ne-
18 gotiations over whether the system will apply to em-
19 ployees represented by a labor organization or would
20 allow for review of such a termination.

21 “(8) Section 7119 (relating to negotiation im-
22 passes and the Federal Service Impasses Panel), to
23 the extent it gives the Federal Service Impasses
24 Panel jurisdiction to resolve impasses referred to it

1 by either party or both parties during or after imple-
2 mentation of the system.

3 “(9) Section 7512(4) (relating to adverse ac-
4 tions), to the extent necessary to exclude a conver-
5 sion from a General Schedule position for which a
6 special rate of pay is in effect under section 5305,
7 or similar provision of law, to a rate of pay under
8 the system that does not result in a reduction in the
9 covered employee’s total rate of pay.

10 “(f) STATUS OF CERTAIN VOLUNTEERS.—A volun-
11 teer under a voluntary emeritus program established by
12 the Secretary of Defense for covered employees shall be
13 considered to be an employee of the Federal Government
14 for the purposes specified in section 1588(d) of this title.

15 “(g) AUTHORITY TO WAIVE CERTAIN OPM REGULA-
16 TIONS.—The Secretary of Defense may waive application
17 of regulations of the Office of Personnel Management to
18 a system established under this section to the same extent
19 that such regulations were waived for the demonstration
20 project that applied to certain employees in the Depart-
21 ment of Defense acquisition workforce under section 1762
22 of this title as of the day before the date of the enactment
23 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-

1 moval may not take effect earlier than 6 months
2 after the date of the receipt by the Secretary of the
3 written notification, unless there is an agreement by
4 the labor organization and the Secretary for an ear-
5 lier date.

6 “(3) LIMITATION ON SCOPE OF NEGOTIA-
7 TIONS.—For purposes of section 7117(a)(1) of title
8 5, the duty to bargain in good faith with a labor or-
9 ganization regarding a matter arising under a sys-
10 tem established under this section shall not extend
11 to any matter relating to the establishment of rates
12 of pay or any other matter which is the subject of
13 any regulation of the Secretary regarding the system
14 in the same manner as if the regulation were a Gov-
15 ernment-wide regulation.

16 “(4) LIMITATION ON APPEALS.—Section
17 7117(e) of title 5 does not apply to a determination
18 by the Secretary that a matter is the subject of reg-
19 ulations prescribed under this section by the Sec-
20 retary.

21 “(j) STATUS OF EMPLOYEES MOVING OUT OF SYS-
22 TEM.—An employee who, while continuously employed,
23 moves from a position as a covered employee to a General
24 Schedule position—

1 “(1) shall be treated as if the employee were in
2 a General Schedule position immediately before such
3 movement for the purpose of applying the promotion
4 provision in section 5334(b) of such title; and

5 “(2) shall be converted to an equivalent level of
6 the General Schedule and rate of basic pay imme-
7 diately before such movement, under regulations pre-
8 scribed by the Director of the Office of Personnel
9 Management, for the purpose of applying paragraph
10 (1).

11 “(k) DEFINITIONS.—In this section:

12 “(1) The term ‘covered employee’ means an em-
13 ployee who—

14 “(A) is—

15 “(i) in the acquisition workforce of
16 the Department of Defense; or

17 “(ii) is a supporting employee as-
18 signed to work directly with the acquisition
19 workforce;

20 “(B) would be in a General Schedule posi-
21 tion, except for the exercise of the authority
22 under this section; and

23 “(C) is designated by the Secretary of De-
24 fense to be covered under a system established

1 under this section in accordance with subsection
2 (b).

3 “(2) The term ‘General Schedule position’
4 means a position to which subchapter III of chapter
5 53 of title 5 applies.”.

6 (b) REPEAL OF ACQDEMO STATUE.—Section 1762
7 of such title is repealed.

8 (c) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of subchapter V of chapter 87 of such
10 title is amended by striking the item relating to section
11 1762 and inserting the following new item:

 “1763. Special system of personnel authorities related to the acquisition work-
 force.”.

12 (d) TRANSITION PROVISIONS.—

13 (1) CONTINUITY OF ACQDEMO SYSTEM.—The
14 system established under the demonstration project
15 authority under section 1762 of title 10, United
16 States Code, as in effect on the day before the date
17 of the enactment of this Act, shall be considered a
18 system established under section 1763 of title 10,
19 United States Code, as added by subsection (a).

20 (2) CONTINUITY OF ACQDEMO REGULATIONS.—
21 The demonstration project plan published in the
22 Federal Register under section 1762 of title, United
23 States Code, for the Department of Defense acquisi-
24 tion workforce, as in effect on the day before the

1 date of the enactment of this Act, shall be consid-
2 ered to be a regulation prescribed by the Secretary
3 of Defense under subsection (h) of section 1763 of
4 title 10, United States Code, as so added. The provi-
5 sions of such plan related to the conversion of em-
6 ployees back to the General Schedule pay system
7 shall not apply, except as necessary to allow for pos-
8 sible application of the General Schedule promotion
9 rule in section 5334(b) of title 5, United States
10 Code, pending the issuance of regulation under sub-
11 section (j)(2) of section 1763, as so added.

12 (3) CONTINUITY OF COVERED EMPLOYEES.—

13 The categories of employees covered on the day be-
14 fore the day of the enactment of this Act by the
15 demonstration project referred to in paragraph (1)
16 shall be covered by a system established by the Sec-
17 retary under section 1763 of title 10, United States
18 Code, as so added, without regard to subsection (b)
19 of that section.

20 (e) EFFECTIVE DATE.—This section and the amend-
21 ments made by this section shall take effect on the first
22 day of the first month beginning more than 60 days after
23 the date of the enactment of this Act.

1 **SEC. 1105. DIRECT HIRE AUTHORITY FOR FINANCIAL MAN-**
2 **AGEMENT EXPERTS IN THE DEPARTMENT OF**
3 **DEFENSE WORKFORCE.**

4 (a) **AUTHORITY.**—Each Secretary concerned may ap-
5 point qualified candidates possessing a finance, account-
6 ing, management, or actuarial science degree, or a related
7 degree or equivalent experience, to positions specified in
8 subsection (c) for the Defense Agencies or the applicable
9 military department without regard to the provisions of
10 subchapter I of chapter 33 of title 5, United States Code.

11 (b) **SECRETARY CONCERNED.**—For purposes of this
12 section, the Secretary concerned is as follows:

13 (1) The Secretary of Defense with respect to
14 the Defense Agencies.

15 (2) The Secretary of a military department with
16 respect to such military department.

17 (c) **POSITIONS.**—The positions specified in this sub-
18 section are the positions within the Department of De-
19 fense workforce as follows:

20 (1) Financial management positions.

21 (2) Accounting positions.

22 (3) Auditing positions.

23 (4) Actuarial positions.

24 (5) Cost estimation positions.

25 (6) Operational research positions.

1 (d) LIMITATION.—Authority under this section may
2 not, in any calendar year and with respect to any Defense
3 Agency or military department, be exercised with respect
4 to a number of candidates greater than the number equal
5 to 10 percent of the total number of the financial manage-
6 ment, accounting, auditing, and actuarial positions within
7 the financial management workforce of such Defense
8 Agency or military department that are filled as of the
9 close of the fiscal year last ending before the start of such
10 calendar year.

11 (e) NATURE OF APPOINTMENT.—Any appointment
12 under this section shall be treated as an appointment on
13 a full-time equivalent basis, unless such appointment is
14 made on a term or temporary basis.

15 (f) EMPLOYEE DEFINED.—In this section, the term
16 “employee” has the meaning given that term in section
17 2105 of title 5, United States Code.

18 (g) TERMINATION.—The authority to make appoint-
19 ments under this section shall not be available after De-
20 cember 31, 2022.

21 **SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPART-**
22 **MENT OF DEFENSE FOR POST-SECONDARY**
23 **STUDENTS AND RECENT GRADUATES.**

24 (a) HIRING AUTHORITY.—For purposes of sections
25 3304, 5333, and 5753 of title 5, United States Code, the

1 Secretary of Defense may recruit and appoint qualified re-
2 cent graduates and current post-secondary students to po-
3 sitions within the Department of Defense.

4 (b) LIMITATION ON APPOINTMENTS.—Subject to
5 subsection (c)(2), the total number of employees appointed
6 by the Secretary under subsection (a) during a fiscal year
7 may not exceed the number equal to 15 percent of the
8 number of hires made into professional and administrative
9 occupations of the Department at the GS–11 level and
10 below (or equivalent) under competitive examining proce-
11 dures during the previous fiscal year.

12 (c) REGULATIONS.—

13 (1) IN GENERAL.—The Secretary shall admin-
14 ister this section in accordance with regulations pre-
15 scribed by the Secretary for purposes of this section.

16 (2) LOWER LIMIT ON APPOINTMENTS.—The
17 regulations may establish a lower limit on the num-
18 ber of individuals appointable under subsection (a)
19 during a fiscal year than is otherwise provided for
20 under subsection (b), based on such factors as the
21 Secretary considers appropriate.

22 (d) SUNSET.—The authority in this section termi-
23 nates on the date that is four years after the date on which
24 the Secretary first appoints a recent graduate or current
25 post-secondary student to a position under this section.

1 (e) DEFINITIONS.—In this section:

2 (1) The term “current post-secondary student”
3 means a person who—

4 (A) is currently enrolled in, and in good
5 academic standing at, a full-time program at an
6 institution of higher education;

7 (B) is making satisfactory progress toward
8 receipt of a baccalaureate or graduate degree;
9 and

10 (C) has completed at least one year of the
11 program.

12 (2) The term “institution of higher education”
13 has the meaning given the term in section 101 of the
14 Higher Education Act of 1965 (20 U.S.C. 1001).

15 (3) The term “recent graduate”, with respect to
16 appointment of a person under this section, means
17 a person who was awarded a degree by an institu-
18 tion of higher education not more than two years be-
19 fore the date of the appointment of such person, ex-
20 cept that in the case of a person who has completed
21 a period of obligated service in a uniformed service
22 of more than four years, such term means a person
23 who was awarded a degree by an institution of high-
24 er education not more than four years before the
25 date of the appointment of such person.

1 **SEC. 1107. PUBLIC-PRIVATE TALENT EXCHANGE.**

2 (a) IN GENERAL.—Chapter 81 of title 10, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 1599g. Public-private exchange**

6 “(a) ASSIGNMENT AUTHORITY.—The Secretary of
7 Defense may, with the agreement of the private-sector or-
8 ganization concerned, arrange for the temporary assign-
9 ment of a Department of Defense employee to such pri-
10 vate-sector organization, or from such private-sector orga-
11 nization to a Department organization under this section.

12 “(b) AGREEMENTS.—

13 “(1) IN GENERAL.—The Secretary of Defense
14 shall provide for a written agreement among the De-
15 partment of Defense, the private-sector organization,
16 and the employee concerned regarding the terms and
17 conditions of the employee’s assignment under this
18 section. The agreement—

19 “(A) shall require that an employee of the
20 Department, upon completion of the assign-
21 ment, will serve in the Department, or else-
22 where in the civil service if approved by the
23 Secretary, for a period equal to the length of
24 the assignment; and

25 “(B) shall provide that if the employee of
26 the Department or the private-sector organiza-

1 tion (as the case may be) fails to carry out the
2 agreement, the employee shall be liable to the
3 United States for payment of all expenses of
4 the assignment, unless that failure was for good
5 and sufficient reason, as determined by the Sec-
6 retary.

7 “(2) TREATMENT OF EMPLOYEE LIABILITY.—
8 An amount for which an employee is liable under
9 paragraph (1) shall be treated as a debt due the
10 United States.

11 “(c) TERMINATION.—An assignment under this sec-
12 tion may, at any time and for any reason, be terminated
13 by the Department of Defense or the private-sector orga-
14 nization concerned.

15 “(d) DURATION.—

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), an assignment under this section shall be
18 for a period of not less than three months and not
19 more than two years.

20 “(2) EXCEPTION TO MEET CRITICAL MISSION
21 OR PROGRAM REQUIREMENTS.—An assignment
22 under this section may be for a period in excess of
23 two years, but not more than four years, if the Sec-
24 retary determines that such assignment is necessary
25 to meet critical mission or program requirements.

1 “(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR
2 EMPLOYEES.—An employee of a private-sector organiza-
3 tion who is assigned to a Department of Defense organiza-
4 tion under this section—

5 “(1) may continue to receive pay and benefits
6 from the private-sector organization from which such
7 employee is assigned;

8 “(2) is deemed to be an employee of the De-
9 partment for the purposes of—

10 “(A) chapter 73 of title 5;

11 “(B) sections 201, 203, 205, 207, 208,
12 209, 603, 606, 607, 643, 654, 1905, and 1913
13 of title 18;

14 “(C) sections 1343, 1344, and 1349(b) of
15 title 31;

16 “(D) the Federal Tort Claims Act and any
17 other Federal tort liability statute;

18 “(E) the Ethics in Government Act of
19 1978; and

20 “(F) chapter 21 of title 41; and

21 “(3) may not have access to any trade secrets
22 or to any other nonpublic information which is of
23 commercial value to the private-sector organization
24 from which such employee is assigned.

1 “(f) PROHIBITION AGAINST CHARGING CERTAIN
2 COSTS TO THE FEDERAL GOVERNMENT.—A private-sec-
3 tor organization may not charge the Department of De-
4 fense or any other agency of the Federal Government, as
5 direct or indirect costs under a Federal contract, the costs
6 of pay or benefits paid by the organization to an employee
7 assigned to the Department under this section for the pe-
8 riod of the assignment.

9 “(g) CONSIDERATIONS.—In carrying out this section,
10 the Secretary of Defense shall take into consideration how
11 assignments under this section might best be used to help
12 meet the needs of the Department of Defense with respect
13 to the training of employees.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of 81 of such title is amended by adding
16 at the end the following new item:

“1599g. Public-private exchange.”.

17 **SEC. 1108. TRAINING FOR EMPLOYMENT PERSONNEL OF**
18 **DEPARTMENT OF DEFENSE ON MATTERS RE-**
19 **LATING TO AUTHORITIES FOR RECRUITMENT**
20 **AND RETENTION AT UNITED STATES CYBER**
21 **COMMAND.**

22 (a) TRAINING REQUIRED.—Section 1599f of title 10,
23 United States Code, is amended—

24 (1) by redesignating subsections (f) through (j)
25 as subsections (h) through (k), respectively; and

1 (2) by inserting after subsection (e) the fol-
2 lowing new subsection (f):

3 “(f) TRAINING.—(1) The Secretary shall provide
4 training to covered personnel on hiring and pay matters
5 relating to authorities under this section.

6 “(2) For purposes of this subsection, covered per-
7 sonnel are employees of the Department who—

8 “(A) carry out functions relating to—

9 “(i) the management of human resources
10 and the civilian workforce of the Department;
11 or

12 “(ii) the writing of guidance for the imple-
13 mentation of authorities regarding hiring and
14 pay under this section; or

15 “(B) are employed in supervisory positions or
16 have responsibilities relating to the hiring of individ-
17 uals for positions in the Department and to whom
18 the Secretary intends to delegate authority under
19 this section.”.

20 (b) REPORTS.—

21 (1) INITIAL REPORT.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall submit to the appropriate
24 committees of Congress (as defined in section 1599f
25 of title 10, United States Code) a report on the

1 training the Secretary intends to provide to each of
2 the employees described in subsection (f)(2) of such
3 section (as added by subsection (a) of this section)
4 and the frequency with which the Secretary intends
5 to provide such training.

6 (2) ONGOING REPORTS.—Subsection (h)(2)(E)
7 of such section, as redesignated by subsection (a)(1)
8 of this section, is amended by striking “supervisors
9 of employees in qualified positions at the Depart-
10 ment on the use of the new authorities” and insert-
11 ing “employees described in subsection (f)(2) on the
12 use of authorities under this section”.

13 **SEC. 1109. INCREASE IN MAXIMUM AMOUNT OF VOL-**
14 **UNTARY SEPARATION INCENTIVE PAY AU-**
15 **THORIZED FOR CIVILIAN EMPLOYEES OF**
16 **THE DEPARTMENT OF DEFENSE.**

17 Section 9902(f)(5)(A)(ii) of title 5, United States
18 Code, is amended by striking “\$25,000” and inserting “an
19 amount determined by the Secretary, not to exceed
20 \$40,000”.

1 **SEC. 1110. REPEAL OF CERTAIN BASIS FOR APPOINTMENT**
2 **OF A RETIRED MEMBER OF THE ARMED**
3 **FORCES TO DEPARTMENT OF DEFENSE POSI-**
4 **TION WITHIN 180 DAYS OF RETIREMENT.**

5 Section 3326(b) of title 5, United States Code, is
6 amended—

7 (1) in paragraph (1), by adding “or” at the
8 end;

9 (2) in paragraph (2), by striking “; or” and in-
10 sserting a period; and

11 (3) by striking paragraph (3).

12 **SEC. 1111. PILOT PROGRAMS ON CAREER SABBATICALS**
13 **FOR DEPARTMENT OF DEFENSE CIVILIAN**
14 **EMPLOYEES.**

15 (a) **PILOT PROGRAMS AUTHORIZED.—**

16 (1) **IN GENERAL.—**Each Secretary of a military
17 department may carry out one or more pilot pro-
18 grams under which civilian employees of the Depart-
19 ment of Defense under the jurisdiction of such Sec-
20 retary are permitted periods of recess of not more
21 than one year from full-time employment by the De-
22 partment in order to meet personal, familial, or pro-
23 fessional needs and return to their full-time civilian
24 employment by the Department at the end of such
25 periods of recess without loss of civil service status
26 or privilege.

1 (2) PURPOSE.—The purpose of the pilot pro-
2 grams is to assess whether permitting periods of re-
3 cess from civilian employment for civilian employees
4 of the Department provides an effective means of
5 enhancing retention of civilian employees of the De-
6 partment and the capacity of the Department to re-
7 spond to the personal, familial, and professional
8 needs of individual members of its civilian workforce.

9 (b) INELIGIBLE EMPLOYEES.—A civilian employee of
10 the Department is not eligible to participate in a pilot pro-
11 gram under this section during any period of service re-
12 quired of the employee—

13 (1) during the initial probationary period before
14 the appointment of the employee in the competitive
15 service becomes final; or

16 (2) in connection with any recruitment, reten-
17 tion, or relocation bonus, incentive payment, or other
18 additional payment for employment received by the
19 employee pursuant to a provision of title 5 or 10,
20 United States Code, or any other provision of law.

21 (c) PARTICIPATION.—

22 (1) IN GENERAL.—Civilian employees of a mili-
23 tary department shall be selected for participation in
24 pilot programs of the military department under this
25 section by the Secretary of the military department

1 in accordance with such procedures as the Secretary
2 of Defense shall establish for purposes of the pilot
3 programs.

4 (2) LIMITATION ON NUMBER OF PARTICI-
5 PANTS.—Not more than 300 civilian employees of
6 each military department may be selected during
7 each of calendar years 2017 through 2022 to par-
8 ticipate in pilot programs under this section.

9 (d) PERIOD OF RECESS FROM CIVILIAN EMPLOY-
10 MENT.—

11 (1) PERIOD OR RECESS.—The period of recess
12 from civilian employment by the Department under
13 a pilot program under this section of an employee
14 participating in the pilot program shall be such pe-
15 riod as the Secretary of the military department
16 concerned shall specify in the agreement of the em-
17 ployee under subsection (e), except that such period
18 may not exceed one year.

19 (2) PERIOD NOT CREDITABLE TOWARD RETIRE-
20 MENT BENEFITS.—Any period of recess of a civilian
21 employee of the Department under a pilot program
22 shall not count as creditable service for purposes of
23 chapter 83 or 84 of title 5, United States Code.

24 (3) CONTINUATION OF ENROLLMENT IN
25 HEALTH BENEFITS PLANS.—A civilian employee of

1 the Department who undertakes a period of recess
2 from full-time employment under a pilot program
3 shall, at the election of the employee, be treated as
4 an employee in nonpay status during such period of
5 recess for purposes of section 890.303(e) of title 5,
6 Code of Federal Regulations (relating to continu-
7 ation in enrollment in Federal health benefits plans),
8 as such section is in effect on December 15, 2015,
9 for purposes of the eligibility of the employee and
10 any dependents of the employee for enrollment in a
11 Federal health benefits plan.

12 (4) CONTINUATION OF LIFE INSURANCE.—A ci-
13 vilian employee of the Department who undertakes
14 a period of recess from full-time employment under
15 a pilot program shall be treated as an employee in
16 nonpay status during such period of recess for pur-
17 poses of continuation of life insurance under the
18 Federal Employees' Group Life Insurance Program
19 without requirement for employee premium pay-
20 ments under section 870.508(a) of title 5, Code of
21 Federal Regulations, or agency premium payments
22 under section 870.404(e) of title 5, Code of Federal
23 Regulations, as such sections are in effect on De-
24 cember 31, 2015.

25 (e) AGREEMENT.—

1 (1) IN GENERAL.—Each civilian employee of
2 the Department who participates in a pilot program
3 under this section shall enter into a written agree-
4 ment with the Secretary of the military department
5 concerned under which agreement such employee
6 shall agree as follows:

7 (A) To undergo during each period of the
8 recess of such employee from full-time employ-
9 ment by the Department under the pilot pro-
10 gram such skills training as the Secretary shall
11 require in order to ensure that such employee
12 retains proficiency, at a level determined by the
13 Secretary to be sufficient, in such employee's
14 professional qualifications and certifications.

15 (B) Following completion of a period of
16 the recess of such civilian employee under the
17 pilot program, to serve two months as a civilian
18 employee of the Department on a full-time basis
19 for each month of such period of the recess of
20 such employee under the pilot program.

21 (2) NOTICE ON OBLIGATED SERVICE.—Each
22 employee entering into an agreement under this sub-
23 section for purposes of a pilot program shall be noti-
24 fied at the time of entry into the agreement of the
25 obligated service required of the employee as a result

1 of a period of recess from full-time employment by
2 the Department under the pilot program pursuant to
3 paragraph (1)(B).

4 (f) TERMS AND CONDITIONS OF RELEASE FOR PE-
5 RIOD OF RECESS.—A civilian employee of the Department
6 who participates in a pilot program under this section
7 shall be eligible for periods of release from full-time em-
8 ployment by the Department under the pilot program in
9 accordance with such terms and conditions as are specified
10 in the agreement of the employee under subsection (e).
11 Such terms and conditions shall conform to guidelines
12 issued by the Secretary of Defense for purposes of the
13 pilot programs under this section.

14 (g) INVOLUNTARY RETURN TO FULL-TIME EMPLOY-
15 MENT.—

16 (1) IN GENERAL.—Under guidelines issued by
17 the Secretary of the military department concerned
18 for the purpose of pilots programs of such military
19 department under this section, a civilian employee of
20 the Department who is in a period of recess from
21 full-time employment by the Department under a
22 pilot program may, at the election of Secretary and
23 without the consent of the employee, be required to
24 return to full-time employment by the Department
25 at any time during such period of recess.

1 (2) GUIDELINES AND PROCEDURES.—The cir-
2 cumstances under which a civilian employee may be
3 required to return to full-time employment pursuant
4 to paragraph (1), and the procedures applicable to
5 requiring such return, shall be specified in guidelines
6 issued by the Secretary of Defense for purposes of
7 the pilot programs.

8 (h) PAY AND ALLOWANCES.—

9 (1) PROHIBITION ON RECEIPT OF BASIC PAY
10 AND ALLOWANCES.—While undertaking a period of
11 recess from full-time employment by the Department
12 under a pilot program under this section, a civilian
13 employee of the Department is not entitled to any
14 pay or allowances otherwise payable to the employee
15 under title 5 or 10, United States Code.

16 (2) PROHIBITION ON RECEIPT OF SPECIAL AND
17 INCENTIVE PAYS.—While undertaking a period of re-
18 cess from employment under a pilot program, an
19 employee may not be paid any special or incentive
20 pay or bonus to which the employee would otherwise
21 entitled under an employment agreement under a
22 provision of title 5 or 10, United States Code, or
23 any other provision of law, that is in force when the
24 employee commences such period of recess.

1 (3) REVIVAL OF SPECIAL PAYS UPON RETURN
2 TO FULL-TIME DEPARTMENT EMPLOYMENT.—

3 (A) REVIVAL REQUIRED.—Subject to sub-
4 paragraph (B), upon the return of an employee
5 to full-time employment by the Department
6 after completion by the employee of a period of
7 recess from employment under a pilot pro-
8 gram—

9 (i) any employment agreement entered
10 into by the employee under a provision of
11 law referred to in paragraph (2) for the
12 payment of a special or incentive pay or
13 bonus that was in force when the employee
14 commenced such period of recess shall be
15 revived, with the term of such agreement
16 after revival being the period of the agree-
17 ment remaining to run when the employee
18 commenced such period of recess; and

19 (ii) any special or incentive pay or
20 bonus shall be payable to the employee in
21 accordance with the terms of the agree-
22 ment described in clause (i) for the term
23 specified in that clause.

24 (B) LIMITATIONS.—

1 (i) LIMITATIONS AT TIME OF RETURN
2 TO FULL-TIME DEPARTMENT EMPLOY-
3 MENT.—Subparagraph (A) shall not apply
4 to any special or incentive pay or bonus
5 otherwise covered by that subparagraph
6 with respect to an employee if, at the time
7 of the return of the employee to full-time
8 employment as described in that subpara-
9 graph—

10 (I) such pay or bonus is no
11 longer authorized by law; or

12 (II) the employee does not satisfy
13 eligibility criteria for such pay or
14 bonus as in effect at the time of the
15 return of the employee to full-time
16 employment by the Department.

17 (ii) CESSATION DURING LATER SERV-
18 ICE.—Subparagraph (A) shall cease to
19 apply to any special or incentive pay or
20 bonus otherwise covered by that subpara-
21 graph with respect to an employee if, dur-
22 ing the term of the revived agreement of
23 the employee under subparagraph (A)(i),
24 such pay or bonus ceases being authorized
25 by law.

1 (C) REPAYMENT.—An employee who is in-
2 eligible for payment of a special or incentive
3 pay or bonus otherwise covered by this para-
4 graph by reason of subparagraph (B)(i)(II)
5 shall be subject to the requirements for repay-
6 ment of such pay or bonus in accordance with
7 the terms of the applicable employment agree-
8 ment of the employee under a provision of law
9 referred to in paragraph (2).

10 (D) CONSTRUCTION OF REQUIRED SERV-
11 ICE.—Any service required of an employee
12 under an agreement covered by this paragraph
13 after the employee returns to full-time employ-
14 ment by the Department as described in sub-
15 paragraph (A) shall be in addition to any serv-
16 ice required of the employee under an agree-
17 ment under subsection (e).

18 (i) REPORTS.—

19 (1) INTERIM REPORTS.—Not later than June 1,
20 2018, each Secretary of a military department shall
21 submit to the congressional defense committees a re-
22 port on the implementation and current status of
23 the pilot programs carried out by such Secretary
24 under this section.

1 (2) FINAL REPORT.—Not later than March 1,
2 2022, the Secretary of Defense shall submit to the
3 congressional defense committees a report on the
4 pilot programs carried out under this section.

5 (3) ELEMENTS OF REPORT.—The interim re-
6 ports under paragraph (1) and the final report
7 under paragraph (2) shall include the following:

8 (A) A description of each pilot program
9 covered by such report, including a description
10 of the number of applicants for participation in
11 such pilot program and the criteria used to se-
12 lect applicants for participation in such pilot
13 program.

14 (B) An assessment by the Secretary sub-
15 mitting such report of the pilot programs cov-
16 ered by such report, including an evaluation of
17 the following:

18 (i) Whether the authorities of this sec-
19 tion provided an effective means of enhanc-
20 ing the retention of civilian employees of
21 the Department possessing critical skills,
22 talents, and leadership abilities.

23 (ii) Whether the career progression in
24 the Department of civilian employees who

1 participated in the pilot programs has been
2 or will be adversely affected.

3 (iii) Whether the pilot programs were
4 useful in responding to the personal, famil-
5 ial, and professional needs of individual ci-
6 vilian employees of the Department.

7 (C) Such recommendations for legislative
8 or administrative action as the Secretary sub-
9 mitting such report considers appropriate for
10 the modification or continuation of the pilot
11 programs covered by such report.

12 (j) DURATION OF AUTHORITY.—

13 (1) COMMENCEMENT.—The authority to carry
14 out a pilot program under this section shall com-
15 mence on January 1, 2017.

16 (2) CESSATION.—No civilian employee of the
17 Department may be granted a period of recess from
18 full-time employment by the Department under a
19 pilot program under this section after December 31,
20 2022.

21 **SEC. 1112. LIMITATION ON NUMBER OF SES EMPLOYEES.**

22 (a) DEFINITION OF COVERED SES EMPLOYEE.—In
23 this section:

1 (1) IN GENERAL.—The term “covered SES em-
2 ployee” means an employee of the Department of
3 Defense—

4 (A) who is serving in a Senior Executive
5 Service position, as defined under section
6 3132(a)(2) of title 5, United States Code; and

7 (B) subject to paragraph (2), who is not
8 serving in such position under an appointment
9 as a highly qualified expert under section 9903
10 of title 5, United States Code.

11 (2) MAXIMUM NUMBER OF HIGHLY QUALIFIED
12 EXPERTS.—Not more than 200 employees may be
13 excluded under paragraph (1)(B) for purposes of de-
14 termining the number of covered SES employees.

15 (b) LIMITATION.—On and after January 1, 2019, the
16 number of covered SES employees may not exceed the
17 number equal to the product obtained by multiplying—

18 (1) number of covered SES employees on De-
19 cember 31, 2015; and

20 (2) 0.75.

21 **SEC. 1113. NO TIME LIMITATION FOR APPOINTMENT OF RE-**
22 **LOCATING MILITARY SPOUSES.**

23 Section 3330d(c) of title 5, United States Code, is
24 amended by adding at the end the following new para-
25 graph:

1 “(3) NO TIME LIMITATION.—A relocating
2 spouse of a member of the Armed Forces may re-
3 ceive an appointment under this section with no time
4 limitation for eligibility from the date of such mem-
5 ber’s permanent change of station orders.”.

6 **Subtitle B—Department of Defense**
7 **Science and Technology Labora-**
8 **tories and Related Matters**

9 **SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AU-**
10 **THORITY FOR THE DEPARTMENT OF DE-**
11 **FENSE FOR EXPERTS IN SCIENCE AND ENGI-**
12 **NEERING.**

13 (a) PERMANENT PERSONNEL MANAGEMENT AU-
14 THORITY.—

15 (1) IN GENERAL.—Chapter 81 of title 10,
16 United States Code, as amended by section 1107 of
17 this Act, is further amended by adding at the end
18 the following new section:

19 **“§ 1599h. Personnel management authority to attract**
20 **experts in science and engineering**

21 **“(a) PROGRAMS AUTHORIZED.—**

22 **“(1) LABORATORIES OF THE MILITARY DE-**
23 **PARTMENTS.—**The Secretary of Defense may carry
24 out a program of personnel management authority
25 provided in subsection (b) in order to facilitate re-

1 recruitment of eminent experts in science or engineer-
2 ing for such laboratories of the military departments
3 as the Secretary shall designate for purposes of the
4 program for research and development projects of
5 such laboratories.

6 “(2) DARPA.—The Director of the Defense
7 Advanced Research Projects Agency may carry out
8 a program of personnel management authority pro-
9 vided in subsection (b) in order to facilitate recruit-
10 ment of eminent experts in science or engineering
11 for research and development projects and to en-
12 hance the administration and management of the
13 Agency.

14 “(3) DOTE.—The Director of the Office of
15 Operational Test and Evaluation may carry out a
16 program of personnel management authority pro-
17 vided in subsection (b) in order to facilitate recruit-
18 ment of eminent experts in science or engineering to
19 support operational test and evaluation missions of
20 the Office.

21 “(b) PERSONNEL MANAGEMENT AUTHORITY.—
22 Under a program under subsection (a), the official respon-
23 sible for administration of the program may—

1 “(1) without regard to any provision of title 5
2 governing the appointment of employees in the civil
3 service—

4 “(A) in the case of the laboratories of the
5 military departments designated pursuant to
6 subsection (a)(1), appoint scientists and engi-
7 neers to a total of not more than 40 scientific
8 and engineering positions in such laboratories;

9 “(B) in the case of the Defense Advanced
10 Research Projects Agency, appoint individuals
11 to a total of not more than 100 positions in the
12 Agency, of which not more than 15 such posi-
13 tions may be positions of administration or
14 management of the Agency; and

15 “(C) in the case of the Office of Oper-
16 ational Test and Evaluation, appoint scientists
17 and engineers to a total of not more than 10
18 scientific and engineering positions in the Of-
19 fice;

20 “(2) notwithstanding any provision of title 5
21 governing the rates of pay or classification of em-
22 ployees in the executive branch, prescribe the rates
23 of basic pay for positions to which employees are ap-
24 pointed under paragraph (1)—

1 “(A) in the case of employees appointed
2 pursuant to paragraph (1)(B) to any of 5 posi-
3 tions designated by the Director of the Defense
4 Advanced Research Projects Agency for pur-
5 poses of this subparagraph, at rates not in ex-
6 cess of a rate equal to 150 percent of the max-
7 imum rate of basic pay authorized for positions
8 at Level I of the Executive Schedule under sec-
9 tion 5312 of title 5; and

10 “(B) in the case of any other employee ap-
11 pointed pursuant to paragraph (1), at rates not
12 in excess of the maximum rate of basic pay au-
13 thorized for senior-level positions under section
14 5376 of title 5; and

15 “(3) pay any employee appointed under para-
16 graph (1), other than an employee appointed to a
17 position designated as described in paragraph
18 (2)(A), payments in addition to basic pay within the
19 limit applicable to the employee under subsection
20 (d).

21 “(c) LIMITATION ON TERM OF APPOINTMENT.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the service of an employee under an ap-
24 pointment under subsection (b)(1) may not exceed
25 four years.

1 “(2) EXTENSION.—The official responsible for
2 the administration of a program under subsection
3 (a) may, in the case of a particular employee under
4 the program, extend the period to which service is
5 limited under paragraph (1) by up to two years if
6 the official determines that such action is necessary
7 to promote the efficiency of a laboratory of a mili-
8 tary department, the Defense Advanced Research
9 Projects Agency, or the Office of Operational Test
10 and Evaluation, as applicable.

11 “(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS
12 PAYABLE.—Notwithstanding any other provision of this
13 section or section 5307 of title 5, no additional payments
14 may be paid to an employee under subsection (b)(3) in
15 any calendar year if, or to the extent that, the employee’s
16 total annual compensation in such calendar year will ex-
17 ceed the maximum amount of total annual compensation
18 payable at the salary set in accordance with section 104
19 of title 3.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 81 of such title, as
22 so amended, is further amended by adding at the
23 end the following new item:

“1599h. Personnel management authority to attract experts in science and engi-
neering.”.

1 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
2 1101 of the Strom Thurmond National Defense Author-
3 ization Act for Fiscal Year 1999 (5 U.S.C. 3104 note)
4 is repealed.

5 (c) APPLICABILITY OF PERSONNEL MANAGEMENT
6 AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED
7 UNDER SUPERSEDED AUTHORITY.—

8 (1) IN GENERAL.—Any individual employed as
9 of the date of the enactment of this Act under sec-
10 tion 1101(b)(1) of the Strom Thurmond National
11 Defense Authorization Act for Fiscal Year 1999 (as
12 in effect on the day before such date) shall remain
13 employed under section 1599h of title 105, United
14 States Code (as added by subsection (a)), after such
15 date in accordance with such section 1599h and the
16 applicable program carried out under such section
17 1599h.

18 (2) DATE OF APPOINTMENT.—For purposes of
19 subsection (c) of section 1599h of title 10, United
20 States Code (as so added), the date of the appoint-
21 ment of any employee who remains employed as de-
22 scribed in paragraph (1) shall be the date of the ap-
23 pointment of such employee under section
24 1101(b)(1) of the Strom Thurmond National De-

1 fense Authorization Act for Fiscal Year 1999 (as so
2 in effect).

3 **SEC. 1122. PERMANENT EXTENSION AND MODIFICATION OF**
4 **TEMPORARY AUTHORITIES FOR CERTAIN PO-**
5 **SITIONS AT DEPARTMENT OF DEFENSE RE-**
6 **SEARCH AND ENGINEERING LABORATORIES.**

7 (a) INCREASE OF APPOINTMENT CEILING FOR STU-
8 DENTS ENROLLED IN SCIENTIFIC AND ENGINEERING
9 PROGRAMS.—Subsection (c)(3) of section 1107 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2014 (10
11 U.S.C. 2358 note) is amended by striking “3 percent” and
12 inserting “10 percent”.

13 (b) PERMANENT AUTHORITIES.—

14 (1) IN GENERAL.—Such section is further
15 amended by striking subsection (e).

16 (2) APPOINTMENT OF SENIOR SCIENTIFIC
17 TECHNICAL MANAGERS.—Subsection (f) of such sec-
18 tion is amended by striking paragraph (3).

19 (c) REPEAL OF ANNUAL REPORTING REQUIRE-
20 MENT.—Such section is further amended by striking sub-
21 section (g).

22 (d) CONFORMING AMENDMENTS.—Such section is
23 further amended—

24 (1) by transferring subsection (d) so as to ap-
25 pear after subsection (h); and

1 (2) by redesignating subsections (f), (h), and
2 (d) (as so transferred) as subsections (d), (e), and
3 (f), respectively.

4 **SEC. 1123. DIRECT HIRE AUTHORITY FOR SCIENTIFIC AND**
5 **ENGINEERING POSITIONS FOR TEST AND**
6 **EVALUATION FACILITIES OF THE MAJOR**
7 **RANGE AND TEST FACILITY BASE.**

8 (a) IN GENERAL.—The Secretary of Defense may,
9 acting through the Director of Operational Test and Eval-
10 uation and the Directors of the test and evaluation facili-
11 ties of the Major Range and Test Facility Base of the
12 Department of Defense, appoint qualified candidates pos-
13 sessing an advanced degree to scientific and engineering
14 positions within the Office of the Director of Operational
15 Test and Evaluation and the test and evaluation facilities
16 of the Major Range and Test Facility Base without regard
17 to the provisions of subchapter I of chapter 33 of title
18 5, United States Code, other than sections 3303 and 3328
19 of such title.

20 (b) LIMITATION ON NUMBER.—

21 (1) IN GENERAL.—Authority under this section
22 may not, in any calendar year and with respect to
23 the Office of the Director of Operational Test and
24 Evaluation or any test and evaluation facility, be ex-
25 ercised with respect to a number of candidates

1 greater than the number equal to 3 percent of the
2 total number of scientific and engineering positions
3 within the Office or such facility that are filled as
4 of the close of the fiscal year last ending before the
5 start of such calendar year.

6 (2) NATURE OF APPOINTMENT.—For purposes
7 of this subsection, any candidate appointed to a po-
8 sition under this section shall be treated as ap-
9 pointed on a full-time equivalent basis.

10 (c) TERMINATION.—The authority to make appoint-
11 ments under this section shall not be available after De-
12 cember 31, 2021.

13 (d) MAJOR RANGE AND TEST FACILITY BASE DE-
14 FINED.—In this section, the term “Major Range and Test
15 Facility Base” means the test and evaluation facilities
16 that are designated by the Secretary as facilities and re-
17 sources comprising the Major Range and Test Facility
18 Base of the Department.

19 **SEC. 1124. PERMANENT AUTHORITY FOR THE TEMPORARY**
20 **EXCHANGE OF INFORMATION TECHNOLOGY**
21 **PERSONNEL.**

22 (a) PERMANENT AUTHORITY.—Subsection (d) of sec-
23 tion 1110 of the National Defense Authorization Act for
24 Fiscal Year 2010 (5 U.S.C. 3702 note) is amended by

1 striking “; however” and all that follows and inserting a
2 period.

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

5 **“SEC. 1110. PROGRAM FOR TEMPORARY EXCHANGE OF IN-**
6 **FORMATION TECHNOLOGY PERSONNEL.”.**

7 **SEC. 1125. PILOT PROGRAM ON ENHANCED PAY AUTHOR-**
8 **ITY FOR CERTAIN RESEARCH AND TECH-**
9 **NOLOGY POSITIONS IN THE SCIENCE AND**
10 **TECHNOLOGY REINVENTION LABORATORIES**
11 **OF THE DEPARTMENT OF DEFENSE.**

12 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
13 of Defense may carry out a pilot program to assess the
14 feasibility and advisability of using the pay authority spec-
15 ified in subsection (d) to fix the rate of basic pay for posi-
16 tions described in subsection (c) in order to assist the mili-
17 tary departments in attracting and retaining high quality
18 acquisition and technology experts in positions responsible
19 for managing and performing complex, high cost research
20 and technology development efforts in the science and
21 technology reinvention laboratories of the Department of
22 Defense.

23 (b) APPROVAL REQUIRED.—The pilot program may
24 be carried out in a military department only with the ap-

1 proval of the Service Acquisition Executive of the military
2 department.

3 (c) POSITIONS.—The positions described in this sub-
4 section are positions in the science and technology reinven-
5 tion laboratories of the Department of Defense that—

6 (1) require expertise of an extremely high level
7 in a scientific, technical, professional, or acquisition
8 management field; and

9 (2) are critical to the successful accomplishment
10 of an important research or technology development
11 mission.

12 (d) RATE OF BASIC PAY.—The pay authority speci-
13 fied in this subsection is authority as follows:

14 (1) Authority to fix the rate of basic pay for a
15 position at a rate not to exceed 150 percent of the
16 rate of basic pay payable for level I of the Executive
17 Schedule, upon the approval of the Service Acquisi-
18 tion Executive concerned.

19 (2) Authority to fix the rate of basic pay for a
20 position at a rate in excess of 150 percent of the
21 rate of basic pay payable for level I of the Executive
22 Schedule, upon the approval of the Secretary of the
23 military department concerned.

24 (e) LIMITATIONS.—

1 (1) IN GENERAL.—The authority in subsection
2 (a) may be used only to the extent necessary to com-
3 petitively recruit or retain individuals exceptionally
4 well qualified for positions described in subsection
5 (c).

6 (2) NUMBER OF POSITIONS.—The authority in
7 subsection (a) may not be used with respect to more
8 than five positions in each military department at
9 any one time.

10 (3) TERM OF POSITIONS.—The authority in
11 subsection (a) may be used only for positions having
12 a term of less than five years.

13 (f) TERMINATION.—

14 (1) IN GENERAL.—The authority to fix rates of
15 basic pay for a position under this section shall ter-
16 minate on October 1, 2021.

17 (2) CONTINUATION OF PAY.—Nothing in para-
18 graph (1) shall be construed to prohibit the payment
19 after October 1, 2021, of basic pay at rates fixed
20 under this section before that date for positions
21 whose terms continue after that date.

22 (g) SCIENCE AND TECHNOLOGY REINVENTION LAB-
23 ORATORIES OF THE DEPARTMENT OF DEFENSE DE-
24 FINED.—In this section, the term “science and technology
25 reinvention laboratories of the Department of Defense”

1 means the laboratories designated as science and tech-
 2 nology reinvention laboratories by section 1105(a) of the
 3 National Defense Authorization Act for Fiscal Year 2010
 4 (10 U.S.C. 2358 note).

5 **SEC. 1126. DISCHARGE OF CERTAIN AUTHORITIES TO CON-**
 6 **DUCT PERSONNEL DEMONSTRATION**
 7 **PROJECTS.**

8 Subparagraph (C) of section 342(b)(3) of the Na-
 9 tional Defense Authorization Act for Fiscal Year 1995
 10 (Public Law 103–337; 108 Stat. 2721), as added by sec-
 11 tion 1114(a) of the Floyd D. Spence National Defense Au-
 12 thorization Act for Fiscal Year 2001 (as enacted into law
 13 by Public Law 106–398; 114 Stat. 1654A–315), is
 14 amended by inserting before the period at the end the fol-
 15 lowing: “through the Under Secretary of Defense for Re-
 16 search and Engineering (who shall place an emphasis in
 17 the exercise of such authorities on enhancing efficient op-
 18 erations of the laboratory)”.

19 **Subtitle C—Government-Wide**
 20 **Matters**

21 **SEC. 1131. EXPANSION OF PERSONNEL FLEXIBILITIES RE-**
 22 **LATING TO LAND MANAGEMENT AGENCIES**
 23 **TO INCLUDE ALL AGENCIES.**

24 (a) IN GENERAL.—Chapter 96 of title 5, United
 25 States Code, is amended as follows:

1 (1) In section 9601, by striking paragraph (1)
2 and inserting the following:

3 “(1) the term ‘agency’ has the meaning given
4 the term in section 101 of title 31; and”.

5 (2) In section 9602—

6 (A) in subsection (a)—

7 (i) in the matter preceding paragraph

8 (1)—

9 (I) by striking “a land manage-
10 ment agency” and inserting “an agen-
11 cy”;

12 (II) by inserting after “appoint-
13 ment in the competitive service” the
14 following: “or a time-limited appoint-
15 ment under section 306(b)(1) of the
16 Robert T. Stafford Disaster Relief
17 and Emergency Assistance Act (42
18 U.S.C. 5149(b)(1))”; and

19 (III) by striking “any land man-
20 agement agency or any other agency
21 (as defined in section 101 of title 31)
22 under the internal merit promotion
23 procedures of the applicable agency”
24 and inserting “such agency when the
25 agency is accepting applications from

1 individuals within the agency’s work-
2 force under merit promotion proce-
3 dures, or any agency when the agency
4 is accepting applications from individ-
5 uals outside its own workforce under
6 the merit promotion procedures of the
7 applicable agency,”;

8 (ii) in paragraph (1), by inserting
9 after “chapter 33” the following: “, or
10 under section 306(b)(1) of the Robert T.
11 Stafford Disaster Relief and Emergency
12 Assistance Act (42 U.S.C. 5149(b)(1)) (re-
13 gardless of the competitive nature of the
14 appointment),”; and

15 (iii) in paragraph (2)—

16 (I) by striking “a land manage-
17 ment agency” and inserting “an agen-
18 cy”;

19 (II) by striking “more than” and
20 inserting “not less than”; and

21 (III) by inserting before the
22 semicolon the following: “, or, in the
23 case of an employee appointed under
24 section 306(b)(1) of the Robert T.
25 Stafford Disaster Relief and Emer-

1 agency Assistance Act (42 U.S.C.
 2 5149(b)(1)) and serving under an
 3 intermittent, time-limited appoint-
 4 ment, has been deployed for a period
 5 or periods totaling not less than 4,160
 6 hours within a 48-month period with-
 7 out a break of 2 or more years”; and

8 (B) in subsection (d), in the matter pre-
 9 ceding paragraph (1)—

10 (i) by striking “a land management
 11 agency” and inserting “an agency”; and

12 (ii) by inserting “of the agency from
 13 which the former employee was most re-
 14 cently separated” after “deemed a time-
 15 limited employee”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) CHAPTER HEADING.—The heading of chap-
 18 ter 96 of such title is amended to read as follows:

19 **“CHAPTER 96—PERSONNEL**
 20 **FLEXIBILITIES FOR FEDERAL AGENCIES”.**

21 (2) TABLE OF CHAPTERS.—The table of chap-
 22 ters for part III of such title is amended by striking
 23 the item relating to chapter 96 and inserting the fol-
 24 lowing new item:

“96. Personnel Flexibilities for Federal Agencies 9601”.

1 **SEC. 1132. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE**
2 **EMPLOYEES.**

3 The Director of the Office of Personnel Management
4 shall permit an agency with delegated examining authority
5 under 1104(a)(2) of title 5, United States Code, to use
6 direct-hire authority under section 3304(a)(3) of such title
7 for a permanent or non-permanent position or group of
8 positions in the competitive services at GS-15 (or equiva-
9 lent) and below, or for prevailing rate employees, if the
10 Director determines that there is either a severe shortage
11 of candidates or a critical hiring need for such positions.

12 **SEC. 1133. APPOINTMENT AUTHORITY FOR UNIQUELY**
13 **QUALIFIED PREVAILING RATE EMPLOYEES.**

14 Section 5343 of title 5, United States Code, is
15 amended by adding at the end the following:

16 “(g)(1) The head of an agency may appoint an indi-
17 vidual to a position in accordance with regulations pre-
18 scribed under paragraph (2) at such a rate of basic pay
19 above the minimum rate of the appropriate grade as the
20 Office of Personnel Management may authorize.

21 “(2) The Office of Personnel Management may pre-
22 scribe regulations that authorize the head of an agency
23 to exercise the authority under paragraph (1) in the case
24 of—

25 “(A) an unusually large shortage of qualified
26 candidates for employment;

1 “(B) unique qualifications of a candidate for
2 employment; or

3 “(C) a special need of the Government for the
4 services of a candidate for employment.”.

5 **SEC. 1134. LIMITATION ON PREFERENCE ELIGIBLE HIRING**
6 **PREFERENCES FOR PERMANENT EMPLOYEES**
7 **IN THE COMPETITIVE SERVICE.**

8 (a) IN GENERAL.—Subchapter I of chapter 33 of title
9 5, United States Code, is amended—

10 (1) in section 3309—

11 (A) in the matter preceding paragraph (1),
12 by striking “A preference eligible” and inserting

13 “(a) ADDITIONAL POINTS.—Except as provided
14 in subsection (b), a preference eligible”; and

15 (B) by adding at the end the following:

16 “(b) ADDITIONAL POINTS ONLY FOR FIRST AP-
17 POINTMENT.—If a preference eligible is selected for a per-
18 manent position in the competitive service after the appli-
19 cation of subsection (a) or the application of section
20 3319(b), the preference eligible shall not be awarded any
21 additional points under subsection (a) with respect to a
22 subsequent examination for any position in the competitive
23 service.”;

24 (2) in section 3319—

1 (A) in subsection (b), in the first sentence,
 2 by striking “Within” and inserting “Except as
 3 provided in subsection (d), within”; and

4 (B) by striking subsection (d) and insert-
 5 ing the following:

6 “(d) If a preference eligible is selected for a perma-
 7 nent position in the competitive service after the applica-
 8 tion of subsection (b) or the application of section
 9 3309(a), such individual shall not be listed ahead of indi-
 10 viduals who are not preference eligibles due to the applica-
 11 tion of subsection (b) on a subsequent list under this sec-
 12 tion for any position in the competitive service.”; and

13 (3) in section 3320, by striking “3318” and in-
 14 serting “3319”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 16 Section 703 of the District of Columbia Government Com-
 17 prehensive Merit Personnel Act of 1978 (sec. 1–607.3,
 18 D.C. Official Code) is amended by striking “3309(1)”
 19 each place it appears and inserting “3309(a)(1)”.

20 **SEC. 1135. AUTHORITY FOR ADVANCEMENT OF PAY FOR**
 21 **CERTAIN EMPLOYEES RELOCATING WITHIN**
 22 **THE UNITED STATES AND ITS TERRITORIES.**

23 (a) COVERAGE.—Subsection (a) of section 5524a of
 24 title 5, United States Code, is amended—

25 (1) by inserting “(1)” after “(a)”; and

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

3 “(2) The head of each agency may provide for the
4 advance payment of basic pay, covering not more than 2
5 pay periods, to an employee who is assigned to a position
6 in the agency that is located—

7 “(A) outside of the employee’s commuting area;
8 and

9 “(B) in an area not covered by section 5927.”.

10 (b) CONFORMING AMENDMENTS.—Subsection (b) of
11 such section is amended—

12 (1) in paragraph (1), by inserting “or assigned”
13 after “appointed”; and

14 (2) in paragraph (2)(B)—

15 (A) by inserting “or assignment” after
16 “appointment”; and

17 (B) by inserting “or assigned” after “ap-
18 pointed”.

19 (c) CLERICAL AMENDMENTS.—

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

1 **“§ 5524a. Advance payments for new appointees and**
2 **for certain current employees relocating**
3 **within the United States and its terri-**
4 **tories”.**

5 (2) TABLE OF SECTIONS.—The item relating to
6 such section in the table of sections at the beginning
7 of chapter 55 of such title is amended to read as fol-
8 lows:

“5524a. Advance payments for new appointees and for certain current employ-
ees relocating within the United States and its territories.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date that is one year
11 after the date of the enactment of this Act.

12 **SEC. 1136. ELIMINATION OF THE FOREIGN EXEMPTION**
13 **PROVISION IN REGARD TO OVERTIME FOR**
14 **FEDERAL CIVILIAN EMPLOYEES TEMPO-**
15 **RARILY ASSIGNED TO A FOREIGN AREA.**

16 (a) IN GENERAL.—Section 5542 of title 5, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 “(h) Notwithstanding section 13(f) of the Fair Labor
20 Standards Act of 1938 (29 U.S.C. 213(f)), an employee
21 who is working at a location in a foreign country, or in
22 a territory under the jurisdiction of the United States to
23 which the exemption under such section 13(f) applies, in
24 temporary duty travel status while maintaining an official

1 duty station or worksite in an area of the United States
2 that is not exempted under such section 13(f) shall not
3 be considered, for all purposes, to be exempted from sec-
4 tion 7 of such Act (29 U.S.C. 207) on the basis of the
5 employee performing work at such a location.”.

6 (b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section
7 5544 of title 5, United States Code, is amended by adding
8 at the end the following:

9 “(d) Notwithstanding section 13(f) of the Fair Labor
10 Standards Act of 1938 (29 U.S.C. 213(f)), an employee
11 whose overtime pay is determined in accordance with sub-
12 section (a) who is working at a location in a foreign coun-
13 try, or in a territory under the jurisdiction of the United
14 States to which the exemption under such section 13(f)
15 applies, in temporary duty travel status while maintaining
16 an official duty station or worksite in an area of the
17 United States that is not exempted under such section
18 13(f) shall not be considered, for all purposes, to be ex-
19 empted from section 7 of such Act (29 U.S.C. 207) on
20 the basis of the employee performing work at such a loca-
21 tion.”.

22 (c) CONFORMING REPEAL.—Section 5542(a) of title
23 5, United States Code, is amended by striking paragraph
24 (6).

1 **SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
 2 **ANNUAL LIMITATION ON PREMIUM PAY AND**
 3 **AGGREGATE LIMITATION ON PAY FOR FED-**
 4 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
 5 **SEAS.**

6 Section 1101(a) of the Duncan Hunter National De-
 7 fense Authorization Act for Fiscal Year 2009 (Public Law
 8 110–417; 122 Stat. 4615), as most recently amended by
 9 section 1108 of the National Defense Authorization Act
 10 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
 11 1027), is further amended by striking “through 2016”
 12 and inserting “through 2017”.

13 **Subtitle D—Other Matters**

14 **SEC. 1151. MODIFICATION OF FLAT RATE PER DIEM RE-**
 15 **QUIREMENT FOR PERSONNEL ON LONG-**
 16 **TERM TEMPORARY DUTY ASSIGNMENTS.**

17 (a) MODIFICATION OF FLAT RATE.—

18 (1) IN GENERAL.—The Secretary of Defense
 19 shall take such action as may be necessary to pro-
 20 vide that, to the extent that regulations imple-
 21 menting travel and transportation authorities for
 22 military and civilian personnel of the Department of
 23 Defense impose a flat rate per diem for meals and
 24 incidental expenses for authorized travelers on long-
 25 term temporary duty assignments that is at a re-
 26 duced rate compared to the per diem rate otherwise

1 applicable, the Secretary concerned may waive the
2 applicability of such reduced rate and pay such trav-
3 elers actual expenses up to the full per diem rate for
4 such travel in any case when the Secretary con-
5 cerned determines that the reduced flat rate per
6 diem for meals and incidental expenses is not suffi-
7 cient under the circumstances of the temporary duty
8 assignment.

9 (2) APPLICABILITY.—The Secretary concerned
10 may exercise the authority provided pursuant to
11 paragraph (1) with respect to per diem payable for
12 any day on or after the date of the enactment of this
13 Act.

14 (b) DELEGATION OF AUTHORITY.—The authority
15 pursuant to subsection (a) may be delegated by the Sec-
16 retary concerned to any commander or head of an agency,
17 component, or systems command of the Department of
18 Defense at the level of lieutenant general or vice admiral,
19 or above, or civilian equivalent thereof.

20 (c) WAIVER OF COLLECTION OF RECEIPTS.—The
21 commander or head of an agency, component, or systems
22 command to which the authority pursuant to subsection
23 (a) is delegated pursuant to subsection (b) may waive any
24 requirement for the submittal of receipts by travelers of
25 such agency, component, or systems command for the pur-

1 pose of receiving the full per diem rate pursuant to sub-
2 section (a) if the commander or head personally certifies
3 that requiring such travelers to submit receipts for that
4 purpose will negatively affect mission performance, create
5 an undue administrative burden, or result in significant
6 additional administrative processing costs for such agency,
7 component, or systems command.

8 (d) SECRETARY CONCERNED DEFINED.—In this sec-
9 tion, the term “Secretary concerned” has the meaning
10 given that term in section 101 of title 37, United States
11 Code.

12 **SEC. 1152. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
13 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
14 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
15 **FICIAL DUTY IN A COMBAT ZONE.**

16 Paragraph (2) of section 1603(a) of the Emergency
17 Supplemental Appropriations Act for Defense, the Global
18 War on Terror, and Hurricane Recovery, 2006 (Public
19 Law 109–234; 120 Stat. 443), as added by section 1102
20 of the Duncan Hunter National Defense Authorization
21 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
22 4616) and most recently amended by section 1102 of the
23 National Defense Authorization Act for Fiscal Year 2016
24 (Public Law 114–92; 129 Stat. 1022), is further amended
25 by striking “2017” and inserting “2018”.

1 **TITLE XII—MATTERS RELATING**
2 **TO FOREIGN NATIONS**
3 **Subtitle A—Assistance and**
4 **Training**

5 **SEC. 1201. THREE-YEAR EXTENSION OF COMMANDERS’**
6 **EMERGENCY RESPONSE PROGRAM.**

7 (a) EXTENSION OF PROGRAM GENERALLY.—Section
8 1201 of the National Defense Authorization Act for Fiscal
9 Year 2012 (Public Law 112–81; 125 Stat. 1619), as most
10 recently amended by section 1211(a) of the National De-
11 fense Authorization Act for Fiscal Year 2016 (Public Law
12 114–92; 129 Stat. 1042), is further amended in sub-
13 sections (a), (b), and (f) by striking “fiscal year 2016”
14 and inserting “fiscal years 2017, 2018, and 2019”.

15 (b) EXTENSION AND EXPANSION OF AUTHORITY FOR
16 PAYMENTS TO REDRESS INJURY AND LOSS IN IRAQ.—
17 Section 1211(d) of the National Defense Authorization
18 Act for Fiscal Year 2016 is amended—

19 (1) in the subsection heading, by striking
20 “IRAQ” and inserting “AFGHANISTAN, IRAQ, AND
21 SYRIA”;

22 (2) in paragraph (1)—

23 (A) by striking “fiscal year 2016” and in-
24 serting “fiscal years 2017, 2018, and 2019”;
25 and

1 (B) by striking “Iraq” and inserting “Af-
2 ghanistan, Iraq, or Syria”; and

3 (3) in paragraph (3), by striking “in fiscal year
4 2016” and inserting “in a fiscal year in which the
5 authority in this subsection is in effect”.

6 **SEC. 1202. INCREASE IN SIZE OF THE SPECIAL DEFENSE**
7 **ACQUISITION FUND.**

8 (a) INCREASE IN SIZE.—Effective on October 1,
9 2016, section 114(c)(1) of title 10, United States Code,
10 is amended by striking “\$1,070,000,000” and inserting
11 “\$2,000,000,000”.

12 (b) REPORTS.—

13 (1) INITIAL PLAN ON USE OF AUTHORITY.—Be-
14 fore exercising authority for use of amounts in the
15 Special Defense Acquisition Fund in excess of the
16 size of that Fund as of September 30, 2016, by rea-
17 son of the amendment made by subsection (a), the
18 Secretary of Defense shall, with the concurrence of
19 the Secretary of State, submit to the appropriate
20 committees of Congress a report on the plan for the
21 use of such amounts.

22 (2) ANNUAL SPENDING PLAN.—Not later than
23 August 1 each year, the Secretary of Defense shall,
24 with the concurrence of the Secretary of State, sub-
25 mit to the appropriate committees of Congress a de-

1 tailed plan for the use of amounts in the Special De-
2 fense Acquisition Fund for the fiscal year beginning
3 in the year in which such report is submitted.

4 (3) QUARTERLY UPDATES.—Not later than 30
5 days after the end of each fiscal quarter, the Sec-
6 retary of Defense shall, with the concurrence of the
7 Secretary of State, submit to the appropriate com-
8 mittees of Congress a report setting forth the inven-
9 tory of defense articles and services acquired, pos-
10 sessed, and transferred through the Special Defense
11 Acquisition Fund in such fiscal quarter.

12 (4) APPROPRIATE COMMITTEES OF CONGRESS
13 DEFINED.—In this subsection, the term “appro-
14 priate committees of Congress” has the meaning
15 given that term in section 301(1) of title 10, United
16 States Code (as added by section 1252(a)(3) of this
17 Act).

18 **SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF**
19 **SPECIAL OPERATIONS TO COMBAT TER-**
20 **RORISM.**

21 (a) CODIFICATION OF AUTHORITY.—

22 (1) IN GENERAL.—Chapter 3 of title 10, United
23 States Code, is amended by inserting before section
24 128 the following new section:

1 **“§ 127e. Support of special operations to combat ter-**
2 **rorism**

3 “(a) **AUTHORITY.**—The Secretary of Defense may,
4 with the concurrence of the relevant Chief of Mission, ex-
5 pend up to \$100,000,000 during any fiscal year to provide
6 support to foreign forces, irregular forces, groups, or indi-
7 viduals engaged in supporting or facilitating ongoing mili-
8 tary operations by United States special operations forces
9 to combat terrorism.

10 “(b) **FUNDS.**—Funds for support under this section
11 in a fiscal year shall be derived from amounts authorized
12 to be appropriated for that fiscal year for the Department
13 of Defense for operation and maintenance.

14 “(c) **LIMITATION.**—Of the funds available for support
15 under this section in a fiscal year, not more than
16 \$10,000,000 may be used for support in connection with
17 any particular military operation.

18 “(d) **PROCEDURES.**—The authority in this section
19 shall be exercised in accordance with such procedures as
20 the Secretary shall establish for purposes of this section.
21 The Secretary shall notify the congressional defense com-
22 mittees of any material modification of such procedures.

23 “(e) **NOTIFICATION.**—

24 “(1) **IN GENERAL.**—Not later than 15 days be-
25 fore exercising the authority in this section to make
26 funds available to initiate support of an approved

1 military operation or changing the scope or funding
2 level of any support for such an operation by
3 \$1,000,000 or an amount equal to 20 percent of
4 such funding level (whichever is less), or not later
5 than 48 hours after exercising such authority if the
6 Secretary determines that extraordinary cir-
7 cumstances that impact the national security of the
8 United States exist, the Secretary shall notify the
9 congressional defense committees of the use of such
10 authority with respect to that operation. Any such
11 notification shall be in writing.

12 “(2) ELEMENTS.—A notification required by
13 this subsection shall include the following:

14 “(A) The type of support provided or to be
15 provided to United States special operations
16 forces.

17 “(B) The type of support provided or to be
18 provided to the recipient of the funds.

19 “(C) The amount obligated under the au-
20 thority to provide support.

21 “(f) LIMITATION ON DELEGATION.—The authority of
22 the Secretary to make funds available under this section
23 for support of a military operation may not be delegated.

24 “(g) INTELLIGENCE ACTIVITIES.—This section does
25 not constitute authority to conduct a covert action, as such

1 term is defined in section 503(e) of the National Security
2 Act of 1947 (50 U.S.C. 3093(e)).

3 “(h) ANNUAL REPORT.—

4 “(1) REPORT REQUIRED.—The Secretary shall
5 submit to the congressional defense committees each
6 year a report on support provided under this section
7 during the fiscal year ending in the preceding cal-
8 endar year.

9 “(2) ELEMENTS.—Each report required by
10 paragraph (1) shall include the following:

11 “(A) A description of supported oper-
12 ations.

13 “(B) A summary of operations.

14 “(C) The type of recipients that received
15 support, identified by authorized category (for-
16 eign forces, irregular forces, groups, or individ-
17 uals).

18 “(D) The total amount obligated in such
19 fiscal year, including budget details.

20 “(E) The total amount obligated in prior
21 fiscal years under this section and applicable
22 preceding authority.

23 “(F) The intended duration of support.

24 “(G) A description of support or training
25 provided to the recipients of support.

1 “(H) A value assessment of the operational
2 support provided.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 3 of such title is
5 amended by inserting before the item relating to sec-
6 tion 128 the following new item:

“127e. Support of special operations to combat terrorism.”.

7 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
8 1208 of the Ronald W. Reagan National Defense Author-
9 ization Act for Fiscal Year 2005 (Public Law 108–375)
10 is repealed.

11 **SEC. 1204. PROHIBITION ON USE OF FUNDS TO INVITE, AS-**
12 **SIST, OR OTHERWISE ASSURE THE PARTICI-**
13 **PATION OF CUBA IN CERTAIN JOINT OR MUL-**
14 **TILATERAL EXERCISES.**

15 (a) PROHIBITION.—The Secretary of Defense may
16 not use any funds to invite, assist, or otherwise assure
17 the participation of the Government of Cuba in any joint
18 or multilateral exercise or related security conference be-
19 tween the United States and Cuba until the Secretary, in
20 coordination with the Director of National Intelligence,
21 submits to Congress written assurances that—

22 (1) the Cuban military has ceased committing
23 human rights abuses against civil rights activists
24 and other citizens of Cuba;

1 (2) the Cuban military has ceased providing
2 military intelligence, weapons training, strategic
3 planning, and security logistics to the military and
4 security forces of Venezuela;

5 (3) the Cuban military and other security forces
6 in Cuba have ceased all persecution, intimidation,
7 arrest, imprisonment, and assassination of dissidents
8 and members of faith based organizations;

9 (4) the Government of Cuba no longer demands
10 that the United States relinquish control of Guanta-
11 namo Bay, in violation of an international treaty;
12 and

13 (5) the officials of the Cuban military that were
14 indicted in the murder of United States citizens dur-
15 ing the shutdown of planes operated by the Broth-
16 ers to the Rescue humanitarian organization in 1996
17 are brought to justice.

18 (b) EXCEPTION.—The prohibition in subsection (a)
19 shall not apply to any joint or multilateral exercise or op-
20 eration related to humanitarian assistance or disaster re-
21 sponse.

1 **Subtitle B—Matters Relating to**
2 **Afghanistan and Pakistan**

3 **SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY**
4 **TO TRANSFER DEFENSE ARTICLES AND PRO-**
5 **VIDE DEFENSE SERVICES TO THE MILITARY**
6 **AND SECURITY FORCES OF AFGHANISTAN.**

7 (a) EXPIRATION.—Subsection (h) of section 1222 of
8 the National Defense Authorization Act for Fiscal Year
9 2013 (Public Law 112–239; 126 Stat. 1992), as most re-
10 cently amended by section 1215 of the National Defense
11 Authorization Act for Fiscal Year 2016 (Public Law 114–
12 92; 129 Stat. 1045), is further amended by striking “De-
13 cember 31, 2016” and inserting “December 31, 2017”.

14 (b) CONVERSION OF QUARTERLY REPORTS INTO AN-
15 NUAL REPORTS.—Effective on January 1, 2017, sub-
16 section (f) of such section 1222, as so amended, is further
17 amended—

18 (1) in the subsection heading, by striking
19 “QUARTERLY” and inserting “ANNUAL”; and

20 (2) in paragraph (1)—

21 (A) by striking “Not later than 90 days”
22 and all that follows through “in which the au-
23 thority in subsection (a) is exercised” and in-
24 serting “Not later than March 31 of any year

1 following a year in which the authority in sub-
2 section (a) is exercised”; and

3 (B) by striking “during the 90-day period
4 ending on the date of such report” and insert-
5 ing “during the preceding year”.

6 (c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2)
7 of such section 1222, as so amended, is further amended
8 by striking “During fiscal years 2013, 2014, 2015, and
9 2016” each place it appears and inserting “Through De-
10 cember 31, 2017,”.

11 **SEC. 1212. MODIFICATION OF AUTHORITY FOR REIMBURSE-**
12 **MENT OF CERTAIN COALITION NATIONS FOR**
13 **SUPPORT.**

14 (a) EXTENSION.—Subsection (a) of section 1233 of
15 the National Defense Authorization Act for Fiscal Year
16 2008 (Public Law 110–181; 122 Stat. 393), as most re-
17 cently amended by section 1212 of the National Defense
18 Authorization Act for Fiscal Year 2016 (Public Law 114–
19 92; 129 Stat. 1043), is amended by striking “fiscal year
20 2016” and inserting “fiscal year 2017”.

21 (b) MILITARY OPERATIONS COVERED.—Such section
22 1233 is further amended in subsection (a)(1), by striking
23 “in Iraq or in Operation Enduring Freedom in Afghani-
24 stan” and inserting “in Afghanistan, Iraq, or Syria”.

1 (c) LIMITATION ON AMOUNTS AVAILABLE.—Sub-
2 section (d)(1) of such section 1233, as so amended, is fur-
3 ther amended—

4 (1) in the second sentence, by striking “during
5 fiscal year 2016 may not exceed \$1,160,000,000”
6 and inserting “during fiscal year 2017 may not ex-
7 ceed \$350,000,000”; and

8 (2) by striking the last sentence

9 (d) TREATMENT OF 2016 UNOBLIGATED BAL-
10 ANCES.—Of the \$100,000,000 made available pursuant to
11 section 1212(f) of the National Defense Authorization Act
12 for Fiscal Year 2016, amounts that are unobligated as of
13 September 30, 2016, shall continue to be available in fiscal
14 year 2017 for the purposes specified in such section, in
15 addition to the total amount of reimbursements and sup-
16 port authorized for Pakistan during fiscal year 2017 pur-
17 suant to section 1233(d)(1) of the National Defense Au-
18 thorization Act for Fiscal Year 2008, as amended by this
19 section.

20 (e) REPEAL AUTHORITY FOR OTHER SUPPORT.—
21 Subsection (b) of section 1233 of the National Defense
22 Authorization Act for Fiscal Year 2008, as most recently
23 amended by section 1212 of the National Defense Author-
24 ization Act for Fiscal Year 2016, is repealed.

1 **SEC. 1213. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
2 **PROGRAMS AND PROJECTS OF THE DEPART-**
3 **MENT OF DEFENSE IN AFGHANISTAN THAT**
4 **CANNOT BE SAFELY ACCESSED BY UNITED**
5 **STATES GOVERNMENT PERSONNEL.**

6 (a) PROHIBITION.—

7 (1) IN GENERAL.—Amounts available to the
8 Department of Defense may not be obligated or ex-
9 pended for a construction or other infrastructure
10 project of the Department in Afghanistan if military
11 or civilian personnel of the United States Govern-
12 ment or their representatives with authority to con-
13 duct oversight of such program or project cannot
14 safely access such program or project.

15 (2) APPLICABILITY.—Paragraph (1) shall apply
16 only with respect to a program or project that is ini-
17 tiated on or after the date of the enactment of this
18 Act.

19 (b) WAIVER.—

20 (1) IN GENERAL.—The prohibition in sub-
21 section (a) may be waived with respect to a program
22 or project otherwise covered by that subsection if a
23 determination described in paragraph (2) is made as
24 follows:

25 (A) In the case of a program or project
26 with an estimated lifecycle cost of less than

1 \$1,000,000, by the contracting officer assigned
2 to oversee the program or project.

3 (B) In the case of a program or project
4 with an estimated lifecycle cost of \$1,000,000
5 or more, but less than \$40,000,000, by the
6 Commander of United States Forces-Afghani-
7 stan.

8 (C) In the case of a program or project
9 with an estimated lifecycle cost of \$40,000,000
10 or more, by the Secretary of Defense.

11 (2) DETERMINATION.—A determination de-
12 scribed in this paragraph with respect to a program
13 or project is a determination of each of the fol-
14 lowing:

15 (A) That the program or project clearly
16 contributes to United States national interests
17 or strategic objectives.

18 (B) That the Government of Afghanistan
19 has requested or expressed a need for the pro-
20 gram or project.

21 (C) That the program or project has been
22 coordinated with the Government of Afghani-
23 stan, and with any other implementing agencies
24 or international donors.

1 (D) That security conditions permit effective
2 implementation and oversight of the pro-
3 gram or project.

4 (E) That the program or project includes
5 safeguards to detect, deter, and mitigate cor-
6 ruption and waste, fraud, and abuse of funds.

7 (F) That adequate arrangements have
8 been made for the sustainment of the program
9 or project following its completion, including ar-
10 rangements with respect to funding and tech-
11 nical capacity for sustainment.

12 (G) That meaningful metrics have been es-
13 tablished to measure the progress and effective-
14 ness of the program or project in meeting its
15 objectives.

16 (3) NOTICE ON CERTAIN WAIVERS.—In the
17 event a waiver is issued under paragraph (1) for a
18 program or project described in subparagraph (C) of
19 that paragraph, the Secretary of Defense shall notify
20 Congress of the waiver not later than 15 days after
21 the issuance of the waiver.

22 **SEC. 1214. REIMBURSEMENT OF PAKISTAN FOR SECURITY**
23 **ENHANCEMENT ACTIVITIES.**

24 (a) AUTHORITY.—

1 (1) IN GENERAL.—The Secretary of Defense is
2 authorized to reimburse Pakistan for certain activi-
3 ties meant to enhance the security situation in the
4 northwest regions of Pakistan, including the Feder-
5 ally Administered Tribal Areas and Khyber
6 Pakhtunkhwa.

7 (2) FUNDS AVAILABLE.—Reimbursement under
8 the authority of this subsection may be provided
9 from amounts available to the Department of De-
10 fense for the Security Cooperation Enhancement
11 Fund under section 381 of title 10, United States
12 Code (as added by subtitle G of this title).

13 (3) CITATION.—This section may be referred to
14 as the “Pakistan Security Enhancement Authoriza-
15 tion”.

16 (b) ACTIVITIES.—Reimbursement may be provided
17 under the authority in subsection (a) for activities as fol-
18 lows:

19 (1) Counterterrorism activities in the Federally
20 Administered Tribal Areas and Khyber
21 Pakhtunkhwa, including the following:

22 (A) Eliminating infrastructure, training
23 areas, and sanctuaries used by terrorist groups,
24 and preventing the establishment of new or ad-

1 ditional infrastructure, training areas, and
2 sanctuaries.

3 (B) Direct action against individuals that
4 are involved in or supporting terrorist activities.

5 (C) Any other activity recognized by the
6 Secretary of Defense as a counterterrorism ac-
7 tivity for purposes of this subsection.

8 (2) Border security activities along the Afghani-
9 stan-Pakistan border, including the following:

10 (A) Building and maintaining border out-
11 posts.

12 (B) Strengthening cooperative efforts be-
13 tween the Pakistan military and the Afghan
14 National Defense and Security Forces, includ-
15 ing border security cooperation.

16 (C) Maintaining access to and securing key
17 ground lines of communication.

18 (D) Providing training and equipment for
19 the Pakistan Frontier Corps Khyber
20 Pakhtunkhwa.

21 (E) Improving interoperability between the
22 Pakistan military and the Pakistan Frontier
23 Corps Khyber Pakhtunkhwa.

24 (c) LIMITATIONS.—

1 (1) IN GENERAL.—Funds available under the
2 authority in subsection (a) may not be used for re-
3 imbursement for any activities described in sub-
4 section (b) during any period of time when the
5 ground lines of communication through Pakistan to
6 Afghanistan were closed to the transshipment of
7 equipment and supplies in support of United States
8 military operations in Afghanistan and the retro-
9 grade of United States equipment out of Afghani-
10 stan.

11 (2) WAIVER.—The Secretary may waive the
12 limitation in paragraph (1) if the Secretary of De-
13 fense certifies to the congressional defense commit-
14 tees in writing that the waiver is in the national se-
15 curity interests of the United States and includes
16 with such certification a justification for the waiver.

17 (3) AMOUNT.—The total amount of reimburse-
18 ments made under the authority in subsection (a)
19 during fiscal year 2017 may not exceed
20 \$800,000,000.

21 (4) PROHIBITION ON CONTRACTUAL OBLIGA-
22 TIONS TO MAKE PAYMENTS.—The Secretary may
23 not enter into any contractual obligation to make a
24 reimbursement under the authority in paragraph
25 (1).

1 (d) ADDITIONAL LIMITATION ON REIMBURSEMENT
2 OF PAKISTAN PENDING CERTIFICATION.—Of the funds
3 available under the authority in subsection (a),
4 \$300,000,000 shall not be available for use as reimburse-
5 ment described in that subsection unless the Secretary of
6 Defense certifies to the congressional defense committees
7 that the Government of Pakistan is taking demonstrable
8 actions—

9 (1) to significantly disrupt the safe haven and
10 freedom of movement of the Haqqani Network in
11 Pakistan;

12 (2) to prevent the Haqqani Network from using
13 Pakistan territory as a safe haven; and

14 (3) to actively coordinate with the Government
15 of Afghanistan to restrict the movement of militants,
16 such as the Haqqani Network, along the Afghani-
17 stan-Pakistan border.

18 (e) AMOUNTS OF REIMBURSEMENT.—Reimburse-
19 ment authorized by the authority in subsection (a) may
20 be made in such amounts as the Secretary of Defense,
21 with the concurrence of the Secretary of State and in con-
22 sultation with the Director of the Office of Management
23 and Budget, may determine, based on documentation de-
24 termined by the Secretary of Defense to adequately ac-
25 count for the activities undertaken.

1 (f) REPORT.—Not later than December 31, 2017, the
2 Secretary of Defense shall submit to the congressional de-
3 fense committees a report on the expenditure of funds
4 under the authority in subsection (a), including a descrip-
5 tion of the following:

6 (1) The purpose for which such funds were ex-
7 pended.

8 (2) Each organization on whose behalf such
9 funds were expended, including the amount ex-
10 pended on such organization and the number of
11 members of such organization supported by such
12 amount.

13 (3) Any limitation imposed on the expenditure
14 of funds under subsection (a), including on any re-
15 cipient of funds or any use of funds expended.

16 (g) NOTICE TO CONGRESS.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the Secretary of Defense shall notify the
19 congressional defense committees not later than 15
20 days before making any reimbursement under the
21 authority in subsection (a).

22 (2) EXCEPTION.—The requirement to provide
23 notice under paragraph (1) shall not apply with re-
24 spect to reimbursement for access based on an inter-
25 national agreement.

1 (3) ELEMENTS.—Each notification under para-
2 graph (1) shall include an itemized description of
3 the activities conducted by the Government of Paki-
4 stan for which the United States will provide reim-
5 bursement.

6 (4) FORM.—Each notification under paragraph
7 (1) shall be submitted in unclassified form, but may
8 include a classified annex.

9 (h) INFORMATION ON CLAIMS DISALLOWED OR DE-
10 FERRED BY THE UNITED STATES.—

11 (1) IN GENERAL.—The Secretary of Defense
12 shall submit to the congressional defense commit-
13 tees, in the manner specified in paragraph (2), an
14 itemized description of the costs claimed by the Gov-
15 ernment of Pakistan for activities specified in sub-
16 section (b) provided by Government of Pakistan to
17 the United States for which the United States will
18 disallow or defer reimbursement to the Government
19 of Pakistan under the authority in subsection (a).

20 (2) MANNER OF SUBMITTAL.—

21 (A) IN GENERAL.—To the maximum ex-
22 tent practicable, the Secretary shall submit
23 each itemized description of costs required by
24 paragraph (1) not later than 180 days after the

1 date on which a decision to disallow or defer re-
2 imbursement for the costs claimed is made.

3 (B) FORM.—Each itemized description of
4 costs under subparagraph (A) shall be sub-
5 mitted in an unclassified form, but may include
6 a classified annex.

7 **SEC. 1215. IMPROVEMENT OF OVERSIGHT OF UNITED**
8 **STATES GOVERNMENT EFFORTS IN AFGHANI-**
9 **STAN.**

10 (a) REPORT ON IG OVERSIGHT ACTIVITIES IN AF-
11 GHANISTAN DURING FISCAL YEAR 2017.—Not later than
12 60 days after the date of the enactment of this Act, the
13 Lead Inspector General for Operation Freedom’s Sentinel,
14 as designated pursuant to section 8L of the Inspector
15 General Act of 1978 (5 U.S.C. App.), shall, in coordina-
16 tion with the Inspector General of the Department of
17 State, the Inspector General of the United States Agency
18 for International Development, and the Special Inspector
19 General for Afghanistan Reconstruction, submit to the ap-
20 propriate committees of Congress a report on the over-
21 sight activities of United States Inspectors General in Af-
22 ghanistan planned for fiscal year 2017.

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

1 (1) A description of the requirements, respon-
2 sibilities, and focus areas of each Inspector General
3 of the United States planning to conduct oversight
4 activities in Afghanistan during fiscal year 2017.

5 (2) A comprehensive list of the funding to be
6 used for the oversight activities described in para-
7 graph (1).

8 (3) A list of the oversight activities and prod-
9 ucts anticipated to be produced by each Inspector
10 General of the United States in connection with
11 oversight activities in Afghanistan during fiscal year
12 2017.

13 (4) An identification of any anticipated overlap
14 among the planned oversight activities of Inspectors
15 General of the United States in Afghanistan during
16 fiscal year 2017, and a justification for such overlap.

17 (5) A description of the processes by which the
18 Inspectors General of the United States coordinate
19 and reduce redundancies in requests for information
20 to United States Government officials executing
21 funds in Afghanistan.

22 (6) Any other matters the Lead Inspector Gen-
23 eral for Operation Freedom's Sentinel considers ap-
24 propriate.

1 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
2 FINED.—In this section, the term “appropriate commit-
3 tees of Congress” means—

4 (1) the Committee on Armed Services, the
5 Committee on Foreign Relations, the Committee on
6 Homeland Security and Governmental Affairs, and
7 the Committee Appropriations of the Senate; and

8 (2) the Committee on Armed Services, the
9 Committee on Foreign Affairs, the Committee on
10 Homeland Security, and the Committee Appropria-
11 tions of the House of Representatives.

12 **Subtitle C—Matters Relating to** 13 **Syria and Iraq**

14 **SEC. 1221. EXTENSION AND MODIFICATION OF AUTHORITY** 15 **TO PROVIDE ASSISTANCE TO THE VETTED** 16 **SYRIAN OPPOSITION.**

17 (a) NOTICE ON NEW INITIATIVES.—

18 (1) IN GENERAL.—Subsection (f) of section
19 1209 of the Carl Levin and Howard P. “Buck”
20 McKeon National Defense Authorization Act for
21 Fiscal Year 2015 (Public Law 113–291; 128 Stat.
22 3541), as amended by section 1225(e) of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 2016 (Public Law 114–92; 129 Stat. 1055), is fur-
25 ther amended to read as follows:

1 “(f) NOTICE TO CONGRESS BEFORE INITIATION OF
2 NEW INITIATIVES.—Not later than 30 days before initi-
3 ating a new initiative under subsection (a), the Secretary
4 of Defense shall submit to the appropriate congressional
5 committees a notice setting forth the following:

6 “(1) The initiative to be carried out, including
7 a detailed description of the assistance provided.

8 “(2) The budget, implementation timeline and
9 anticipated delivery schedule for the assistance to
10 which the initiative relates, the military department
11 responsible for management and the associated pro-
12 gram executive office, and the completion date for
13 the initiative.

14 “(3) The amount, source, and planned expendi-
15 ture of funds to carry out the initiative.

16 “(4) Any financial or other support for the ini-
17 tiation provided by foreign governments.

18 “(5) Any other information with respect to the
19 initiative that the Secretary considers appropriate.”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) shall take effect on the date of the
22 enactment of this Act, and shall apply with respect
23 to new initiatives initiated under section 1209 of the
24 Carl Levin and Howard P. “Buck” McKeon Na-
25 tional Defense Authorization Act for Fiscal Year

1 2015 on or after the date that is 30 days after the
2 date of the enactment of this Act.

3 (b) **EXTENSION OF AUTHORITY.**—Subsection (a) of
4 such section is amended by striking “December 31, 2016”
5 and inserting “December 31, 2019”.

6 **SEC. 1222. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**
7 **ANCE TO COUNTER THE ISLAMIC STATE OF**
8 **IRAQ AND THE LEVANT.**

9 (a) **IN GENERAL.**—Section 1236(a) of the Carl Levin
10 and Howard P. “Buck” McKeon National Defense Au-
11 thorization Act for Fiscal Year 2015 (Public Law 113–
12 291; 128 Stat. 3559) is amended by striking “December
13 31, 2016” and inserting “December 31, 2019”.

14 (b) **ADDITIONAL ASSESSMENT ON CERTAIN ACTIONS**
15 **BY GOVERNMENT OF IRAQ.**—Subsection (l)(1)(A) of such
16 section, as added by section 1223(e) of the National De-
17 fense Authorization Act for Fiscal Year 2016 (Public Law
18 114–92. 129 Stat. 1050), is amended by striking “120
19 days after the date of the enactment of the National De-
20 fense Authorization Act for Fiscal Year 2016” and insert-
21 ing “each of March 25, 2016, and the date that is 120
22 days after the date of the enactment of the National De-
23 fense Authorization Act for Fiscal Year 2017”.

1 **SEC. 1223. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
2 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
3 **SECURITY COOPERATION IN IRAQ.**

4 (a) **EXTENSION.**—Subsection (f)(1) of section 1215
5 of the National Defense Authorization Act for Fiscal Year
6 2012 (10 U.S.C. 113 note) is amended by striking “fiscal
7 year 2016” and inserting “fiscal year 2017”.

8 (b) **AMOUNT AVAILABLE.**—Such section is further
9 amended—

10 (1) in subsection (c), by striking “fiscal year
11 2016” and all that follows and inserting “fiscal year
12 2017 may not exceed \$60,000,000”; and

13 (2) in subsection (d), by striking “fiscal year
14 2016” and inserting “fiscal year 2017”.

15 **Subtitle D—Matters Relating to**
16 **Iran**

17 **SEC. 1226. ADDITIONAL ELEMENTS IN THE ANNUAL RE-**
18 **PORT ON THE MILITARY POWER OF IRAN.**

19 Section 1245(b)(3) of the National Defense Author-
20 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
21 Stat. 2542), as most recently amended by section 1231(b)
22 of the National Defense Authorization Act for Fiscal Year
23 2016 (Public Law 114–92; 129 Stat. 1057), is further
24 amended—

25 (1) by striking subparagraph (F) and inserting
26 the following new subparagraph (F):

1 “(F) an assessment of Iran’s cyber capa-
2 bilities, including an assessment of Iran’s abil-
3 ity to mask its cyber operations through the use
4 of proxies, irregular forces, the Iranian Revolu-
5 tionary Guard Corps, and other actors;”;

6 (2) by adding at the end the following new sub-
7 paragraph:

8 “(H) an assessment of any assistance to,
9 assistance from, or cooperation by Iran with
10 other countries and non-state actors to increase
11 cyber capabilities.”.

12 **Subtitle E—Matters Relating to the**
13 **Russian Federation**

14 **SEC. 1231. EXTENSION AND ENHANCEMENT OF UKRAINE**
15 **SECURITY ASSISTANCE INITIATIVE.**

16 (a) FUNDING.—Section 1250 of the National Defense
17 Authorization Act for Fiscal Year 2016 (Public Law 114–
18 92; 129 Stat. 1068) is amended—

19 (1) in subsection (a), by striking “Of the
20 amounts” and all that follows through “shall be
21 available to” and inserting “Amounts available for a
22 fiscal year under subsection (f) shall be available
23 to”;

24 (2) by redesignating subsection (f) as sub-
25 section (h); and

1 (3) by inserting after subsection (e) the fol-
2 lowing new subsection (f):

3 “(f) FUNDING.—From amounts authorized to be ap-
4 propriated for the fiscal year concerned for the Depart-
5 ment of Defense for overseas contingency operations, the
6 following shall be available for purposes of subsection (a):

7 “(1) For fiscal year 2016, \$300,000,000.

8 “(2) For fiscal year 2017, \$500,000,000.”.

9 (b) ADDITIONAL AUTHORIZED ASSISTANCE.—Sub-
10 section (b) of such section is amended by adding at the
11 end the following new paragraphs:

12 “(10) Equipment and technical assistance to
13 the State Border Guard Service of Ukraine for the
14 purpose of developing a comprehensive border sur-
15 veillance network for Ukraine.

16 “(11) Training for staff officers and senior
17 leadership of the military.”.

18 (c) AVAILABILITY OF FUNDS.—Subsection (c) of
19 such section is amended—

20 (1) in paragraph (1), by inserting “for a fiscal
21 year” after “pursuant to subsection (a)”;

22 (2) in paragraph (2), by striking “pursuant to
23 subsection (a)” and all that follows and inserting
24 “pursuant to subsection (a) for a fiscal year, the
25 amount as follows shall be available only for lethal

1 assistance described in paragraphs (2) and (3) of
2 subsection (b) in that fiscal year:

3 “(A) In fiscal year 2016, \$50,000,000.

4 “(B) In fiscal year 2017, \$150,000,000.”;

5 (3) in paragraph (3)—

6 (A) in the paragraph heading, by striking
7 “OTHER PURPOSES” and inserting “AVAIL-
8 ABILITY FOR NON-UKRAINE PURPOSES OF CER-
9 TAIN AMOUNT OTHERWISE AVAILABLE FOR
10 UKRAINE DEFENSIVE LETHAL ASSISTANCE”;

11 (B) in the matter preceding subparagraph
12 (A), by striking the first sentence and inserting
13 the following new sentence: “Subject to para-
14 graph (5), the amount described in paragraph
15 (2)(B) for fiscal year 2017 shall be available for
16 purposes other than assistance and support de-
17 scribed in subsection (a) commencing on the
18 date that is 90 days after the date of the enact-
19 ment of the National Defense Authorization Act
20 for Fiscal Year 2017 if the Secretary of De-
21 fense, with the concurrence of the Secretary of
22 State, determines that the use of such amount
23 for lethal assistance described in paragraphs (2)
24 and (3) of subsection (b) is not in the national
25 security interests of the United States.”; and

1 (C) in subparagraph (B), by striking “or
2 the Government of Ukraine”; and

3 (4) by adding at the end the following new
4 paragraphs:

5 “(4) AVAILABILITY FOR NON-UKRAINE PUR-
6 POSES OF CERTAIN AMOUNT OTHERWISE AVAILABLE
7 FOR UKRAINE GENERALLY.—

8 “(A) IN GENERAL.—If the certification de-
9 scribed in subparagraph (B) is not made to the
10 congressional defense committees by the end of
11 the 90-day period beginning on the date of the
12 enactment of the National Defense Authoriza-
13 tion Act for Fiscal Year 2017, commencing as
14 of the end of that period \$250,000,000 of the
15 amount available for this section for fiscal year
16 2017 under subsection (f) shall be available in
17 accordance with paragraph (5)(B).

18 “(B) CERTIFICATION.—A certification de-
19 scribed in this subparagraph is a certification
20 by the Secretary of Defense, in coordination
21 with the Secretary of State, that the Govern-
22 ment of Ukraine has taken substantial actions
23 to make defense institutional reforms to de-
24 crease corruption, increase accountability, and
25 sustain improvements of combat capability en-

1 abled by such security assistance. The certifi-
2 cation shall include an assessment of the sub-
3 stantial actions taken to make defense institu-
4 tional reforms and the areas in which additional
5 action is needed.

6 “(5) USE.—In the event funds described in
7 paragraph (2)(B) are not used in fiscal year 2017
8 for defensive lethal assistance described in para-
9 graphs (2) and (3) of subsection (b) by reason of a
10 determination under paragraph (3), and funds de-
11 scribed in paragraph (4) are available under that
12 paragraph in that fiscal year by reason of the lack
13 of a certification described in paragraph (4)(B), of
14 the amount available for this section under sub-
15 section (f) for fiscal year 2017—

16 “(A) \$250,000,000 may be used for assist-
17 ance and support described in subsection (a) for
18 the Government of Ukraine; and

19 “(B) \$250,000,000 may be used for pur-
20 poses described in paragraph (3), of which not
21 more than \$150,000,000 may be used for such
22 purposes for a particular foreign country.

23 “(6) NOTICE TO CONGRESS.—Not later than 15
24 days before providing assistance or training under
25 paragraph (3), (4), or (5), the Secretary of Defense

1 shall submit to the congressional defense commit-
2 tees, the Committee on Foreign Relations of the
3 Senate, and the Committee on Foreign Affairs of the
4 House of Representatives a notification containing
5 the following:

6 “(A) The recipient foreign country.

7 “(B) A detailed description of the assist-
8 ance or training to be provided, including—

9 “(i) the objectives of such assistance
10 or training;

11 “(ii) the budget for such assistance or
12 training; and

13 “(iii) the expected or estimated
14 timeline for delivery of such assistance or
15 training.

16 “(C) Such other matters as the Secretary
17 considers appropriate”.

18 (d) CONSTRUCTION WITH OTHER AUTHORITY.—
19 Such section is further amended by inserting after sub-
20 section (f), as amended by subsection (a)(3) of this sec-
21 tion, the following new subsection (g):

22 “(g) CONSTRUCTION WITH OTHER AUTHORITY.—
23 The authority to provide assistance and support pursuant
24 to subsection (a), and the authority to provide assistance
25 and training support under subsection (c), is in addition

1 to authority to provide assistance and support under title
 2 10, United States Code, the Foreign Assistance Act of
 3 1961, the Arms Export Control Act, or any other provi-
 4 sion of law.”.

5 (e) EXTENSION.—Subsection (h) of such section, as
 6 redesignated by subsection (a)(2) of this section, is
 7 amended by striking “December 31, 2017” and inserting
 8 “December 31, 2019”.

9 (f) EXTENSION OF REPORTS ON MILITARY ASSIST-
 10 ANCE TO UKRAINE.—Section 1275(e) of the Carl Levin
 11 and Howard P. “Buck” McKeon National Defense Au-
 12 thorization Act for Fiscal Year 2015 (Public Law 113–
 13 291; 128 Stat. 3592), as amended by section 1250(g) of
 14 the National Defense Authorization Act for Fiscal Year
 15 2016, is further amended by striking “December 31,
 16 2017” and inserting “December 31, 2020”.

17 **SEC. 1232. EXTENSION AND MODIFICATION OF AUTHORITY**
 18 **ON TRAINING FOR EASTERN EUROPEAN NA-**
 19 **TIONAL MILITARY FORCES IN THE COURSE**
 20 **OF MULTILATERAL EXERCISES.**

21 (a) ADDITIONAL SOURCE OF FUNDING.—Subsection
 22 (d)(2) of section 1251 of the National Defense Authoriza-
 23 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
 24 Stat. 1070; 10 U.S.C. 2282 note) is amended by adding
 25 at the end the following new subparagraph:

1 “(C) Amounts authorized to be appro-
2 priated for a fiscal year for overseas contin-
3 gency operations for operation and mainte-
4 nance, Army, and available under Land Forces
5 Operations Support for the European Reassur-
6 ance Initiative for that fiscal year.”.

7 (b) TWO-YEAR EXTENSION.—Subsection (h) of such
8 section is amended—

9 (1) by striking “September 30, 2017” and in-
10 serting “September 30, 2019”; and

11 (2) by striking “through 2017” and inserting
12 “through 2019”.

13 **SEC. 1233. ADDITIONAL MATTERS IN ANNUAL REPORT ON**
14 **MILITARY AND SECURITY DEVELOPMENTS**
15 **INVOLVING THE RUSSIAN FEDERATION.**

16 Section 1245 of the Carl Levin and Howard P.
17 “Buck” McKeon National Defense Authorization Act for
18 Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3566),
19 as amended by section 1248 of the National Defense Au-
20 thorization Act for Fiscal Year 2016 (Public Law 114–
21 92; 129 Stat. 1066), is further amended—

22 (1) in subsection (b)—

23 (A) by redesignating paragraphs (10)
24 through (18) as paragraphs (11) through (19),
25 respectively;

1 (B) by inserting after paragraph (9) the
2 following new paragraph:

3 “(10) In consultation with the Secretary of
4 State, the Secretary of the Treasury, and the Direc-
5 tor of National Intelligence, an assessment of Rus-
6 sia’s diplomatic, economic, and intelligence oper-
7 ations in Ukraine.”;

8 (C) by striking paragraph (13), as redesign-
9 nated by subparagraph (A), and inserting the
10 following new paragraph:

11 “(13) An analysis of the nuclear strategy and
12 associated doctrine of Russia, based on current as-
13 sessments, including—

14 “(A) the capacity, capability, and readiness
15 of Russia’s active and inactive strategic and
16 tactical nuclear systems;

17 “(B) the estimated minimum and max-
18 imum flight ranges of each of Russia’s active
19 and inactive strategic and tactical nuclear sys-
20 tems;

21 “(C) an assessment of whether Russia’s
22 SAM and ABM systems possess surface-to-sur-
23 face launch capability, and if so, an estimate of
24 the minimum and maximum surface-to-surface
25 flight range of these systems; and

1 “(D) an assessment of Russia’s invest-
2 ments in alternative delivery systems, includ-
3 ing—

4 “(i) air-launched ICBMs;

5 “(ii) rail-mobile ICBMs; and

6 “(iii) nuclear-armed, nuclear-powered
7 unmanned underwater vehicles, including
8 the Maritime Multifunctional System Sta-
9 tus–6 (Kanyon).”;

10 (D) in subparagraph (B) of paragraph
11 (17), as redesignated by subparagraph (A) of
12 this paragraph, by striking “day” and inserting
13 “month”;

14 (2) by redesignating subsections (d), (e), and
15 (f) as subsections (e), (f), and (g), respectively;

16 (3) by inserting after subsection (c) the fol-
17 lowing new subsection:

18 “(d) PUBLISHING REQUIREMENT.—Upon submission
19 of the report required under subsection (a) in both classi-
20 fied and unclassified form, the Secretary of Defense shall
21 publish the unclassified form on the Department of De-
22 fense website.”; and

23 (4) in subsection (g), as redesignated by para-
24 graph (3), by striking “2018” and inserting “2022”.

1 **SEC. 1234. EUROPEAN INVESTMENT IN SECURITY AND STA-**
2 **BILITY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the North Atlantic Treaty Organization
6 (NATO) allies and European partners of the United
7 States are indispensable to addressing global secu-
8 rity challenges;

9 (2) the security and stability of Europe is an
10 enduring vital national security interest of the
11 United States;

12 (3) while the investments of the United States
13 are important to the security and stability of Eu-
14 rope, the investments of North Atlantic Treaty Or-
15 ganization allies and European partners in devel-
16 oping and employing their own security capabilities
17 should meet or exceed such investments of the
18 United States, including in efforts such as the Euro-
19 pean Deterrence Initiative;

20 (4) Congress expects an increase in the forward
21 presence of the military forces of the North Atlantic
22 Treaty Organization allies and European partners,
23 especially by the most capable North Atlantic Treaty
24 Organization allies; and

25 (5) the forces described in paragraph (4) must
26 be interoperable with the additional United States

1 troops in Eastern Europe, as enabled by the Euro-
2 pean Deterrence Initiative, and are a critical compo-
3 nent of the forward presence of the North Atlantic
4 Treaty Organization to provide improved collective
5 security and increased effective deterrence.

6 (b) ACCOUNTING OF EUROPEAN INVESTMENT.—Not
7 later than 60 days after the date of the enactment of this
8 Act, the Secretary of Defense shall present to the congres-
9 sional defense committees an accounting of European in-
10 vestment in security capabilities including current and
11 planned efforts to contribute to global security operations
12 such as maintaining security and stability in Afghanistan
13 and countering the Islamic State of Iraq and the Levant,
14 programs and projects designed to deter Russia and main-
15 tain the security and stability of Europe, and any other
16 initiative that matches or compliments the efforts the
17 United States is making (such as the European Deter-
18 rence Initiative).

19 (c) ELEMENTS.—The accounting presented pursuant
20 to subsection (b) shall include the following:

21 (1) A summary of the major outcomes of the
22 2014 NATO Wales Summit and the 2016 NATO
23 Warsaw Summit including progress towards fulfil-
24 ment of pledges to increase defense spending as
25 agreed to by Heads of State and Government.

1 (2) A description of initiatives by other mem-
2 bers of the North Atlantic Treaty Organization and
3 European partners to—

4 (A) deter security challenges posed by Rus-
5 sia;

6 (B) increase capabilities to respond to un-
7 conventional or hybrid warfare tactics such as
8 those used by the Russian Federation to annex
9 Crimea and foment instability in Eastern
10 Ukraine;

11 (C) enhance security in Europe in ways
12 that match or exceed United States contribu-
13 tions to conventional deterrence in the region;

14 (D) contribute to the counter-Islamic State
15 of Iraq and the Levant campaign and the North
16 Atlantic Treaty Organization-led mission in Af-
17 ghanistan; and

18 (E) counter terrorism elsewhere in Europe
19 and Africa.

20 (3) Any other matters the Secretary of Defense
21 considers appropriate.

22 **SEC. 1235. SENSE OF SENATE ON EUROPEAN DETERRENCE**
23 **INITIATIVE.**

24 It is the sense of the Senate that—

1 (1) the European Deterrence Initiative will bol-
2 ster efforts to deter further Russian aggression by
3 providing resources to—

4 (A) train and equip the military forces of
5 North Atlantic Treaty Organization (NATO)
6 and non-North Atlantic Treaty Organization
7 partners in order to improve responsiveness, ex-
8 pand expeditionary capability, and strengthen
9 combat effectiveness across the spectrum of se-
10 curity environments;

11 (B) enhance the indications and warning,
12 interoperability and logistics capabilities of Al-
13 lied and partner military forces to increase their
14 ability to respond to external aggression, defend
15 their sovereignty and territorial integrity, and
16 preserve regional stability; and

17 (C) improve the agility and flexibility of
18 military forces required to address threats
19 across the full spectrum of domains and effec-
20 tively operate in a wide array of coalition oper-
21 ations across diverse global environments from
22 North Africa and the Middle East to Eastern
23 Europe and the Arctic;

24 (2) investments that support the security and
25 stability of Europe and that assist European nations

1 in further developing their security capabilities are
2 in the long-term vital national security interests of
3 the United States; and

4 (3) funds for such efforts should be authorized
5 and appropriated in the base budget of the Depart-
6 ment of Defense in order to ensure continued and
7 planned funding to address long-term stability on
8 the European continent, reassure our European al-
9 lies and partners, and deter further Russian aggres-
10 sion.

11 **Subtitle F—Matters Relating to** 12 **Asia-Pacific Region**

13 **SEC. 1241. ANNUAL UPDATE OF DEPARTMENT OF DEFENSE** 14 **FREEDOM OF NAVIGATION REPORT.**

15 (a) IN GENERAL.—The Secretary of Defense shall
16 submit to the Committees on Armed Services of the Sen-
17 ate and the House of Representatives on an annual basis
18 a report setting forth an update of the most current De-
19 partment of Defense Freedom of Navigation Report under
20 the Freedom of Navigation Operations (FONOPS) pro-
21 gram. The purpose of each report shall be to document
22 the types and locations of excessive claims that the Armed
23 Forces of the United States have challenged in the pre-
24 vious year in order to preserve the rights, freedoms, and

1 uses of the sea and airspace guaranteed to all countries
2 by international law.

3 (b) ELEMENTS.—Each report under this section shall
4 include, for the year covered by such report, the following:

5 (1) Each excessive maritime claim challenged
6 by the United States under the program referred to
7 in subsection (a), including the country making each
8 such claim.

9 (2) The nature of each claim, including the geo-
10 graphic location or area covered by such claim (in-
11 cluding the body of water and island grouping, when
12 applicable).

13 (3) The specific legal challenge asserted
14 through the program.

15 (c) FORM.—Each report under this section shall be
16 submitted in unclassified form.

17 **SEC. 1242. INCLUSION OF THE PHILIPPINES AMONG ALLIED**
18 **COUNTRIES WITH WHOM UNITED STATES**
19 **MAY ENTER INTO COOPERATIVE MILITARY**
20 **AIRLIFT AGREEMENTS.**

21 Section 2350c(d)(1)(B) of title 10, United States
22 Code, is amended by inserting “the Philippines,” after
23 “Japan,”.

1 **SEC. 1243. MILITARY EXCHANGES BETWEEN THE UNITED**
2 **STATES AND TAIWAN.**

3 (a) **MILITARY EXCHANGES BETWEEN SENIOR OFFI-**
4 **CERS AND OFFICIALS OF THE UNITED STATES AND TAI-**
5 **WAN.—**

6 (1) **IN GENERAL.—**The Secretary of Defense
7 shall carry out a program of exchanges of senior
8 military officers and senior officials between the
9 United States and Taiwan designed to improve mili-
10 tary to military relations between the United States
11 and Taiwan.

12 (2) **EXCHANGES DESCRIBED.—**For the pur-
13 poses of this subsection, an exchange is an activity,
14 exercise, event, or observation opportunity between
15 members of the Armed Forces and officials of the
16 Department of Defense, on the one hand, and armed
17 forces personnel and officials of Taiwan, on the
18 other hand.

19 (3) **FOCUS OF EXCHANGES.—**The exchanges
20 under the program carried out pursuant to para-
21 graph (1) shall include exchanges focused on the fol-
22 lowing:

23 (A) Threat analysis.

24 (B) Military doctrine.

25 (C) Force planning.

26 (D) Logistical support.

1 (E) Intelligence collection and analysis.

2 (F) Operational tactics, techniques, and
3 procedures.

4 (G) Humanitarian assistance and disaster
5 relief.

6 (4) CIVIL-MILITARY AFFAIRS.—The exchanges
7 under the program carried out pursuant to para-
8 graph (1) shall include activities and exercises fo-
9 cused on civil-military relations, including parliamen-
10 tary relations.

11 (5) LOCATION OF EXCHANGES.—The exchanges
12 under the program carried out pursuant to para-
13 graph (1) shall be conducted in both the United
14 States and Taiwan.

15 (6) DEFINITIONS.—In this subsection:

16 (A) The term “senior military officer”,
17 with respect to the Armed Forces, means a gen-
18 eral or flag officer of the Armed Forces on ac-
19 tive duty.

20 (B) The term “senior official”, with re-
21 spect to the Department of Defense, means a
22 civilian official of the Department of Defense at
23 the level of Assistant Secretary of Defense or
24 above.

1 (b) SENSE OF SENATE ON PARTICIPATION OF TAI-
2 WAN IN CERTAIN ADVANCED AERIAL COMBAT TRAINING
3 EXERCISES.—It is the sense of the Senate that—

4 (1) the military forces of Taiwan, in accordance
5 with the Taiwan Relations Act (Public Law 96–8),
6 should be permitted to participate in bilateral train-
7 ing activities hosted by the United States that in-
8 crease the credible deterrent capabilities of Taiwan;

9 (2) Taiwan should be extended an invitation to
10 participate in advanced aerial combat training exer-
11 cises alongside the United States Air Force upon the
12 completion of the upgrades to the 45 F–16A/B
13 fighter aircraft of Taiwan; and

14 (3) to maintain a high state of readiness, Tai-
15 wan must strive to invest at least 3 percent of its
16 annual gross domestic product on defense.

17 **SEC. 1244. SENSE OF SENATE ON TAIWAN.**

18 It is the sense of the Senate that the United States
19 should strengthen and enhance its long-standing partner-
20 ship and strategic cooperation with Taiwan, and reinforce
21 its commitment to the Taiwan Relations Act and the “Six
22 Assurances” as both countries work toward mutual secu-
23 rity objectives, by—

24 (1) conducting regular transfers of defense arti-
25 cles and defense services necessary to enable Taiwan

1 to secure common interests and objectives with the
2 United States;

3 (2) supporting the efforts of Taiwan to inte-
4 grate innovative and asymmetric capabilities to bal-
5 ance the growing military capabilities of the People's
6 Republic of China, including fast-attack craft, coast-
7 al-defense cruise missiles, rapid-runway repair train-
8 ing, and undersea warfare capabilities optimized for
9 the defense of the Taiwan Straits;

10 (3) assisting Taiwan in building an effective air
11 defense capability consisting of a balance of fighters
12 and more mobile air defense systems; and

13 (4) permitting Taiwan to participate in bilateral
14 training activities hosted by the United States that
15 increase the credible deterrent capabilities of Tai-
16 wan.

17 **SEC. 1245. SENSE OF SENATE ON ENHANCEMENT OF THE**
18 **MILITARY RELATIONSHIP BETWEEN THE**
19 **UNITED STATES AND VIETNAM.**

20 It is the sense of the Senate that—

21 (1) removing the prohibition on the sale of le-
22 thal military equipment to the Government of Viet-
23 nam at this time would further United States na-
24 tional security interests;

1 (2) any future sale of arms by the United
2 States Government to the Government of Vietnam
3 should be monitored to ensure that—

4 (A) the Government of Vietnam is con-
5 tinuing to make progress on human rights; and

6 (B) the arms sold are not being used in
7 ways that violate the human rights and free-
8 doms of civilians in Vietnam; and

9 (3) the United States Government should con-
10 tinue to expand the military-to-military relationship
11 with the Government of Vietnam, including by—

12 (A) increasing participation in bilateral
13 and multilateral naval exercises;

14 (B) increasing naval port visits by the
15 United States, including at Cam Ranh Bay and
16 Da Nang, Vietnam;

17 (C) increasing International Military Edu-
18 cation and Training (IMET) and Expanded-
19 IMET (E-IMET) programs for military officers
20 of Vietnam;

21 (D) establishing bilateral arrangements to
22 support increased cooperation on humanitarian
23 assistance and disaster relief and joint per-
24 sonnel accounting cooperative activities; and

1 (E) seeking opportunities to promote mili-
2 tary observation and participation by Vietnam
3 in regional exercises such as the Rim of the Pa-
4 cific (RIMPAC) exercise, the COBRA GOLD
5 multinational exercises held in Thailand, and
6 the BALIKITAN exercise of the United States
7 and the Philippines.

8 **SEC. 1246. REDESIGNATION OF SOUTH CHINA SEA INITIA-**
9 **TIVE.**

10 (a) REDESIGNATION AS SOUTHEAST ASIA MARITIME
11 SECURITY INITIATIVE.—Subsection (a)(2) of section 1263
12 of the National Defense Authorization Act for Fiscal Year
13 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C.
14 2282 note) is amended by striking “the ‘South China Sea
15 Initiative’” and inserting “the ‘Southeast Asia Maritime
16 Security Initiative’”.

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

19 **“SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIA-**
20 **TIVE.”.**

21 **SEC. 1247. MILITARY-TO-MILITARY EXCHANGES WITH**
22 **INDIA.**

23 To enhance military cooperation and encourage en-
24 gagement in joint military operations between the United
25 States and India, the Secretary of Defense may take ap-

1 appropriate actions to ensure that exchanges between senior
2 military officers and senior civilian defense officials of the
3 Government of India and the United States Government—

4 (1) are at a level appropriate to enhance en-
5 gagement between the militaries of the two countries
6 for developing threat analysis, military doctrine,
7 force planning, logistical support, intelligence collec-
8 tion and analysis, tactics, techniques, and proce-
9 dures, and humanitarian assistance and disaster re-
10 lief;

11 (2) include exchanges of general and flag offi-
12 cers; and

13 (3) significantly enhance joint military oper-
14 ations, including maritime security, counter-piracy,
15 counter-terror cooperation, and domain awareness in
16 the Indo-Asia-Pacific region.

17 **Subtitle G—Reform of Department** 18 **of Defense Security Cooperation**

19 **SEC. 1251. SENSE OF CONGRESS ON SECURITY SECTOR AS-** 20 **SISTANCE.**

21 It is the sense of Congress that—

22 (1) United States security sector assistance is
23 aimed at strengthening the ability of United States
24 allies and partner nations to build their own security

1 capacity, consistent with the principles of good gov-
2 ernance and rule of law;

3 (2) in an environment of limited resources and
4 diverse security challenges, it is essential that the
5 United States be selective and focus targeted assist-
6 ance where it can be most effective and where it is
7 most aligned with broader foreign policy and na-
8 tional security objectives of the United States;

9 (3) the goals of United States security sector
10 assistance are to—

11 (A) help partner nations build sustainable
12 capacity to address common security challenges;

13 (B) promote partner support for United
14 States interests;

15 (C) promote universal values, such as good
16 governance, citizen security, and respect for
17 human rights;

18 (D) strengthen collective security and mul-
19 tinationa1 defense arrangements and organiza-
20 tions; and

21 (E) promote the adoption of United States
22 products and technology, which increases inter-
23 operability and interdependence;

24 (4) the Department of State is the coordinator
25 of United State foreign policy, and is responsible for

1 policy direction on all matters relating to security
2 sector assistance;

3 (5) the Department of Defense provides critical
4 implementing support to the Department of State on
5 security assistance programs, and conducts critical
6 security cooperation programs of its own;

7 (6) other United States Government agencies,
8 such as the United States Agency for International
9 Development, the Department of Treasury, the De-
10 partment of Justice, and the Department of Home-
11 land Security, also play critical roles in executing a
12 whole-of-government approach to security sector as-
13 sistance;

14 (7) security sector assistance must be dis-
15 charged as a shared responsibility across all depart-
16 ments and agencies of the United States Govern-
17 ment, with all departments and agencies operating
18 with a shared commitment to agility, effectiveness,
19 and coordination; and

20 (8) as the two leading implementers of security
21 sector assistance, the Department of State and De-
22 partment of Defense should work collaboratively in
23 all matters relating to security sector assistance, in-
24 cluding by undertaking joint planning to determine
25 the best application of security sector assistance pro-

1 grams under title 10, United States Code, the For-
2 foreign Assistance Act of 1961, and other laws relating
3 to such programs for the Department of Defense
4 and the Department of State, particularly when the
5 United States Government seeks to introduce a sig-
6 nificant new military capability into a foreign coun-
7 try or region, significantly enhance the security ca-
8 pacity of a foreign country, or engage a diplomati-
9 cally sensitive foreign country.

10 **SEC. 1252. ENACTMENT OF NEW CHAPTER FOR DEFENSE**
11 **SECURITY COOPERATION.**

12 (a) STATUTORY REORGANIZATION.—Part I of sub-
13 title A of title 10, United States Code, is amended—

14 (1) by redesignating chapters 13, 15, 17, and
15 18 as chapters 12, 13, 14, and 15, respectively;

16 (2) by redesignating sections 261, 311, 312,
17 331, 332, 333, 334, 335, 351, 371, 372, 373, 374,
18 375, 376, 377, 378, 379, 380, 381, 382, 383, and
19 384 (as added by section 1006 of this Act) as sec-
20 tions 241, 246, 247, 251, 252, 253, 254, 255, 261
21 271, 272, 273, 274, 275, 276, 277, 278, 279, 280,
22 281, 282, 283, and 284, respectively; and

23 (3) by inserting after chapter 15, as redesi-
24 gnated by paragraph (1), the following new chapter:

1 **“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

2 **“SUBCHAPTER I—GENERAL MATTERS**

“Sec.

“301. Definitions.

3 **“§ 301. Definitions**

4 “In this chapter:

5 “(1) The terms ‘appropriate congressional com-
6 mittees’ and ‘appropriate committees of Congress’
7 mean—

8 “(A) the Committee on Armed Services,
9 the Committee on Foreign Relations, and the
10 Committee on Appropriations of the Senate;
11 and

12 “(B) the Committee on Armed Services,
13 the Committee on Foreign Affairs, and the
14 Committee on Appropriations of the House of
15 Representatives.

16 “(2) The term ‘defense article’ means—

17 “(A) any weapon, weapon system, muni-
18 tion, aircraft, boat, or other implement of war;

19 “(B) any machinery, tool, material, supply,
20 or other item necessary for the repair, servicing,

1 operation, or use of any article listed in this
2 paragraph; and

3 “(C) any component or part of any article
4 listed in this paragraph.

5 “(3) The term ‘defense service’ means any serv-
6 ice, test, inspection, repair, training, publication,
7 technical or other assistance related to a defense ar-
8 ticle.

9 “(4) The term ‘incremental expenses’, with re-
10 spect to a foreign country—

11 “(A) means the reasonable and proper
12 costs of rations, fuel, training ammunition,
13 transportation, and other goods and services
14 consumed by the country as a direct result of
15 the country’s participation in activities author-
16 ized by this chapter; and

17 “(B) does not include—

18 “(i) any form of lethal assistance (ex-
19 cluding training ammunition); or

20 “(ii) pay, allowances, and other nor-
21 mal costs of the personnel of the country.

22 “(5) The term ‘security cooperation programs
23 and activities of the Department of Defense’ means
24 any program, activity (including an exercise), or
25 interaction of the Department of Defense with the

1 security establishment of a foreign country to
2 achieve a purpose as follows:

3 “(A) To build relationships that promote
4 specific United States security interests.

5 “(B) To build and develop allied and
6 friendly security capabilities for self-defense and
7 multinational operations.

8 “(C) To provide the armed forces with ac-
9 cess to the foreign country during peacetime or
10 a contingency operation.

11 “(6) The term ‘small-scale construction’ means
12 construction at a cost not to exceed \$750,000 for
13 any project.

14 “(7) The term ‘training’ includes formal or in-
15 formal instruction of foreign students in the United
16 States or overseas by officers or employees of the
17 United States, contract technicians, or contractors,
18 or technical, educational, or information publications
19 and media of all kinds, training aid, orientation,
20 training exercise, and military advice to foreign mili-
21 tary units and forces.

22 “SUBCHAPTER II—MILITARY-TO-MILITARY
23 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.

1 “SUBCHAPTER III—TRAINING WITH FOREIGN
2 FORCES

“Sec.

“321. Training with friendly foreign countries: payment of training and exercise expenses.

3 “SUBCHAPTER IV—SUPPORT FOR OPERATIONS
4 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.

5 “SUBCHAPTER V—EDUCATIONAL AND
6 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.

7 “SUBCHAPTER VI—LIMITATIONS ON USE OF
8 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.

1 “SUBCHAPTER VII—ADMINISTRATIVE AND
2 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.”.

3 (b) TRANSFER OF SECTION 1051B.—Section 1051b
4 of title 10, United States Code, is transferred to chapter
5 16 of such title, as added by subsection (a)(3), inserted
6 after the table of sections at the beginning of subchapter
7 II of such chapter, and redesignated as section 313.

8 (c) CODIFICATION OF SECTION 1081 OF FY 2012
9 NDAA.—

10 (1) CODIFICATION.—Chapter 16 of title 10,
11 United States Code, as added by subsection (a)(3),
12 is amended by inserting after the table of sections
13 at the beginning of subchapter IV a new section 332
14 consisting of—

15 (A) a heading as follows:

16 “§ 332. **Friendly foreign countries; international and**
17 **regional organizations; defense institu-**
18 **tion capacity building”; and**

19 (B) a text consisting of the text of sub-
20 sections (a) through (d) of section 1081 of the
21 National Defense Authorization Act for Fiscal
22 Year 2012 (10 U.S.C. 168 note).

1 (2) CONFORMING REPEAL.—Section 1081 of
2 the National Defense Authorization Act for Fiscal
3 Year 2012 is repealed.

4 (d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP
5 FOREIGN SECURITY FORCES.—

6 (1) SUPERSEDING AUTHORITY.—Chapter 16 of
7 title 10, United States Code, as added by subsection
8 (a)(3), is amended by inserting after section 332, as
9 added by subsection (c), the following new section:

10 **“§ 333. Foreign security forces: authority to build ca-**
11 **pacity**

12 “(a) AUTHORITY.—The Secretary of Defense is au-
13 thorized to conduct or support a program or programs to
14 provide training and equipment to the national security
15 forces of one or more foreign countries for the purpose
16 of conducting one or more of the following:

17 “(1) Counterterrorism operations.

18 “(2) Counter-weapons of mass destruction oper-
19 ations.

20 “(3) Counter-illicit drug trafficking operations.

21 “(4) Counter-transnational organized crime op-
22 erations.

23 “(5) Maritime and border security operations.

24 “(6) Military intelligence operations in support
25 of lawful military operations.

1 “(7) Humanitarian and disaster assistance op-
2 erations.

3 “(8) Operations or activities that contribute to
4 an international coalition operation that is deter-
5 mined by the Secretary to be in the national interest
6 of the United States.

7 “(9) National territorial defense of the foreign
8 country concerned.

9 “(b) CONCURRENCE AND COORDINATION WITH SEC-
10 RETARY OF STATE.—

11 “(1) CONCURRENCE IN CONDUCT OF PRO-
12 GRAMS.—The concurrence of the Secretary of State
13 is required to conduct any program authorized by
14 subsection (a).

15 “(2) COORDINATION IN PREPARATION OF CER-
16 TAIN NOTICES.—Any notice required by this section
17 to be submitted to the appropriate committees of
18 Congress shall be prepared in coordination with the
19 Secretary of State.

20 “(c) TYPES OF CAPACITY BUILDING.—

21 “(1) AUTHORIZED ELEMENTS.—A program
22 under subsection (a) may include the provision and
23 sustainment of defense articles, training, defense
24 services, supplies (including consumables), and
25 small-scale construction.

1 “(2) REQUIRED ELEMENTS.—A program under
2 subsection (a) shall include elements that promote
3 the following:

4 “(A) Observance of and respect for the law
5 of armed conflict, fundamental freedoms, and
6 the rule of law.

7 “(B) Respect for civilian control of the
8 military.

9 “(3) HUMAN RIGHTS TRAINING.—In order to
10 meet the requirement in paragraph (2)(A) with re-
11 spect to particular national security forces under a
12 program under subsection (a), the Secretary of De-
13 fense shall certify, prior to the initiation of the pro-
14 gram, that the Department of Defense is already un-
15 dertaking, or will undertake as part of the program,
16 human rights training that includes a comprehensive
17 curriculum on human rights and the law of armed
18 conflict to such national security forces.

19 “(4) DEFENSE INSTITUTION BUILDING.—In
20 order to meet the requirement in paragraph (2)(B)
21 with respect to a particular foreign country under a
22 program under subsection (a), the Secretary shall
23 certify, prior to the initiation of the program, that
24 the Department is already undertaking, or will un-
25 dertake as part of the program, a program of de-

1 fense institution building with appropriate defense
2 institutions of such foreign country that is com-
3 plementary to the program with respect to such for-
4 eign country under subsection (a). The purpose of
5 the program of defense institution building shall be
6 to enhance the capacity of such foreign country to
7 exercise responsible civilian control of the national
8 security forces of such foreign country.

9 “(d) LIMITATIONS.—

10 “(1) ASSISTANCE OTHERWISE PROHIBITED BY
11 LAW.—The Secretary of Defense may not use the
12 authority in subsection (a) to provide any type of as-
13 sistance described in subsection (c) that is otherwise
14 prohibited by any provision of law.

15 “(2) PROHIBITION ON ASSISTANCE TO UNITS
16 THAT HAVE COMMITTED GROSS VIOLATIONS OF
17 HUMAN RIGHTS.—The provision of assistance pursu-
18 ant to a program under subsection (a) shall be sub-
19 ject to the provisions of section 362 of this title.

20 “(3) DURATION OF SUSTAINMENT SUPPORT.—
21 Sustainment support may not be provided pursuant
22 to a program under subsection (a), or for equipment
23 previously provided by the Department of Defense
24 under any authority available to the Secretary dur-
25 ing fiscal year 2015 or 2016, for a period in excess

1 of five years unless the Secretary provides to the
2 congressional defense committees a written justifica-
3 tion that the provision of such support for a period
4 in excess of five years will enhance the security in-
5 terests of the United States.

6 “(e) NOTICE AND WAIT ON ACTIVITIES UNDER PRO-
7 GRAMS.—Not later than 15 days before initiating activities
8 under a program under subsection (a), the Secretary of
9 Defense shall submit to the appropriate committees of
10 Congress a notice of the following:

11 “(1) The foreign country, and specific unit,
12 whose capacity to engage in activities specified in
13 subsection (a) will be built under the program.

14 “(2) The cost, implementation timeline and de-
15 livery schedule for assistance under the program.

16 “(3) A description of the arrangements, if any,
17 for the sustainment of the program and the esti-
18 mated cost and source of funds to support
19 sustainment of the capabilities and performance out-
20 comes achieved under the program beyond its com-
21 pletion date, if applicable.

22 “(4) Information, including the amount, type,
23 and purpose, on the security assistance provided the
24 foreign country during the three preceding fiscal
25 years pursuant to authorities under this title, the

1 Foreign Assistance Act of 1961, and any other train
2 and equip authorities of the Department of Defense.

3 “(5) A description of the elements of the the-
4 ater security cooperation plan of the geographic
5 combatant command concerned that will be ad-
6 vanced by the program.

7 “(f) QUARTERLY MONITORING REPORTS.—The Sec-
8 retary of Defense shall, on a quarterly basis, submit to
9 the appropriate committees of Congress a report setting
10 forth, for the preceding calendar quarter, the following:

11 “(1) Information, by recipient country, of the
12 delivery and execution status of all defense articles,
13 training, defense services, and small-scale construc-
14 tion under programs under subsection (a).

15 “(2) Information on the timeliness of delivery
16 of defense articles, defense services, and small-scale
17 construction when compared with delivery schedules
18 for such articles and construction previously pro-
19 vided to Congress.

20 “(3) Information, by recipient country, on the
21 status of funds allocated for programs under sub-
22 section (a), including amounts of unobligated funds,
23 unliquidated obligations, and disbursements.

24 “(g) FUNDING.—Amounts for programs carried out
25 pursuant to subsection (a) in a fiscal year, and for other

1 purposes in connection with such programs as authorized
2 by this section, shall be derived from amounts available
3 for such programs and purposes for such fiscal year in
4 the Security Cooperation Enhancement Fund under sec-
5 tion 381 of this title or as otherwise provided by law.

6 “(h) NATIONAL SECURITY FORCES DEFINED.—In
7 this section, the term ‘national security forces’, in the case
8 of a foreign country, means the national military and na-
9 tional-level security forces of the foreign country that have
10 among their functional responsibilities the operations and
11 activities specified in subsection (a).”.

12 (2) FUNDING FOR FISCAL YEAR 2017.—
13 Amounts shall be available for fiscal year 2017 for
14 programs and other purposes described in subsection
15 (g) of section 333 of title 10, United States Code,
16 as added by paragraph (1), as follows:

17 (A) Amounts authorized to be appropriated
18 by section 301 for operation and maintenance,
19 Defense-wide, and available for such programs
20 and purposes as specified in the funding table
21 in section 4301.

22 (B) Amounts authorized to be appro-
23 priated by section 1504 for operation and main-
24 tenance, Defense-wide, for overseas contingency
25 operations and available for such programs and

1 purposes as specified in the funding table in
2 section 4302.

3 (C) Amounts authorized to be appropriated
4 by section 1510 for the Counterterrorism Part-
5 nerships Fund and available for such programs
6 and purposes as specified in the funding table
7 in section 4502.

8 (3) LIMITATION ON AVAILABILITY OF FUNDS
9 FOR FISCAL YEAR 2017.—Of the amounts available
10 for fiscal year 2017 pursuant to paragraph (2) for
11 programs and other purposes described in subsection
12 (g) of section 333 of title 10, United States Code,
13 as so added, not more than 65 percent of such
14 amounts may be used for such purposes under the
15 guidance required by paragraph (4) is submitted to
16 the congressional defense committees as required by
17 paragraph (4).

18 (4) GUIDANCE.—Not later than 180 days after
19 the date of the enactment of this Act, the Secretary
20 of Defense shall prescribe, and submit to the con-
21 gressional defense committees, policy guidance on
22 roles, responsibilities, and processes in connection
23 with programs and activities authorized by section
24 333 of title 10, United States Code, as so added.

1 (5) CONFORMING AMENDMENTS.—Effective as
2 of the date that is 180 days after the date of the
3 enactment of this Act, section 1004 of the National
4 Defense Authorization Act for Fiscal Year 1991 (10
5 U.S.C. 374 note) is amended—

6 (A) in subsection (a)—

7 (i) in the matter preceding paragraph
8 (1), by striking “tribal, or foreign” and in-
9 serting “or tribal”;

10 (ii) in paragraph (1), by adding “or”
11 at the end;

12 (iii) in paragraph (2), by striking “;
13 or” and inserting a period; and

14 (iv) by striking paragraph (3); and

15 (B) in subsection (b)(4), by striking “or
16 for the purpose” and all that follows and insert-
17 ing a period.

18 (6) CONFORMING REPEALS.—Effective as of the
19 date that is 180 days after the date of the enact-
20 ment of this Act, the following provisions of law are
21 repealed:

22 (A) Section 2282 of title 10, United States
23 Code.

1 (B) The following provisions of the Na-
2 tional Defense Authorization Act for Fiscal
3 Year 2014 (Public Law 113–66):

4 (i) Section 1203 (127 Stat. 894; 10
5 U.S.C. 2011 note).

6 (ii) Section 1204 (127 Stat. 896; 10
7 U.S.C. 401 note).

8 (iii) Section 1207 (127 Stat. 902; 22
9 U.S.C. 2151 note).

10 (C) Section 1033 of the National Defense
11 Authorization Act for Fiscal Year 1998 (Public
12 Law 105–85; 111 Stat. 1881).

13 (7) CLERICAL AMENDMENT.—Effective as of
14 the date that is 180 days after the date of the enact-
15 ment of this Act, the table of sections at the begin-
16 ning of chapter 136 of title 10, United States Code,
17 is amended by striking the item relating to section
18 2282.

19 (e) TRANSFER AND MODIFICATION OF SECTION 184
20 AND CODIFICATION OF RELATED PROVISIONS.—

21 (1) TRANSFER AND REDESIGNATION.—Section
22 184 of title 10, United States Code, is transferred
23 to chapter 16 of such title as added by subsection
24 (a)(3), inserted after the table of sections at the be-

1 ginning of subchapter V of such chapter, and redese-
2 gnated as section 342.

3 (2) MODIFICATION OF AUTHORITIES AND CODI-
4 FICATION OF REIMBURSEMENT-RELATED PROVI-
5 SIONS.—Section 342 of title 10, United States Code,
6 as so transferred and redesignated, is amended—

7 (A) in subsection (a), by striking “and ex-
8 change of ideas” and inserting “and training”;

9 (B) in subsection (b)—

10 (i) in paragraph (1)(B), by striking
11 “and exchange of ideas” and inserting
12 “and training”;

13 (ii) in paragraph (2)—

14 (I) in subparagraph (A), by strik-
15 ing “European”;

16 (II) in subparagraph (B), by
17 striking “Asia-Pacific”;

18 (III) in subparagraph (C), by
19 striking “Hemispheric Defense” and
20 inserting “Security”; and

21 (IV) by striking subparagraphs
22 (D) and (E); and

23 (iii) in paragraph (3), by striking “,
24 except as specifically provided by law after
25 October 17, 2006”;

1 (C) in subsection (c), by adding at the end
2 the following new sentence: “The regulations
3 shall assign regional areas of focus to each Re-
4 gional Center, and shall prioritize within their
5 respective areas of focus the functional areas
6 for engagement of territorial and maritime se-
7 curity, transnational and asymmetric threats,
8 and defense sector governance.”; and

9 (D) in subsection (f)—

10 (i) in paragraph (3)—

11 (I) by inserting “(A)” after
12 “(3)”; and

13 (II) in subparagraph (A), as so
14 designated, by striking “civilian gov-
15 ernment officials” and inserting “per-
16 sonnel”; and

17 (III) by adding at the end the
18 following new subparagraph:

19 “(B)(i) The Secretary of Defense may, with the con-
20 currence of the Secretary of State, waive reimbursement
21 otherwise required under this subsection of the costs of
22 activities of the Regional Centers for personnel of non-
23 governmental and international organizations who partici-
24 pate in activities of the Regional Centers that enhance co-
25 operation of nongovernmental organizations and inter-

1 national organizations with United States forces if the
2 Secretary of Defense determines that attendance of such
3 personnel without reimbursement is in the national secu-
4 rity interests of the United States.

5 “(ii) The amount of reimbursement that may be
6 waived under clause (i) in any fiscal year may not exceed
7 \$1,000,000.”; and

8 (ii) in paragraph (5), by striking
9 “under the Latin American cooperation
10 authority” and all that follows and insert-
11 ing “under section 312 of this title are also
12 available for the costs of the operation of
13 the Regional Centers.”.

14 (3) CODIFICATION OF PROVISIONS RELATING
15 TO SPECIFIC CENTERS.—Such section 342, as so
16 transferred and redesignated, is further amended by
17 adding at the end the following new subsections:

18 “(h) AUTHORITIES SPECIFIC TO MARSHALL CEN-
19 TER.—(1) The Secretary of Defense may authorize par-
20 ticipation by a European or Eurasian country in programs
21 of the George C. Marshall Center for Security Studies (in
22 this subsection referred to as the ‘Marshall Center’) if the
23 Secretary determines, after consultation with the Sec-
24 retary of State, that such participation is in the national
25 interest of the United States.

1 “(2)(A) In the case of any person invited to serve
2 without compensation on the Marshall Center Board of
3 Visitors, the Secretary of Defense may waive any require-
4 ment for financial disclosure that would otherwise apply
5 to that person solely by reason of service on such Board.

6 “(B) A member of the Marshall Center Board of Visi-
7 tors may not be required to register as an agent of a for-
8 eign government solely by reason of service as a member
9 of the Board.

10 “(C) Notwithstanding section 219 of title 18, a non-
11 United States citizen may serve on the Marshall Center
12 Board of Visitors even though registered as a foreign
13 agent.

14 “(3)(A) The Secretary of Defense may waive reim-
15 bursement of the costs of conferences, seminars, courses
16 of instruction, or similar educational activities of the Mar-
17 shall Center for military officers and civilian officials from
18 states located in Europe or the territory of the former So-
19 viet Union if the Secretary determines that attendance by
20 such personnel without reimbursement is in the national
21 security interest of the United States.

22 “(B) Costs for which reimbursement is waived pursu-
23 ant to subparagraph (A) shall be paid from appropriations
24 available for the Center.

1 “(i) AUTHORITIES SPECIFIC TO INOUYE CENTER.—

2 (1) The Secretary of Defense may waive reimbursement
3 of the cost of conferences, seminars, courses of instruction,
4 or similar educational activities of the Daniel K. Inouye
5 Center for Security Studies for military officers and civil-
6 ian officials of foreign countries if the Secretary deter-
7 mines that attendance by such personnel, without reim-
8 bursement, is in the national security interest of the
9 United States.

10 “(2) Costs for which reimbursement is waived pursu-
11 ant to paragraph (1) shall be paid from appropriations
12 available for the Center.”.

13 (4) REPEAL OF CODIFIED PROVISIONS.—The
14 following provisions of law are repealed:

15 (A) Section 941(b) of the Duncan Hunter
16 National Defense Authorization Act for Fiscal
17 Year 2009 (Public Law 110–417; 10 U.S.C.
18 184 note).

19 (B) Section 1065 of the National Defense
20 Authorization Act for Fiscal Year 1997 (Public
21 Law 104–201; 10 U.S.C. 113 note).

22 (C) Section 1306 of the National Defense
23 Authorization Act for Fiscal Year 1995 (Public
24 Law 103–337; 108 Stat. 2892).

1 (D) Section 8073 of the Department of
2 Defense Appropriations Act, 2003 Public Law
3 107–248 (10 U.S.C. prec. 2161 note).

4 (f) TRANSFER OF SECTION 2166.—

5 (1) TRANSFER AND REDESIGNATION.—Section
6 2166 of title 10, United States Code, is transferred
7 to chapter 16 of such title, as added by subsection
8 (a)(3), inserted after section 342, as transferred and
9 redesignated by subsection (e), and redesignated as
10 section 343.

11 (2) CONFORMING STYLISTIC AMENDMENTS.—
12 Such section 343, as so transferred and redesignated,
13 is amended by striking “nations” each place
14 it appears in subsections (b) and (c) and inserting
15 “countries”.

16 (g) TRANSFER OF SECTION 2350M.—Section 2350m
17 of title 10, United States Code, is transferred to chapter
18 16 of such title, as added by subsection (a)(3), inserted
19 after section 343, as transferred and redesignated by sub-
20 section (f), and redesignated as section 344.

21 (h) TRANSFER OF SECTION 2249D.—

22 (1) TRANSFER AND REDESIGNATION.—Section
23 2249d of title 10, United States Code, is transferred
24 to chapter 16 of such title, as added by subsection
25 (a)(3), inserted after section 344, as transferred and

1 redesignated by subsection (g), and redesignated as
2 section 346.

3 (2) CONFORMING STYLISTIC AMENDMENTS.—

4 Such section 346, as so transferred and redesign-
5 ated, is amended—

6 (A) by striking “nations” in subsections

7 (a) and (d) and inserting “countries”; and

8 (B) by striking subsection (g).

9 (i) REENACTMENT OF CHAPTER 905.—

10 (1) CONSOLIDATION OF SECTIONS 9381, 9382,
11 AND 9383.—Chapter 16 of title 10, United States
12 Code, as added by subsection (a)(3), is amended by
13 inserting after section 346, as transferred and redesi-
14 gnated by subsection (h), the following new section:

15 **“§ 348. Aviation Leadership Program**

16 “(a) IN GENERAL.—Under regulations prescribed by
17 the Secretary of Defense, the Secretary of the Air Force
18 may carry out an Aviation Leadership Program to provide
19 undergraduate pilot training and necessary related train-
20 ing to personnel of the air forces of friendly, developing
21 foreign countries. Training under this section shall include
22 language training and programs to promote better aware-
23 ness and understanding of the democratic institutions and
24 social framework of the United States.

1 “(b) SUPPLIES AND CLOTHING.—(1) The Secretary
2 of the Air Force may, under such conditions as the Sec-
3 retary may prescribe, provide to a person receiving train-
4 ing under this section—

5 “(A) transportation incident to the training;

6 “(B) supplies and equipment to be used during
7 the training;

8 “(C) flight clothing and other special clothing
9 required for the training; and

10 “(D) billeting, food, and health services.

11 “(2) The Secretary may authorize such expenditures
12 from the appropriations of the Air Force as the Secretary
13 considers necessary for the efficient and effective mainte-
14 nance of the Program in accordance with this section.

15 “(c) ALLOWANCES.—The Secretary of the Air Force
16 may pay to a person receiving training under this section
17 a living allowance at a rate to be prescribed by the Sec-
18 retary, taking into account the amount of living allowances
19 authorized for a member of the armed forces under similar
20 circumstances.”.

21 (2) CONFORMING REPEAL.—Chapter 905 of
22 such title is repealed.

23 (j) TRANSFER OF SECTION 9415.—

24 (1) IN GENERAL.—Section 9415 of title 10,
25 United States Code, is transferred to chapter 16 of

1 such title, as added by subsection (a)(3), inserted
2 after section 348, as added by subsection (i), and re-
3 designated as section 349.

4 (2) CONFORMING AMENDMENT FOR STANDARD-
5 IZATION WITH CERTAIN OTHER AIR FORCES ACAD-
6 EMY AUTHORITY.—Such section 349, as so trans-
7 ferred and amended, is amended—

8 (A) by redesignating subsection (b) as sub-
9 section (c); and

10 (B) by inserting after subsection (a) the
11 following new subsection (b):

12 “(b) LIMITATIONS.—

13 “(1) CONCURRENCE OF SECRETARY OF
14 STATE.—Military personnel of a foreign country may
15 be provided education and training under this sec-
16 tion only with the concurrence of the Secretary of
17 State.

18 “(2) ASSISTANCE OTHERWISE PROHIBITED BY
19 LAW.—Education and training may not be provided
20 under this section to the military personnel of any
21 country that is otherwise prohibited from receiving
22 such type of assistance under any other provision of
23 law.”.

24 (k) CODIFICATION OF SECTION 1268 OF FY 2015
25 NDAA.—

1 (1) CODIFICATION.—Chapter 16 of title 10,
2 United States Code, as added by subsection (a)(3),
3 is amended by inserting after section 349, as trans-
4 ferred and redesignated by subsection (j), a new sec-
5 tion 350 consisting of—

6 (A) a heading as follows:

7 **“§ 350. Inter-European Air Forces Academy”; and**

8 (B) a text consisting of the text of sub-
9 sections (a) through (g) of section 1268 of the
10 Carl Levin and Howard P. “Buck” McKeon
11 National Defense Authorization Act for Fiscal
12 Year 2015 (Public Law 113–291; 128 Stat.
13 3585; 10 U.S.C. 9411 note).

14 (2) CONFORMING REPEAL.—Section 1268 of
15 the Carl Levin and Howard P. “Buck” McKeon Na-
16 tional Defense Authorization Act for Fiscal Year
17 2015 is repealed.

18 (l) TRANSFER OF SECTIONS 2249A AND 2249E.—

19 (1) TRANSFER AND REDESIGNATION.—Sections
20 2249a and 2249e of title 10, United States Code,
21 are transferred to chapter 16 of such title, as added
22 by subsection (a)(3), inserted after the table of sec-
23 tions at the beginning of subchapter VI of such
24 chapter, and redesignated as sections 361 and 362,
25 respectively.

1 (2) CONFORMING REPEAL RELATING TO SUPER-
2 SEDED DEFINITION OF CONGRESSIONAL COMMIT-
3 TEES.—Section 362 of title 10, United States Code,
4 as transferred and redesignated by paragraph (1), is
5 amended by striking subsection (f).

6 (m) ADMINISTRATIVE MATTERS.—Chapter 16 of title
7 10, United States Code, as added by subsection (a)(3),
8 is amended by inserting after the table of sections at the
9 beginning of subchapter VII the following new sections:

10 “§ 382. **Policy oversight and resource allocation; exe-**
11 **cution and administration of programs**
12 **and activities**

13 “(a) POLICY OVERSIGHT AND RESOURCE ALLOCA-
14 TION.—The Secretary of Defense shall assign responsi-
15 bility for the oversight of strategic policy and guidance and
16 responsibility for overall resource allocation for security
17 cooperation programs and activities of the Department of
18 Defense to a single official and office in the Office of the
19 Secretary of Defense at the level of Assistant Secretary
20 of Defense or below.

21 “(b) EXECUTION AND ADMINISTRATION OF CERTAIN
22 PROGRAMS AND ACTIVITIES.—

23 “(1) IN GENERAL.—The Director of the De-
24 fense Security Cooperation Agency shall be respon-
25 sible for the execution and administration of all se-

1 security cooperation programs and activities of the De-
2 partment of Defense involving the provision of de-
3 fense articles, military training, and other defense-
4 related services by grant, loan, cash sale, or lease.

5 “(2) DESIGNATION OF RESPONSIBILITY.—The
6 Director may designate an element of an armed
7 force or a combatant command to execute and ad-
8 minister security cooperation programs and activities
9 described in paragraph (1) if the Director deter-
10 mines that the designation will achieve maximum ef-
11 fectiveness, efficiency, and economy in the activities
12 for which designated.

13 **“§ 383. Assessment, monitoring, and evaluation of**
14 **programs and activities**

15 “(a) PROGRAM REQUIRED.—The Secretary of De-
16 fense shall maintain a program of assessment, monitoring,
17 and evaluation in support of the security cooperation pro-
18 grams and activities of the Department of Defense.

19 “(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

20 “(1) ELEMENTS.—The program under sub-
21 section (a) shall provide for the following:

22 “(A) Initial assessments of partner capa-
23 bility requirements, potential programmatic
24 risks, baseline information, and indicators of ef-
25 ficacy for purposes of planning, monitoring, and

1 evaluation of security cooperation programs and
2 activities of the Department of Defense.

3 “(B) Monitoring of implementation of such
4 programs and activities in order to measure
5 progress in execution and, to the extent pos-
6 sible, achievement of desired outcomes.

7 “(C) Evaluation of the efficiency and effec-
8 tiveness of such programs and activities in
9 achieving desired outcomes.

10 “(D) Identification of lessons learned in
11 carrying out such programs and activities, and
12 development of recommendation for improving
13 future security cooperation programs and activi-
14 ties of the Department of Defense.

15 “(2) BEST PRACTICES.—The program shall be
16 conducted in accordance with international best
17 practices, interagency standards, and, if applicable,
18 the Government Performance and Results Act of
19 1993 (Public Law 103–62), and the amendments
20 made by that Act, and the GPRA Modernization Act
21 of 2010 (Public Law 111–352), and the amend-
22 ments made by that Act.

23 “(c) REPORTS.—

24 “(1) REPORTS TO CONGRESS.—The Secretary
25 shall submit to the congressional defense committees

1 each year a report on the program under subsection
2 (a) during the previous year. Each report shall in-
3 clude, for the year covered by such report, the fol-
4 lowing:

5 “(A) A description of the activities under
6 the program.

7 “(B) An assessment of the efficacy of the
8 activities under the program.

9 “(2) INFORMATION FOR THE PUBLIC ON EVAL-
10 UATIONS.—The Secretary shall make available to
11 the public, on an Internet website of the Department
12 of Defense available to the public, a summary of
13 each evaluation conducted pursuant to subsection
14 (b)(1)(C). In making a summary so available, the
15 Secretary may redact or omit any information that
16 the Secretary determines should not be disclosed to
17 the public in order to protect the interests of the
18 United States or the foreign country or countries
19 covered by such evaluation.”.

20 (n) CLERICAL AMENDMENTS.—Title 10, United
21 States Code, is amended as follows:

22 (1) The tables of chapters at the beginning of
23 subtitle A, and at the beginning of part I of subtitle
24 A, are amended—

1 (A) by revising the chapter references re-
 2 lating to chapters 13, 15, 17, and 18 (and the
 3 section references therein) to conform to the re-
 4 designations made by paragraphs (1) and (2) of
 5 subsection (a); and

6 (B) by inserting after the item relating to
 7 chapter 15, as revised pursuant to subpara-
 8 graph (A), the following new item:

“16. Security Cooperation 301”.

9 (2) The section references in the tables of sec-
 10 tions at the beginning of chapters 12, 13, 14, and
 11 15, as redesignated by paragraph (1) of subsection
 12 (a), are revised to conform to the redesignations
 13 made by paragraph (2) of such subsection.

14 (3) The table of sections at the beginning of
 15 chapter 7 is amended by striking the item relating
 16 to section 184.

17 (4) The table of sections at the beginning of
 18 chapter 53 is amended by striking the item relating
 19 to section 1051b.

20 (5) The table of sections at the beginning of
 21 chapter 108 is amended by striking the item relating
 22 to section 2166.

23 (6) The table of sections at the beginning of
 24 subchapter I of chapter 134 is amended by striking

1 the items relating to sections 2249a, 2249d, and
2 2249e.

3 (7) The table of sections at the beginning of
4 subchapter II of chapter 138 is amended by striking
5 the item relating to section 2350m.

6 (8) The tables of chapters at the beginning of
7 subtitle D, and at the beginning of part III of sub-
8 title D, are amended by striking the item relating to
9 chapter 905.

10 (9) The table of sections at the beginning of
11 chapter 907 is amended by striking the item relating
12 to section 9415.

13 **SEC. 1253. MILITARY-TO-MILITARY EXCHANGES.**

14 (a) CODIFICATION IN NEW CHAPTER ON SECURITY
15 COOPERATION ACTIVITIES.—Chapter 16 of title 10,
16 United States Code, as added by section 1252(a)(3) of this
17 Act, is amended by inserting after the table of sections
18 at the beginning of subchapter II a new section 311 con-
19 sisting of—

20 (1) a heading as follows:

21 **“§ 311. Exchange of defense personnel between**
22 **United States and friendly foreign coun-**
23 **tries: authority”; and**

24 (2) a text consisting of the text of section 1082
25 of the National Defense Authorization Act for Fiscal

1 Year 1997 (Public Law 104–201; 110 Stat. 2672;
2 10 U.S.C. 168 note).

3 (b) REVISIONS TO INCORPORATE PERMANENT NON-
4 RECIPROCAL EXCHANGE AUTHORITY.—Section 311 of
5 title 10, United States Code, as added by subsection (a),
6 is amended—

7 (1) in subsection (a)(2)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “an ally of the United States
10 or another friendly foreign country for the ex-
11 change” and inserting “a friendly foreign coun-
12 try or international or regional security organi-
13 zation for the reciprocal or non-reciprocal ex-
14 change”;

15 (B) in subparagraph (A), by striking “mili-
16 tary” and inserting “members of the armed
17 forces”; and

18 (C) in subparagraph (B)—

19 (i) by inserting “or security” after
20 “defense”; and

21 (ii) by inserting before the period at
22 the end the following: “or international or
23 regional security organization”;

24 (2) in subsection (c)—

1 (A) by striking “Each government shall be
2 required under” and inserting “In the case of”;
3 and

4 (B) by inserting after “exchange agree-
5 ment” the following: “that provides for recip-
6 rocal exchanges, each government shall be re-
7 quired”; and

8 (3) in subsection (f), by inserting “defense or
9 security ministry of that” after “military personnel
10 of the”.

11 (c) CONFORMING REPEALS.—The following provi-
12 sions of law are repealed:

13 (1) Section 1082 of the National Defense Au-
14 thorization Act for Fiscal Year 1997 (Public Law
15 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

16 (2) Section 1207 of the National Defense Au-
17 thorization Act for Fiscal Year 2010 (10 U.S.C. 168
18 note).

19 **SEC. 1254. CONSOLIDATION AND REVISION OF AUTHORI-**
20 **TIES FOR PAYMENT OF PERSONNEL EX-**
21 **PENSES NECESSARY FOR THEATER SECU-**
22 **RITY COOPERATION.**

23 (a) CONSOLIDATION AND REVISION OF AUTHORITIES
24 IN NEW CHAPTER ON SECURITY COOPERATION ACTIVI-
25 TIES.—Chapter 16 of title 10, United States Code, as

1 added by section 1252(a)(3) of this Act, is amended by
2 inserting after section 311, as added by section 1253(a)
3 of this Act, the following new section:

4 **“§ 312. Payment of personnel expenses necessary for**
5 **theater security cooperation**

6 “(a) **AUTHORITY.**—The Secretary of Defense may
7 pay expenses specified in subsection (b) that the Secretary
8 considers necessary for theater security cooperation.

9 “(b) **TYPES OF EXPENSES.**—The expenses that may
10 be paid under the authority provided in subsection (a) are
11 the following:

12 “(1) **PERSONNEL EXPENSES.**—The Secretary of
13 Defense may pay travel and subsistence of, and spe-
14 cial compensation for, defense and other security-re-
15 lated personnel of friendly foreign governments that
16 the Secretary considers necessary for theater secu-
17 rity cooperation.

18 “(2) **ADMINISTRATIVE SERVICES AND SUPPORT**
19 **FOR LIAISON OFFICERS.**—The Secretary may pro-
20 vide administrative services and support for the per-
21 formance of duties by a liaison officer of another
22 country while the liaison officer is assigned tempo-
23 rarily to any headquarters in the Department of De-
24 fense.

1 “(3) TRAVEL, SUBSISTENCE, AND MEDICAL
2 CARE FOR LIAISON OFFICERS.—The Secretary may
3 pay the expenses of a liaison officer in connection
4 with the assignment of that officer as described in
5 paragraph (2) if the assignment is requested by the
6 commander of a combatant command, the Chief of
7 Staff of the Army, the Chief of Naval Operations,
8 the Chief of Staff of the Air Force, the Com-
9 mandant of the Marine Corps, or the head of a De-
10 fense Agency as follows:

11 “(A) Travel and subsistence expenses.

12 “(B) Personal expenses directly necessary
13 to carry out the duties of that officer in connec-
14 tion with that assignment.

15 “(C) Expenses for medical care at a civil-
16 ian medical facility if—

17 “(i) adequate medical care is not
18 available to the liaison officer at a local
19 military medical treatment facility;

20 “(ii) the Secretary determines that
21 payment of such medical expenses is nec-
22 essary and in the best interests of the
23 United States; and

24 “(iii) medical care is not otherwise
25 available to the liaison officer pursuant to

1 any treaty or other international agree-
2 ment.

3 “(D) Mission-related travel expenses if
4 such travel meets each of the following condi-
5 tions:

6 “(i) The travel is in support of the
7 national security interests of the United
8 States.

9 “(ii) The officer or official making the
10 request directs round-trip travel from the
11 assigned location to one or more travel lo-
12 cations.

13 “(4) CONFERENCES, SEMINARS, AND SIMILAR
14 MEETINGS.—The authority provided by paragraph
15 (1) includes authority to pay travel and subsistence
16 expenses for personnel described in that paragraph
17 in connection with the attendance of such personnel
18 at any conference, seminar, or similar meeting that
19 is in direct support of enhancing interoperability be-
20 tween the United States armed forces and the na-
21 tional security forces of a friendly foreign country
22 for the purposes of conducting operations, the provi-
23 sion of equipment or training, or the planning for,
24 or the execution of, bilateral or multilateral training,
25 exercises, or military operations.

1 “(5) OTHER EXPENSES.—In addition to the
2 personnel expenses payable under paragraph (1), the
3 Secretary may pay such other limited expenses in
4 connection with conferences, seminars, and similar
5 meeting covered by paragraph (4) as the Secretary
6 considers appropriate in the national security inter-
7 ests of the United States.

8 “(c) LIMITATION.—The authority provided in sub-
9 section (a) may be used only for the payment of expenses
10 of, and special compensation for, personnel from devel-
11 oping countries, except that the Secretary of Defense may
12 authorize the payment of such expenses and special com-
13 pensation for personnel from a country other than a devel-
14 oping country if the Secretary determines that such pay-
15 ment is necessary to respond to extraordinary cir-
16 cumstances and is in the national security interest of the
17 United States.

18 “(d) REIMBURSEMENT.—The Secretary may provide
19 the services and support specified in subsection (b)(2) with
20 or without reimbursement from (or on behalf of) the re-
21 cipients. The terms of reimbursement (if any) shall be
22 specified in the appropriate agreements used to assign the
23 liaison officer.

24 “(e) LIMITATIONS.—

1 “(1) TRAVEL AND SUBSISTENCE EXPENSES
2 GENERALLY.—Travel and subsistence expenses au-
3 thorized to be paid under subsection (a) may not, in
4 the case of any individual, exceed the amount that
5 would be paid under chapter 7 or 8 of title 37 to
6 a member of the armed forces (of a comparable
7 grade) for authorized travel of a similar nature.

8 “(2) TRAVEL AND RELATED EXPENSES OF LIAI-
9 SON OFFICERS.—The amount paid for expenses
10 specified in subsection (b)(3) for any liaison officer
11 in any fiscal year may not exceed \$150,000.

12 “(f) REGULATIONS.—The Secretary of Defense shall
13 prescribe regulations for the administration of this section.
14 Such regulations shall be submitted to the Committees on
15 Armed Services of the Senate and the House of Represent-
16 atives.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) REPEALS.—Sections 1050, 1050a, 1051,
19 and 1051a of title 10, United States Code, are re-
20 pealed.

21 (2) CLERICAL AMENDMENTS.—The table of sec-
22 tions at the beginning of chapter 53 of such title is
23 amended by striking the items relating to sections
24 1050, 1050a, 1051, and 1051a.

1 (c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—
 2 The authority under section 1050 of title 10, United
 3 States Code, as in effect on the day before the date of
 4 the enactment of this Act, shall continue to apply with
 5 respect to the Inter-American Defense College during fis-
 6 cal year 2017 under regulations prescribed by the Sec-
 7 retary of Defense.

8 **SEC. 1255. TRANSFER AND REVISION OF AUTHORITY ON**
 9 **PAYMENT OF EXPENSES IN CONNECTION**
 10 **WITH TRAINING AND EXERCISES WITH**
 11 **FRIENDLY FOREIGN FORCES.**

12 (a) IN GENERAL.—Section 2011 of title 10, United
 13 States Code, is transferred to 16 of such title, as added
 14 by section 1252(a)(3) of this Act, inserted after the table
 15 of sections at the beginning of subchapter III, redesign-
 16 nated as section 321, and amended to read as follows:

17 **“§ 321. Training with friendly foreign countries: pay-**
 18 **ment of training and exercise expenses**

19 “(a) TRAINING AUTHORIZED.—

20 “(1) TRAINING WITH FOREIGN FORCES.—The
 21 armed forces under the jurisdiction of the Secretary
 22 of Defense may train with the military forces or
 23 other security forces of a friendly foreign country if
 24 the Secretary determines that it is in the national
 25 security interests of the United States to do so.

1 “(2) TRAINING TO SUPPORT MISSION ESSEN-
2 TIAL TASKS.—Any training conducted pursuant to
3 paragraph (1) shall, to the maximum extent prac-
4 ticable, support the mission essential tasks for which
5 the unit of the armed forces participating in such
6 training is responsible.

7 “(3) ELEMENTS OF TRAINING.—Any training
8 conducted pursuant to paragraph (1) shall, to the
9 maximum extent practicable, include elements that
10 promote—

11 “(A) observance of and respect for human
12 rights and fundamental freedoms; and

13 “(B) respect for legitimate civilian author-
14 ity within the foreign country concerned.

15 “(b) AUTHORITY TO PAY TRAINING AND EXERCISE
16 EXPENSES.—Under regulations prescribed pursuant to
17 subsection (e), the commander of a combatant command
18 may pay, or authorize payment for, any of the following
19 expenses:

20 “(1) Expenses of training forces assigned or al-
21 located to that command in conjunction with train-
22 ing, and training with, the military forces or other
23 security forces of a friendly foreign country under
24 subsection (a).

1 “(2) Expenses of deploying such forces for that
2 training.

3 “(3) The incremental expenses of a friendly for-
4 eign country as the direct result of participating
5 such training, as specified in the regulations.

6 “(4) The incremental expenses of a friendly for-
7 eign country as the direct result of participating in
8 an exercise with the armed forces under the jurisdic-
9 tion of the Secretary of Defense.

10 “(5) Small-scale construction that is directly re-
11 lated to the effective accomplishment of the training
12 described in paragraph (1) or an exercise described
13 in paragraph (4).

14 “(c) PURPOSE OF TRAINING AND EXERCISES.—

15 “(1) IN GENERAL.—The primary purpose of the
16 training and exercises for which payment may be
17 made under subsection (b) shall be to train the
18 forces available to the combatant command con-
19 cerned.

20 “(2) SELECTION OF FOREIGN PARTNERS.—
21 Training and exercises with friendly foreign coun-
22 tries under subsection (a) should be planned and
23 prioritized consistent with applicable guidance relat-
24 ing to the security cooperation programs and activi-
25 ties of the Department of Defense.

1 “(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT
2 CROSS FISCAL YEARS.—Amounts available for the au-
3 thority to pay expenses in subsection (b) for a fiscal year
4 may be used to pay expenses under that subsection for
5 training and exercises that begin in such fiscal year but
6 end in the next fiscal year.

7 “(e) REGULATIONS.—

8 “(1) IN GENERAL.—The Secretary of Defense
9 shall prescribe regulations for the administration of
10 this section. The Secretary shall submit the regula-
11 tions to the Committees on Armed Services of the
12 Senate and the House of Representatives.

13 “(2) ELEMENTS.—The regulations required
14 under this section shall provide the following:

15 “(A) A requirement that training and exer-
16 cise activities may be carried out under this sec-
17 tion only with the prior approval of the Sec-
18 retary.

19 “(B) Accounting procedures to ensure that
20 the expenditures pursuant to this section are
21 appropriate.

22 “(C) Procedures to limit the payment of
23 incremental expenses to developing countries,
24 except in the case of exceptional circumstances
25 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).

1 “(5) A summary of the expenditures resulting
2 from the training and exercises for which expenses
3 were paid under this section.

4 “(6) A discussion of the unique military train-
5 ing benefit to United States forces derived from the
6 activities for which expenses were paid under this
7 section.”.

8 (b) CONFORMING REPEALS.—The following provi-
9 sions of law are repealed:

10 (1) Section 2010 of title 10, United States
11 Code.

12 (2) Section 1203 of the National Defense Au-
13 thorization Act for Fiscal Year 2014 (Public Law
14 113–66; 127 Stat. 894; 10 U.S.C. 2011 note).

15 (c) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 101 of title 10, United States
17 Code, is amended by striking the items relating to sections
18 2010 and 2011.

19 **SEC. 1256. TRANSFER AND REVISION OF AUTHORITY TO**
20 **PROVIDE OPERATIONAL SUPPORT TO**
21 **FORCES OF FRIENDLY FOREIGN COUNTRIES.**

22 (a) TRANSFER AND REVISION.—Section 127d of title
23 10, United States Code, is transferred to chapter 16 of
24 such title, as added by section 1252(a)(3) of this Act, in-
25 serted after the table of sections at the beginning of sub-

1 chapter IV, redesignated as section 331, and amended to
2 read as follows:

3 **“§ 331. Friendly foreign countries: authority to pro-**
4 **vide support for conduct of operations**

5 “(a) **AUTHORITY.**—The Secretary of Defense may
6 provide support to friendly foreign countries in connection
7 with the conduct of operations designated pursuant to sub-
8 section (b).

9 “(b) **DESIGNATED OPERATIONS.**—

10 “(1) **IN GENERAL.**—The Secretary of Defense
11 shall designate the operations for which support may
12 be provided under the authority in subsection (a).

13 “(2) **NOTICE TO CONGRESS.**—The Secretary
14 shall notify the appropriate committees of Congress
15 of the designation of any operation pursuant to this
16 subsection.

17 “(3) **ANNUAL REVIEW FOR CONTINUING DES-**
18 **IGNATION.**—The Secretary shall undertake on an
19 annual basis a review of the operations currently
20 designated pursuant to this subsection in order to
21 determine whether each such operation merits con-
22 tinuing designation for purposes of this section for
23 another year. If the Secretary determines that any
24 operation so reviewed merits continuing designation

1 for purposes of this section for another year, the
2 Secretary—

3 “(A) may continue the designation of such
4 operation under this subsection for such pur-
5 poses for another year; and

6 “(B) if the Secretary so continues the des-
7 ignation of such operation, shall notify the ap-
8 propriate committees of Congress of the con-
9 tinuation of designation of such operation.

10 “(c) TYPES OF SUPPORT AUTHORIZED.—The types
11 of support that may be provided under the authority in
12 subsection (a) are the following:

13 “(1) Logistic support, supplies, and services to
14 security forces of a friendly foreign country partici-
15 pating in—

16 “(A) an operation with the armed forces
17 under the jurisdiction of the Secretary of De-
18 fense; or

19 “(B) a military or stability operation that
20 benefits the national security interests of the
21 United States.

22 “(2) Logistic support, supplies, and services—

23 “(A) to military forces of a friendly foreign
24 country solely for the purpose of enhancing the
25 interoperability of the logistical support systems

1 of military forces participating in a combined
2 operation with the United States in order to fa-
3 cilitate such operation; or

4 “(B) to a nonmilitary logistics, security, or
5 similar agency of a friendly foreign government
6 if such provision would directly benefit the
7 armed forces under the jurisdiction of the Sec-
8 retary of Defense.

9 “(3) Procurement of equipment for the purpose
10 of the loan of such equipment to the military forces
11 of a friendly foreign country participating in a
12 United States-supported coalition or combined oper-
13 ation and the loan of such equipment to those forces
14 to enhance capabilities or to increase interoperability
15 with the armed forces under the jurisdiction of the
16 Secretary of Defense and other coalition partners.

17 “(4) Provision of specialized training to per-
18 sonnel of friendly foreign countries in connection
19 with such an operation, including training of such
20 personnel before deployment in connection with such
21 operation.

22 “(d) CERTIFICATION REQUIRED.—

23 “(1) OPERATIONS IN WHICH THE UNITED
24 STATES IS NOT PARTICIPATING.—The Secretary of
25 Defense may provide support under subsection (a) to

1 a friendly foreign country with respect to an oper-
2 ation in which the United States is not participating
3 only—

4 “(A) if the Secretary of Defense and the
5 Secretary of State jointly certify to Congress
6 that the operation is in the national security in-
7 terests of the United States; and

8 “(B) after the expiration of the 15-day pe-
9 riod beginning on the date of such certification.

10 “(2) ACCOMPANYING REPORT.—Any certifi-
11 cation under paragraph (1) shall be accompanied by
12 a report that includes the following:

13 “(A) A description of the operation, includ-
14 ing the geographic area of the operation.

15 “(B) A list of participating countries.

16 “(C) A description of the type of support
17 and the duration of support to be provided.

18 “(D) A description of the national security
19 interests of the United States supported by the
20 operation.

21 “(E) Such other matters as the Secretary
22 of Defense and the Secretary of State consider
23 significant to a consideration of such certifi-
24 cation.

1 “(e) SECRETARY OF STATE CONCURRENCE.—The
2 provision of support under subsection (a) may be made
3 only with the concurrence of the Secretary of State.

4 “(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—
5 The Secretary of Defense may not use the authority in
6 subsection (a) to provide any type of support described
7 in subsection (c) that is otherwise prohibited by any provi-
8 sion of law.

9 “(g) LIMITATIONS ON VALUE.—

10 “(1) The aggregate value of all logistic support,
11 supplies, and services provided under subsection
12 (b)(1) in any fiscal year may not exceed
13 \$450,000,000.

14 “(2) The aggregate value of all logistic support,
15 supplies, and services provided under subsection
16 (b)(2) in any fiscal year may not exceed \$5,000,000.

17 “(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES
18 DEFINED.—In this section, the term ‘logistic support,
19 supplies, and services’ has the meaning given that term
20 in section 2350(1) of this title.”.

21 “(b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of chapter 3 of such title is amended by
23 striking the item relating to section 127d.

1 **SEC. 1257. DEPARTMENT OF DEFENSE STATE PARTNER-**
2 **SHIP PROGRAM.**

3 (a) CODIFICATION IN NEW CHAPTER ON SECURITY
4 COOPERATION ACTIVITIES.—Chapter 16 of title 10,
5 United States Code, as added by section 1252(a)(3) of this
6 Act, is amended by inserting after the table of sections
7 at the beginning of subchapter IV a new section 341 con-
8 sisting of—

9 (1) a heading as follows:

10 **“§ 341. Department of Defense State Partnership Pro-**
11 **gram”; and**

12 (2) a text consisting of subsections (a) through
13 (g) of section 1205 of the National Defense Author-
14 ization Act for Fiscal Year 2014 (Public Law 113–
15 66; 127 Stat. 897; 32 U.S.C. 107 note), as amended
16 by section 1203 of the National Defense Authoriza-
17 tion Act for Fiscal Year 2016 (Public Law 114–92;
18 129 Stat. 1037).

19 (b) REVISIONS TO STRIKE OBSOLETE PROVISIONS
20 AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Sec-
21 tion 341 of title 10, United States Code, as added by sub-
22 section (a), is amended—

23 (1) by striking subsection (d) and inserting the
24 following new subsection (d):

25 “(d) REGULATIONS.—This section shall be carried
26 out in accordance with such regulations as the Secretary

1 of Defense shall prescribe for purposes of this section.
2 Such regulations shall include accounting procedures to
3 ensure that expenditures of funds to carry out this section
4 are accounted for and appropriate.”;

5 (2) in subsection (f)—

6 (A) by striking “(f) REPORTS AND NOTIFI-
7 CATIONS.—” and all that follows through “(B)
8 MATTERS TO BE INCLUDED.—” and inserting
9 the following:

10 “(f) ANNUAL REPORT.—

11 “(1) IN GENERAL.—Not later than February 1
12 of each year following a fiscal year in which activi-
13 ties under each program established under sub-
14 section (a) are carried out, the Secretary of Defense
15 shall submit to the appropriate congressional com-
16 mittees a report on such activities under such pro-
17 gram.

18 “(2) MATTERS TO BE INCLUDED.—”; and

19 (B) in paragraph (2), as redesignated by
20 subparagraph (A) of this paragraph—

21 (i) by redesignating clauses (i)
22 through (vi) as subparagraphs (A) through
23 (F), respectively, and realigning the mar-
24 gin of each such subparagraph two ems to
25 the left; and

1 (ii) in subparagraph (F), as redesignig-
2 nated by clause (i) of this subparagraph,
3 by striking “clause (v)” and inserting
4 “subparagraph (E)”; and

5 (3) in subsection (g), by striking “under title
6 10” and all that follows and inserting “under title
7 10 as in effect on December 26, 2013.”.

8 (c) PROHIBITION ON ACTIVITIES WITH UNITS HAV-
9 ING COMMITTED GROSS VIOLATIONS OF HUMAN
10 RIGHTS.—Subsection (b) of such section is amended—

11 (1) by striking “(b) LIMITATION.—An activity”
12 and inserting the following:

13 “(b) LIMITATIONS.—

14 “(1) IN GENERAL.—An activity”; and

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

17 “(2) PROHIBITION ON ACTIVITIES WITH UNITS
18 THAT HAVE COMMITTED GROSS VIOLATIONS OF
19 HUMAN RIGHTS.—The conduct of any activities
20 under a program established under subsection (a)
21 shall be subject to the provisions of section 362 of
22 this title.”.

23 (d) CONFORMING REPEAL.—Section 1205 of the Na-
24 tional Defense Authorization Act for Fiscal Year 2014

1 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note)
2 is repealed.

3 **SEC. 1258. MODIFICATION OF REGIONAL DEFENSE COM-**
4 **BATING TERRORISM FELLOWSHIP PROGRAM.**

5 (a) IN GENERAL.—Section 2249c of title 10, United
6 States Code, is transferred to chapter 16 of such title, as
7 added by section 1252(a)(3) of this Act, inserted after sec-
8 tion 344, as transferred and redesignated by section
9 1252(g) of this Act, redesignated as section 345, and
10 amended to read as follows:

11 **“§ 345. Defense Cooperation Fellowship Program**

12 “(a) AUTHORITY.—

13 “(1) IN GENERAL.—The Secretary of Defense
14 is authorized to carry out a program (to be known
15 as the ‘Defense Cooperation Fellowship Program’)
16 under which the Secretary may pay any costs associ-
17 ated with the education and training described in
18 paragraph (2) of foreign military officers, ministry
19 of defense officials, or national-level security officials
20 of friendly foreign countries. Costs for which pay-
21 ment may be made under this section include the
22 costs of transportation and travel and subsistence
23 costs.

24 “(2) EDUCATION AND TRAINING.—Education
25 and training described in this paragraph is defense

1 cooperation education and training at a military or
2 civilian educational institution of the United States
3 Government, regional center, conference, seminar, or
4 other training program that is conducted as part of
5 the program under this section.

6 “(b) REGULATIONS.—The program authorized by
7 subsection (a) shall be carried out under regulations pre-
8 scribed by the Secretary of Defense. The regulations shall
9 ensure that, to the maximum extent practicable, activities
10 under the program do not duplicate or conflict with activi-
11 ties under International Military Education and Training
12 (IMET). The Secretary shall submit a current copy of the
13 regulations to the Committees on Armed Services of the
14 Senate and the House of Representatives.

15 “(c) AVAILABILITY OF FUNDS.—

16 “(1) LIMITATION.—Except as provided in para-
17 graph (2), the total amount of costs that may be
18 paid under the program authorized by subsection (a)
19 in any fiscal year may not exceed \$35,000,000.

20 “(2) AVAILABILITY FOR ACTIVITIES THAT
21 CROSS FISCAL YEARS.—Funds available under the
22 authority in subsection (a) for a fiscal year may be
23 used for activities that begin in such fiscal year but
24 end in the next fiscal year.”

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of subchapter I of chapter 134 of such
 3 title is amended by striking the item relating to section
 4 2249c.

5 **SEC. 1259. CONSOLIDATION OF AUTHORITIES FOR SERVICE**
 6 **ACADEMY INTERNATIONAL ENGAGEMENT.**

7 (a) CONSOLIDATION OF AUTHORITIES.—Chapter 16
 8 of title 10, United States Code, as added by section
 9 1252(a)(3) of this Act, is amended by inserting after sec-
 10 tion 346, as transferred and redesignated by section
 11 1252(h) of this Act, the following new section:

12 **“§ 347. International engagement authorities for serv-**
 13 **ice academies**

14 “(a) SELECTION OF PERSONS FROM FOREIGN COUN-
 15 TRIES TO RECEIVE INSTRUCTION AT SERVICE ACAD-
 16 EMIES.—

17 “(1) ATTENDANCE AUTHORIZED.—

18 “(A) IN GENERAL.—The Secretary of each
 19 military department may permit persons from
 20 foreign countries to receive instruction at the
 21 Service Academy under the jurisdiction of the
 22 Secretary. Such persons shall be in addition
 23 to—

24 “(i) in the case of the United States
 25 Military Academy, the authorized strength

1 of the Corps of the Cadets of the Academy
2 under 4342 of this title;

3 “(ii) in the case of the United States
4 Naval Academy, the authorized strength of
5 the Brigade of Midshipmen of the Acad-
6 emy under section 6954 of this title; and

7 “(iii) in the case of the United States
8 Air Force Academy, the authorized
9 strength of the Cadet Wing of the Acad-
10 emy under 9342 of this title.

11 “(B) LIMITATION ON NUMBER.—The num-
12 ber of persons permitted to receive instruction
13 at each Service Academy under this subsection
14 may not be more than 60 at any one time.

15 “(2) DETERMINATION OF FOREIGN COUNTRIES
16 FROM WHICH PERSONS MAY BE SELECTION.—The
17 Secretary of a military department, upon approval
18 by the Secretary of Defense, shall determine—

19 “(A) the countries from which persons may
20 be selected for appointment under this sub-
21 section to the Service Academy under the juris-
22 diction of that Secretary; and

23 “(B) the number of persons that may be
24 selected from each country.

1 “(3) QUALIFICATIONS AND SELECTION.—The
2 Secretary of each military department—

3 “(A) may establish entrance qualifications
4 and methods of competition for selection among
5 individual applicants under this subsection; and

6 “(B) shall select those persons who will be
7 permitted to receive instruction at the Service
8 Academy under the jurisdiction of the Secretary
9 under this subsection.

10 “(4) SELECTION PRIORITY TO PERSONS WITH
11 NATIONAL SERVICE OBLIGATION UPON GRADUA-
12 TION.—In selecting persons to receive instruction
13 under this subsection from among applicants from
14 the countries approved under paragraph (2), the
15 Secretary of the military department concerned shall
16 give a priority to persons who have a national serv-
17 ice obligation to their countries upon graduation
18 from the Service Academy concerned.

19 “(5) PAY, ALLOWANCES, AND EMOLUMENTS OF
20 PERSONS ADMITTED.—A person receiving instruc-
21 tion under this subsection is entitled to the pay, al-
22 lowances, and emoluments of a cadet or midshipman
23 appointed from the United States, and from the
24 same appropriations.

1 “(6) REIMBURSEMENT OF COSTS BY FOREIGN
2 COUNTRIES FROM WHICH PERSONS ARE ADMIT-
3 TED.—

4 “(A) REIMBURSEMENT REQUIRED.—Each
5 foreign country from which a cadet or mid-
6 shipmen is permitted to receive instruction at
7 one of the Service Academies under this sub-
8 section shall reimburse the United States for
9 the cost of providing such instruction, including
10 the cost of pay, allowances, and emoluments
11 provided under paragraph (5). The Secretaries
12 of the military departments shall prescribe the
13 rates for reimbursement under this paragraph,
14 except that the reimbursement rates may not be
15 less than the cost to the United States of pro-
16 viding such instruction, including pay, allow-
17 ances, and emoluments, to a cadet or mid-
18 shipmen appointed from the United States.

19 “(B) WAIVER AUTHORITY.—The Secretary
20 of Defense may waive, in whole or in part, the
21 requirement for reimbursement of the cost of
22 instruction for a cadet or midshipmen under
23 subparagraph (A). In the case of a partial waiv-
24 er, the Secretary of Defense shall establish the
25 amount waived.

1 “(7) APPLICABILITY OF ACADEMY REGULA-
2 TIONS, ETC.—

3 “(A) IN GENERAL.—Except as the Sec-
4 retary of the military department concerned de-
5 termines, a person receiving instruction under
6 this subsection at the Service Academy under
7 the jurisdiction of that Secretary is subject to
8 the same regulations governing admission, at-
9 tendance, discipline, resignation, discharge, dis-
10 missal, and graduation as a cadet or mid-
11 shipmen at that Academy appointed from the
12 United States.

13 “(B) CLASSIFIED INFORMATION.—The
14 Secretary of the military department concerned
15 may prescribe regulations with respect to access
16 to classified information by a person receiving
17 instruction under this subsection at the Service
18 Academy under the jurisdiction of that Sec-
19 retary that differ from the regulations that
20 apply to a cadet or midshipmen at that Acad-
21 emy appointed from the United States.

22 “(8) INELIGIBILITY FOR APPOINTMENT IN THE
23 UNITED STATES ARMED FORCES.—A person receiv-
24 ing instruction at a Service Academy under this sub-
25 section is not entitled to an appointment in an

1 armed force of the United States by reason of grad-
2 uation from the Academy.

3 “(9) INAPPLICABILITY OF REQUIREMENT FOR
4 TAKING OATH OF ADMISSION.—A person receiving
5 instruction under this subsection is not subject to
6 section 4346(d), 6958(d), or 9346(d) of this title, as
7 the case may be.

8 “(b) EXCHANGE PROGRAMS WITH FOREIGN MILI-
9 TARY ACADEMIES.—

10 “(1) EXCHANGE PROGRAMS AUTHORIZED.—The
11 Secretary of a military department may permit a
12 student enrolled at a military academy of a foreign
13 country to receive instruction at the Service Acad-
14 emy under the jurisdiction of that Secretary in ex-
15 change for a cadet or midshipmen receiving instruc-
16 tion at that foreign military academy pursuant to an
17 exchange agreement entered into between the Sec-
18 retary and appropriate officials of the foreign coun-
19 try. A students receiving instruction at a Service
20 Academy under the exchange program under this
21 subsection shall be in addition to persons receiving
22 instruction at the Academy under subsection (a).

23 “(2) LIMITATIONS ON NUMBER AND DURATION
24 OF EXCHANGES.—An exchange agreement under
25 this subsection between the Secretary and a foreign

1 country shall provide for the exchange of students
2 on a one-for-one basis each fiscal year. Not more
3 than 100 cadets or midshipmen from each Service
4 Academy and a comparable number of students from
5 foreign military academies participating in the ex-
6 change program may be exchanged during any fiscal
7 year. The duration of an exchange may not exceed
8 the equivalent of one academic semester at a Service
9 Academy.

10 “(3) COSTS AND EXPENSES.—

11 “(A) NO PAY AND ALLOWANCES.—A stu-
12 dent from a military academy of a foreign coun-
13 try is not entitled to the pay, allowances, and
14 emoluments of a cadet or midshipmen by rea-
15 son of attendance at a Service Academy under
16 the exchange program, and the Department of
17 Defense may not incur any cost of international
18 travel required for transportation of such a stu-
19 dent to and from the sponsoring foreign coun-
20 try.

21 “(B) SUBSISTENCE, TRANSPORTATION,
22 ETC.—The Secretary of the military depart-
23 ment concerned may provide a student from a
24 foreign country under the exchange program,
25 during the period of the exchange, with subsist-

1 ence, transportation within the continental
2 United States, clothing, health care, and other
3 services to the same extent that the foreign
4 country provides comparable support and serv-
5 ices to the exchanged cadet or midshipmen in
6 that foreign country.

7 “(C) SOURCE OF FUNDS.—A Service Acad-
8 emy shall bear all costs of the exchange pro-
9 gram from funds appropriated for that Acad-
10 emy and such additional funds as may be avail-
11 able to that Academy from a source other than
12 appropriated funds to support cultural immer-
13 sion, regional awareness, or foreign language
14 training activities in connection with the ex-
15 change program.

16 “(D) LIMITATION ON EXPENDITURES.—
17 Expenditures in support of the exchange pro-
18 gram from funds appropriated for each Acad-
19 emy may not exceed \$1,000,000 during any fis-
20 cal year.

21 “(4) APPLICATION OF OTHER LAWS.—Para-
22 graphs (7), (8), and (9) of subsection (a) shall apply
23 with respect to a student enrolled at a military acad-
24 emy of a foreign country while attending a Service
25 Academy under the exchange program.

1 “(5) REGULATIONS.—The Secretary of the mili-
2 tary department concerned shall prescribe regula-
3 tions to implement this subsection. Such regulations
4 may include qualification criteria and methods of se-
5 lection for students of foreign military academies to
6 participate in the exchange program.

7 “(c) FOREIGN AND CULTURAL EXCHANGE ACTIVI-
8 TIES.—

9 “(1) ATTENDANCE AUTHORIZED.—The Sec-
10 retary of a military department may authorize the
11 Service Academy under the jurisdiction of that Sec-
12 retary to permit students, officers, and other rep-
13 resentatives of a foreign country to attend that
14 Academy for periods of not more than four weeks if
15 the Secretary determines that the attendance of such
16 persons contributes significantly to the development
17 of foreign language, cross cultural interactions and
18 understanding, and cultural immersion of cadets or
19 midshipmen, as the case may be.

20 “(2) EFFECT OF ATTENDANCE.—Persons at-
21 tending a Service Academy under paragraph (1) are
22 not considered to be students enrolled at that Acad-
23 emy and are in addition to persons receiving instruc-
24 tion at that Academy under subsection (a) or (b).

25 “(3) FINANCIAL MATTERS.—

1 “(A) COSTS AND EXPENSES.—The Sec-
2 retary of a military department may pay the
3 travel, subsistence, and similar personal ex-
4 penses of persons incurred to attend the Service
5 Academy under the jurisdiction of that Sec-
6 retary under paragraph (1).

7 “(B) SOURCE OF FUNDS.—Each Service
8 Academy shall bear the costs of the attendance
9 of persons at that Academy under paragraph
10 (1)—

11 “(i) from funds appropriated for that
12 Academy; and

13 “(ii) from such additional funds as
14 may be available to that Academy from a
15 source, other than appropriated funds, to
16 support cultural immersion, regional
17 awareness, or foreign language training ac-
18 tivities in connection with their attendance.

19 “(C) LIMITATION ON EXPENDITURES.—
20 Expenditures from appropriated funds in sup-
21 port of activities under this subsection for any
22 Service Academy may not exceed \$40,000 dur-
23 ing any fiscal year.

24 “(d) SERVICE ACADEMY DEFINED.—In this section,
25 the term ‘Service Academy’ means the following:

1 “(1) The United States Military Academy.

2 “(2) The United States Naval Academy.

3 “(3) The United States Air Force Academy.”.

4 (b) CONFORMING REPEALS.—

5 (1) REPEALS.—Sections 4344, 4345, 4345a,
6 6957, 6957a, 6957b, 9344, 9345, and 9345a of title
7 10, United States Code, are repealed.

8 (2) CLERICAL AMENDMENTS.—

9 (A) The table of sections at the beginning
10 of chapter 403 of such title is amended by
11 striking the items relating to sections 4344,
12 4345, and 4345a.

13 (B) The table of sections at the beginning
14 of chapter 603 of such title is amended by
15 striking the items relating to sections 6957,
16 6957a, and 6957b.

17 (C) The table of sections at the beginning
18 of chapter 903 of such title is amended by
19 striking the items relating to sections 9344,
20 9345, and 9345a.

21 **SEC. 1260. SECURITY COOPERATION ENHANCEMENT FUND.**

22 (a) IN GENERAL.—Chapter 16 of title 10, United
23 States Code, as added by section 1252(a)(3) of this Act,
24 is amended by inserting after the table of sections at the
25 beginning of subchapter VII the following new section:

1 **“§ 381. Security Cooperation Enhancement Fund**

2 “(a) AVAILABILITY OF FUNDS.—Amounts authorized
3 to be appropriated for the Security Cooperation Enhance-
4 ment Fund (in this section referred to as the ‘Fund’) shall
5 be available for the purposes provided in subsections (b)
6 and (c).

7 “(b) PURPOSES GENERALLY .—

8 “(1) PURPOSES.—Subject to subsection (c),
9 amounts in the Fund shall be available for security
10 cooperation programs and activities of the Depart-
11 ment of Defense.

12 “(2) DURATION AFTER OBLIGATION.—Upon ob-
13 ligation, amounts in the Fund so obligated shall re-
14 main available until expended.

15 “(c) AVAILABILITY FOR SPECIFIC PURPOSES.—Of
16 the amounts in the Fund for a fiscal year, up to four per-
17 cent of such amounts may be used to carry out the fol-
18 lowing:

19 “(1) Execution and administration of security
20 cooperation programs and activities of the Depart-
21 ment of Defense pursuant to section 382 of this
22 title.

23 “(2) Annual assessment, monitoring, and eval-
24 uation of security cooperation programs and activi-
25 ties of the Department of Defense pursuant to sec-
26 tion 383 of this title.

1 “(3) Incremental expenses associated with the
2 implementation of the Department of Defense Security
3 Cooperation Workforce Development Program
4 pursuant to section 1263 of the National Defense
5 Authorization Act for Fiscal Year 2017.

6 “(d) TRANSFERS FROM FUND.—

7 “(1) TRANSFERS AUTHORIZED.—Amounts in
8 the Fund may be transferred to any account of the
9 Department of Defense for operation and maintenance
10 for the purposes specified in subsection (b).

11 “(2) EFFECT ON AUTHORIZATION AMOUNTS.—

12 The transfer of an amount to an account under the
13 authority paragraph (1) shall be deemed to increase
14 the amount authorized for such account by an
15 amount equal to the amount transferred.

16 “(3) TRANSFERS BACK TO FUND.—Upon a de-

17 termination that all or part of the funds transferred
18 from the Fund under paragraph (1) are not necessary
19 for the purpose provided, such funds may be
20 transferred back to the Fund.

21 “(e) CONTRIBUTIONS.—

22 “(1) AUTHORITY TO ACCEPT.—The Secretary
23 of Defense may accept and retain contributions to
24 the Fund from any person, foreign government, or
25 international organization.

1 “(2) AVAILABILITY.—An amount contributed to
2 the Fund pursuant to this subsection shall remain
3 available until expended for purposes of the Fund.

4 “(3) NOTICE ON CONTRIBUTIONS.—The Sec-
5 retary shall notify the congressional defense commit-
6 tees, in writing, upon the receipt, and upon the obli-
7 gation, of any contribution to the Fund pursuant to
8 this subsection, setting forth the source and amount
9 of such contribution and the intended, and actual,
10 use of such contribution.

11 “(e) CONSTRUCTION WITH OTHER LIMITATIONS.—
12 Nothing in this section may be construed to terminate,
13 alter, or override any requirement or limitation applicable
14 to activities funded with amounts in the Fund under the
15 authority of the Department of Defense that authorizes
16 such activities.

17 “(f) QUARTERLY REPORTS.—Not later than 30 days
18 after each calendar quarter, the Secretary of Defense shall
19 submit to the congressional defense committees a report
20 on the obligation and expenditure of amounts in the Fund
21 during the preceding calendar quarter.”.

22 (b) DISCHARGE OF CERTAIN ACTIVITIES UNDER
23 NEW SECURITY COOPERATION CHAPTER.—

24 (1) IN GENERAL.—Not later than October 1,
25 2018, the Secretary of Defense shall provide for the

1 discharge of all activities funded by accounts speci-
2 fied in paragraph (2) or funds specified in para-
3 graph (3) under applicable authorities in chapter 16
4 of title 10, United States Code, as added by section
5 1252(a)(3) of this Act, rather than the provision of
6 law or other authority under which such activities
7 are carried out on the day before the date on which
8 discharge in accordance with this paragraph com-
9 mences.

10 (2) COVERED ACCOUNTS.—The accounts speci-
11 fied in this paragraph are the following:

12 (A) The Afghanistan Security Forces
13 Fund.

14 (B) The Iraq Train and Equip Fund.

15 (C) The Southeast Asia Maritime Security
16 Initiative.

17 (3) OTHER SECURITY COOPERATION FUNDS.—
18 The funds specified in this paragraph are all unobli-
19 gated balances as of the date of transfer provided
20 for in subsection (c)(1) in any account or fund of
21 the Department of Defense (other than an account
22 specified in paragraph (2) of this subsection) of
23 amounts for security cooperation programs and ac-
24 tivities of the Department of Defense.

1 (4) REPORT.—Not later than October 1, 2017,
2 the Secretary shall submit to the congressional de-
3 fense committees a report setting forth a description
4 of any gaps that exist between the authorities in
5 chapter 16 of title 10, United States Code, as so
6 added, and current law or other authorities under
7 which activities covered by paragraph (1) are carried
8 out. The report shall include the following:

9 (A) A description of each discrete set of
10 activities covered by paragraph (1) for which
11 gaps exist between the authorities in chapter 16
12 of title 10, United States Code, as so added,
13 and current law or other authorities under
14 which such activities are carried out.

15 (B) For each discrete set of activities cov-
16 ered by subparagraph (A), the following:

17 (i) A description of the gaps described
18 in subparagraph (A).

19 (ii) Recommendations for legislative
20 or administrative action to address such
21 gaps.

22 (c) TRANSFER TO SCEF OF FUNDS IN CONNECTION
23 WITH ACTIVITIES DISCHARGED UNDER NEW SECURITY
24 COOPERATION CHAPTER.—

1 (1) IN GENERAL.—Not later than October 1,
2 2017, the Secretary of Defense shall transfer all the
3 unobligated balances that remain in the accounts
4 specified in subsection (b)(2) as of the date of such
5 transfer to the Security Cooperation Enhancement
6 Fund under section 381 of title 10, United States
7 Code, as added by subsection (a).

8 (2) OTHER SECURITY COOPERATION FUNDS.—
9 In addition to the transfer required by paragraph
10 (1), the Secretary shall also transfer to the Security
11 Cooperation Enhancement Fund on the date pro-
12 vided in that paragraph all unobligated balances as
13 of such date in any other account or fund of the De-
14 partment of Defense of amounts for security co-
15 operation programs and activities of the Department
16 of Defense.

17 (4) TREATMENT OF FUNDS TRANSFERRED.—
18 Amounts transferred to the Security Cooperation
19 Enhancement Fund under this subsection shall be
20 merged with amounts in the Fund, and shall be
21 available for the same purposes, and subject to the
22 same terms and conditions, as other amounts in the
23 Fund.

24 (d) SECURITY COOPERATION PROGRAMS AND AC-
25 TIVITIES OF THE DEPARTMENT OF DEFENSE DE-

1 FINED.—In this section, the term “security cooperation
2 programs and activities of the Department of Defense”
3 has the meaning given that term in section 301(5) of title
4 10, United States Code, as added by section 1252(a)(3)
5 of this Act.

6 **SEC. 1261. CONSOLIDATION AND STANDARDIZATION OF RE-**
7 **PORTING REQUIREMENTS RELATING TO SE-**
8 **CURITY COOPERATION AUTHORITIES.**

9 (a) CODIFICATION.—Chapter 16 of title 10, United
10 States Code, as added by section 1252(a)(3) of this Act,
11 is amended by inserting after section 383, as added by
12 section 1252(m) of this Act, a new section 384 consisting
13 of—

14 (1) a heading as follows:

15 **“§ 384. Annual report”; and**

16 (2) a text consisting of the text of subsections
17 (a) through (e) of section 1211 of the Carl Levin
18 and Howard P. “Buck” McKeon National Defense
19 Authorization Act for Fiscal Year 2015 (Public Law
20 113–291; 128 Stat. 3544).

21 (b) REVISIONS TO PROVIDE FOR PERMANENT, AN-
22 NUAL REPORT.—Subsection (a) of section 384 of title 10,
23 United States Code, as added by subsection (a), is amend-
24 ed—

1 (1) by striking “BIENNIAL” and all that follows
2 through “the Secretary” and inserting “ANNUAL
3 REPORT REQUIRED.—Not later than January 31
4 each year, the Secretary”; and

5 (2) by striking “the two fiscal years” and in-
6 serting “the fiscal year”.

7 (c) REVISION TO COVERED AUTHORITIES.—Sub-
8 section (c) of such section is amended—

9 (1) by striking paragraph (1) and inserting the
10 following:

11 “(1) The following sections of this chapter: 332,
12 333, 344, 346, and 347.”;

13 (2) by striking paragraphs (3) through (7);

14 (3) by redesignating paragraph (8) as para-
15 graph (3) and in that paragraph by striking “Sec-
16 tion” and inserting “Sections 401 and”;

17 (4) by inserting after paragraph (3), as redesi-
18 gnated by paragraph (3) of this subsection, the fol-
19 lowing new paragraph:

20 “(4) Section 1206 of the Carl Levin and How-
21 ard P. ‘Buck’ McKeon National Defense Authoriza-
22 tion Act for Fiscal Year 2015 (10 U.S.C. 2282
23 note), relating to authority to conduct human rights
24 training of security forces and associated security
25 ministries of foreign countries.”;

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

3 (6) by striking paragraph (11); and

4 (7) by redesignating paragraphs (12) through
5 (17) as paragraphs (7) through (12), respectively.

6 (d) ANNUAL REPORT ON WORKFORCE DEVELOP-
7 MENT.—Such section is further amended—

8 (1) by redesignating subsections (d) and (e) as
9 subsections (e) and (f), respectively;

10 (2) by inserting after subsection (c) the fol-
11 lowing new subsection (d):

12 “(d) ANNUAL REPORT ON WORKFORCE DEVELOP-
13 MENT.—

14 “(1) IN GENERAL.—At the same time the re-
15 ports required by subsection (a) are submitted pur-
16 suant to that subsection, the Secretary shall submit
17 to the congressional defense committees a report on
18 funding for the Department of Defense Security Co-
19 operation Workforce Development Program under
20 section 1263 of the National Defense Authorization
21 Act for Fiscal Year 2017 and the security coopera-
22 tion workforce during the fiscal year beginning in
23 the year in which such report is submitted.

1 “(2) ELEMENTS.—Each report under this sub-
2 section shall include, for the fiscal year covered by
3 such report, the following:

4 “(A) The funds requested for the Program
5 and for the security cooperation workforce.

6 “(B) A description of how the funds identi-
7 fied pursuant to subparagraph (A) will be im-
8 plemented for the following:

9 “(i) To address any gaps in the skills
10 and competencies of the current or antici-
11 pated security cooperation workforce.

12 “(ii) To provide incentives to retain
13 qualified, experienced personnel in the se-
14 curity cooperation workforce.

15 “(iii) To provide incentives to attract
16 and recruit new, high-quality personnel to
17 the security cooperation workforce.”; and

18 (3) in subsections (e) and (f), as redesignated
19 by paragraph (1) of this section, by striking “sub-
20 section (a)” each place it appears and inserting
21 “this section”.

22 (e) REPEAL OF CODIFIED STATUTE.—Section 1211
23 of the Carl Levin and Howard P. “Buck” McKeon Na-
24 tional Defense Authorization Act for Fiscal Year 2015

1 (Public Law 113–291; 128 Stat. 3544) is amended by
2 striking subsections (a) through (e).

3 (f) REPEAL OF OTHER REPORTING REQUIRE-
4 MENTS.—The following provisions of law are repealed:

5 (1) Section 401(d) of title 10, United States
6 Code, requiring an annual report on humanitarian
7 and civic assistance activities under that section.

8 (2) Section 1534(g) of the Carl Levin and How-
9 ard P. “Buck” McKeon National Defense Authoriza-
10 tion Act for Fiscal Year 2015 (Public Law 113–291;
11 128 Stat. 3618), requiring semiannual reports on
12 the Counterterrorism Partnerships Fund.

13 (3) Section 1233(f) of the National Defense
14 Authorization Act for Fiscal Year 2008 (Public Law
15 110–181; 122 Stat. 394), requiring a quarterly re-
16 port on the use of authority to reimburse certain co-
17 alition nations for support provided to United States
18 military operations.

19 (4) Section 1234(e) of the National Defense
20 Authorization Act for Fiscal Year 2008 (122 Stat.
21 394), requiring a quarterly report on the use of au-
22 thorization for logistical support for coalition forces
23 supporting certain United States military operations.

1 **SEC. 1262. REQUIREMENT FOR SUBMITTAL OF CONSOLI-**
2 **DATED ANNUAL BUDGET FOR SECURITY CO-**
3 **OPERATION PROGRAMS AND ACTIVITIES OF**
4 **THE DEPARTMENT OF DEFENSE.**

5 (a) IN GENERAL.—The budget of the President for
6 each fiscal year after fiscal year 2018, as submitted to
7 Congress by the President pursuant to section 1105 of
8 title 31, United States Code, shall set forth as a separate
9 item, the amounts requested for the Department of De-
10 fense for such fiscal year for all security cooperation pro-
11 grams and activities of the Department of Defense to be
12 conducted in such fiscal year, including the specific coun-
13 try or region, to the extent practicable, for the Security
14 Cooperation Enhancement Fund under section 381 of title
15 10, United States Code, as added by section 1260 of this
16 Act.

17 (b) SECURITY COOPERATION PROGRAMS AND ACTIVI-
18 TIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In
19 this section, the term “security cooperation programs and
20 activities of the Department of Defense” has the meaning
21 given that term in section 301(5) of title 10, United States
22 Code, as added by section 1252(a)(3) of this Act.

23 **SEC. 1263. DEPARTMENT OF DEFENSE SECURITY COOPERA-**
24 **TION WORKFORCE DEVELOPMENT.**

25 (a) PROGRAM REQUIRED.—The Secretary of Defense
26 shall carry out a program to be known as the “Depart-

1 ment of Defense Security Cooperation Workforce Develop-
2 ment Program” (in this section referred to as the “Pro-
3 gram”) to oversee the development and management of
4 a professional workforce supporting security cooperation
5 programs and activities of the Department of Defense, in-
6 cluding—

7 (1) monitoring, execution, and administration
8 of such programs and activities under chapter 16 of
9 title 10, United States Code, as added by section
10 1252(a)(3) of this Act; and

11 (2) execution of security assistance programs
12 and activities under the Foreign Assistance Act of
13 1961 and the Arms Export Control Act by the De-
14 partment of Defense.

15 (b) PURPOSE.—The purpose of the Program is to im-
16 prove the quality and professionalism of the security co-
17 operation workforce in order to ensure that the work-
18 force—

19 (1) has the capacity, in both personnel and
20 skills, needed to properly perform its mission, pro-
21 vide appropriate support to the planning, moni-
22 toring, execution, and evaluation of security coopera-
23 tion programs and activities described in subsection
24 (a), and ensure that the Department receives the

1 best value for the expenditure of public resources on
2 such programs and activities; and

3 (2) is assigned in a manner that ensures per-
4 sonnel with the appropriate level of expertise and ex-
5 perience are assigned in sufficient numbers to fulfill
6 requirements for the security cooperation programs
7 and activities of the Department of Defense and the
8 execution of security assistance programs and activi-
9 ties described in subsection (a)(2).

10 (c) ELEMENTS.—The Program shall consist of such
11 elements relating to the development and management of
12 the security cooperation workforce as the Secretary con-
13 sidered appropriate for the purposes specified in subsection
14 (b), including elements on training, certification, assign-
15 ment, and career development of personnel of the security
16 cooperation workforce.

17 (d) MANAGEMENT.—The Program shall be managed
18 by the Director of the Defense Security Cooperation Agen-
19 cy.

20 (e) GUIDANCE.—

21 (1) INTERIM GUIDANCE.—Not later than 180
22 days after the date of the enactment of this Act, the
23 Secretary shall issue interim guidance for the execu-
24 tion and administration of the Program.

1 (2) FINAL GUIDANCE.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary shall issue final guidance for the execution
4 and administration of the Program.

5 (3) SCOPE OF GUIDANCE.—The guidance shall
6 do the following:

7 (A) Provide direction to military depart-
8 ments on the establishment of professional ca-
9 reer paths for the personnel of the security co-
10 operation workforce, addressing promotion op-
11 portunities and requirements, retention policies,
12 and scope of workforce demands.

13 (B) Provide for a mechanism for issuing
14 professional certifications for personnel of the
15 security cooperation workforce at different lev-
16 els of advancement based on requisite training,
17 experience, and seniority.

18 (C) Establish minimum requirements for
19 training and professional development associ-
20 ated with each level of certification provided for
21 under subparagraph (B).

22 (D) Provide for a mechanism for assigning
23 appropriately certified personnel of the security
24 cooperation workforce to assignments associated
25 with high-priority missions in connection with

1 security cooperation programs and activities,
2 and for allocating such personnel assignments
3 based on priority, volume of activity, and other
4 relevant factors.

5 (E) Identify the appropriate composition of
6 career and temporary personnel necessary to
7 constitute the security cooperation workforce.

8 (F) Identify specific positions throughout
9 the security cooperation workforce to be man-
10 aged and assigned through the Program.

11 (f) USE OF FUNDS.—Amounts available for use for
12 the Program may be transferred to any account of the
13 military departments or the Defense Agencies for purposes
14 of the Program.

15 (g) DEFINITIONS.—In this section:

16 (1) The term “security cooperation programs
17 and activities of the Department of Defense” has
18 the meaning given that term in section 301(5) of
19 title 10, United States Code, added by section
20 1252(a)(3) of this Act.

21 (2) The term “security cooperation workforce”
22 means the following:

23 (A) Members of the Armed Forces and ci-
24 vilian employees of the Department of Defense

1 working in the security cooperation organiza-
2 tions of United States missions overseas.

3 (B) Members of the Armed Forces and ci-
4 vilian employees of the Department of Defense
5 in the geographic combatant commands and
6 functional combatant commands conducting se-
7 curity cooperation activities.

8 (C) Members of the Armed Forces and ci-
9 vilian employees of the Department of Defense
10 in the military departments performing security
11 cooperation activities, including activities in
12 connection with the acquisition and develop-
13 ment of technology release policies.

14 (D) Other personnel of Defense Agencies
15 who perform security cooperation activities.

16 (E) Personnel of the Department of De-
17 fense who perform assessments of security co-
18 operation programs and activities of the De-
19 partment of Defense, including assessments
20 under section 383 of title 10, United States
21 Code, as added by section 1252(m) of this Act.

22 (F) Other members of the Armed Forces
23 or civilian employees of the Department of De-
24 fense who contribute significantly to the secu-
25 rity cooperation programs and activities of the

1 Department of Defense by virtue of their as-
2 signed duties, as determined pursuant to the
3 guidance issued under subsection (e).

4 **SEC. 1264. COORDINATION BETWEEN DEPARTMENT OF DE-**
5 **FENSE AND DEPARTMENT OF STATE ON CER-**
6 **TAIN SECURITY COOPERATION AND SECU-**
7 **RITY ASSISTANCE PROGRAMS AND ACTIVI-**
8 **TIES.**

9 (a) REGULATIONS GOVERNING COORDINATION RE-
10 QUIRED.—

11 (1) INTERIM REGULATIONS.—Not later than 90
12 days after the date of the enactment of this Act, the
13 Secretary of Defense and the Secretary of State
14 shall jointly issue interim regulations to facilitate
15 and streamline coordination between the Department
16 of Defense and the Department of State on all mat-
17 ters relating to the policy, planning, and implemen-
18 tation of covered security cooperation and security
19 assistance programs and activities.

20 (2) FINAL REGULATIONS.—Not later than 270
21 days after the date of the enactment of this Act, the
22 Secretary of Defense and the Secretary of State
23 shall jointly prescribe final regulations on the mat-
24 ters described in paragraph (1).

1 (3) PERIODIC UPDATE.—The Secretary of De-
2 fense and the Secretary of State shall from time to
3 time jointly update the final regulations prescribed
4 pursuant to paragraph (2) in order to ensure that
5 the regulations under this subsection remain current
6 with developments in law and other regulations re-
7 lating to the matters described in paragraph (1).

8 (b) ELEMENTS.—The regulations required under
9 subsection (a) shall provide for the following:

10 (1) Coordination between the Department of
11 Defense and the Department of State on covered se-
12 curity cooperation and security assistance programs
13 and activities.

14 (2) Wherever the concurrence of, coordination
15 with, or consultation with the Secretary of Defense
16 or the Secretary of State is required by law or regu-
17 lation for the conduct of covered security cooperation
18 and security assistance programs and activities,
19 mechanisms as follows:

20 (A) A mechanism to provide for the delega-
21 tion of such concurrence, coordination, or con-
22 sultation to an official at the lowest appropriate
23 level of headquarters-based management in the
24 Department concerned.

1 (B) A mechanism to limit, to the max-
2 imum extent practicable, procedural delays in
3 completion of any review required for such con-
4 currence, coordination, or consultation, and in
5 the issuance of such concurrence, coordination,
6 or consultation.

7 (c) SUBMITTAL TO CONGRESS.—The Secretary of
8 Defense and the Secretary of State shall jointly submit
9 to the appropriate committees of Congress the interim reg-
10 ulations issued pursuant to subsection (a)(1), the final
11 regulations prescribed pursuant to subsection (a)(2), and
12 any update of the final regulations prescribed pursuant
13 to subsection (a)(3).

14 (d) DEFINITIONS.—In this section:

15 (1) The term “appropriate committees of Con-
16 gress” has the meaning given that term in section
17 301(1) of title 10, United States Code, as added by
18 section 1252(a)(3) of this Act.

19 (2) The term “covered security cooperation and
20 security assistance programs and activities” means
21 the following:

22 (A) Security cooperation programs and ac-
23 tivities under section 333 of title 10, United
24 States Code, as added by section 1252(d) of
25 this Act.

1 (B) Operational support to foreign national
2 security forces.

3 (C) Cooperative Threat Reduction pro-
4 grams and activities.

5 (D) Defense institution building.

6 (E) Foreign Military Financing (FMF).

7 (F) International Military Education and
8 Training (IMET).

9 (G) Peacekeeping operations and activities.

10 **SEC. 1265. REPEAL OF SUPERSEDED, OBSOLETE, OR DUPLI-**
11 **CATIVE STATUTES RELATING TO SECURITY**
12 **COOPERATION AUTHORITIES.**

13 (a) REPEALS.—The following provisions of title 10,
14 United States Code, are repealed:

15 (1) Section 168, relating to military-to-military
16 contacts and comparable activities.

17 (2) Section 1051c, relating to assignment of
18 members of foreign military forces to improve edu-
19 cation and training in information security through
20 multilateral, bilateral, or regional cooperation pro-
21 grams.

22 (3) Section 2562, relating to a limitation on use
23 of excess construction or fire equipment from De-
24 partment of Defense stocks in foreign assistance or
25 military sales programs.

1 (1) IN GENERAL.—Section 116 of the African
2 Growth and Opportunity Act (19 U.S.C. 3723) is
3 amended by striking subsections (b) and (c) and in-
4 serting the following:

5 “(b) PLAN REQUIREMENT.—

6 “(1) IN GENERAL.—The President shall develop
7 a plan for the purpose of negotiating and entering
8 into one or more free trade agreements with eligible
9 sub-Saharan African countries. The plan shall in-
10 clude a list of eligible sub-Saharan African countries
11 that are most ready for a free trade agreement with
12 the United States.

13 “(2) ELEMENTS OF PLAN.—The plan required
14 by paragraph (1) shall include, for each country on
15 the list required by that paragraph, the following:

16 “(A) The steps the country needs to take
17 to be ready to enter into a free trade agreement
18 with the United States, consistent with the Bi-
19 partisan Congressional Trade Priorities and Ac-
20 countability Act of 2015 (title I of Public Law
21 114–26; 129 Stat. 320), including—

22 “(i) the effective implementation of
23 the commitments of the country under
24 WTO Agreements; and

1 “(ii) the development of a bilateral in-
2 vestment treaty or equivalent obligations.

3 “(B) Milestones for accomplishing each
4 step identified in subparagraph (A) for the
5 country, with the goal of establishing a free
6 trade agreement with the country not later than
7 10 years after the date on which the country is
8 included on the list required by paragraph (1).

9 “(C) A description of the resources re-
10 quired to assist the country in accomplishing
11 each milestone described in subparagraph (B).

12 “(D) The extent to which steps described
13 in subparagraph (A), the milestones described
14 in subparagraph (B), and resources described
15 in subparagraph (C) may be accomplished
16 through regional or subregional organizations in
17 sub-Saharan Africa, including the East African
18 Community, the Economic Community of West
19 African States, the Common Market for East-
20 ern and Southern Africa, and the Economic
21 Community of Central African States.

22 “(E) Procedures to ensure the following:

23 “(i) Adequate consultation with Con-
24 gress and the private sector during the ne-
25 gotiations.

1 “(ii) Consultation with Congress re-
2 garding all matters relating to implementa-
3 tion of the agreement.

4 “(iii) Approval by Congress of the
5 agreement.

6 “(iv) Adequate consultations with the
7 relevant African governments and African
8 regional and subregional intergovernmental
9 organizations during the negotiation of the
10 agreement.

11 “(3) REPORTING REQUIREMENT.—The Presi-
12 dent shall prepare and submit to Congress a report
13 containing the plan developed pursuant to paragraph
14 (1)—

15 “(A) not later than 1 year after the date
16 of the enactment of the National Defense Au-
17 thorization Act for Fiscal Year 2017; and

18 “(B) at the same time as the submission
19 of the report required by section 110(b) of the
20 Trade Preferences Extension Act of 2015 (Pub-
21 lic Law 114–27; 129 Stat. 370) thereafter.

22 “(4) COORDINATION WITH OTHER AGENCIES.—
23 The United States Trade Representative shall con-
24 sult and coordinate with other relevant Federal
25 agencies to assist countries on the list required by

1 paragraph (1), including through the deployment of
2 resources from those agencies to such countries and
3 through trade capacity building, in addressing the
4 steps identified under subparagraph (A) of para-
5 graph (2) and the milestones identified under sub-
6 paragraph (B) of that paragraph.

7 “(5) DEFINITIONS.—In this subsection:

8 “(A) ELIGIBLE SUB-SAHARAN AFRICAN
9 COUNTRY.—The term ‘eligible sub-Saharan Af-
10 rican country’ means a country designated as
11 an eligible sub-Saharan African country under
12 section 104.

13 “(B) WTO.—The term ‘WTO’ means the
14 World Trade Organization.

15 “(C) WTO AGREEMENT.—The term ‘WTO
16 Agreement’ has the meaning given that term in
17 section 2(9) of the Uruguay Round Agreements
18 Act (19 U.S.C. 3501(9)).

19 “(D) WTO AGREEMENTS.—The term
20 ‘WTO Agreements’ means the WTO Agreement
21 and agreements annexed to that Agreement.”.

22 (2) CONFORMING AMENDMENTS.—Section
23 110(b) of the Trade Preferences Extension Act of
24 2015 (Public Law 114–27; 129 Stat. 370) is amend-
25 ed—

1 (A) in the matter preceding paragraph (1),
2 by striking “5” and inserting “3”; and

3 (B) in paragraph (3), by striking “(E)”
4 and inserting “(D)”.

5 (b) COORDINATION OF USAID WITH FREE TRADE
6 AGREEMENT POLICY.—

7 (1) AUTHORIZATION OF FUNDS.—Funds made
8 available to the United States Agency for Inter-
9 national Development under section 496 of the For-
10 eign Assistance Act of 1961 (22 U.S.C. 2293) after
11 the date of the enactment of this Act may be used,
12 in consultation with the United States Trade Rep-
13 resentative—

14 (A) to assist eligible countries, including by
15 deploying resources to such countries, in ad-
16 dressing the steps and milestones identified in
17 the plan developed under subsection (b) of sec-
18 tion 116 of the African Growth and Oppor-
19 tunity Act (19 U.S.C. 3723), as amended by
20 subsection (a); and

21 (B) to assist eligible countries in the imple-
22 mentation of the commitments of those coun-
23 tries under agreements with the United States
24 and the WTO Agreements (as defined in sub-
25 section (b)(4) of such section 116).

1 (2) DEFINITIONS.—In this subsection:

2 (A) ELIGIBLE COUNTRY.—The term “eligi-
3 ble country” means a sub-Saharan African
4 country that receives—

5 (i) benefits under the African Growth
6 and Opportunity Act (19 U.S.C. 3701 et
7 seq.); and

8 (ii) funding from the United States
9 Agency for International Development.

10 (B) SUB-SAHARAN AFRICAN COUNTRY.—

11 The term “sub-Saharan African country” has
12 the meaning given that term in section 107 of
13 the African Growth and Opportunity Act (19
14 U.S.C. 3706).

15 (c) COORDINATION WITH MILLENNIUM CHALLENGE
16 CORPORATION.—

17 (1) IN GENERAL.—After the date of the enact-
18 ment of this Act, the United States Trade Rep-
19 resentative and the Administrator of the United
20 States Agency for International Development shall
21 consult and coordinate with the Chief Executive Of-
22 ficer of the Millennium Challenge Corporation re-
23 garding countries described in paragraph (2) for the
24 purpose of developing and carrying out the plan re-
25 quired by subsection (b) of section 116 of the Afri-

1 can Growth and Opportunity Act (19 U.S.C. 3723),
2 as amended by subsection (a).

3 (2) COUNTRIES DESCRIBED.—A country is de-
4 scribed in this paragraph if the country—

5 (A) has entered into a Millennium Chal-
6 lenge Compact pursuant to section 609 of the
7 Millennium Challenge Act of 2003 (22 U.S.C.
8 7708); or

9 (B) is selected by the Board of Directors
10 of the Millennium Challenge Corporation under
11 subsection (c) of section 607 of that Act (22
12 U.S.C. 7706) from among the countries deter-
13 mined to be eligible countries under subsection
14 (a) of that section.

15 **SEC. 1272. EXTENSION AND EXPANSION OF AUTHORITY TO**
16 **SUPPORT BORDER SECURITY OPERATIONS**
17 **OF CERTAIN FOREIGN COUNTRIES.**

18 (a) EXPANSION OF AUTHORITY.—Section 1226 of
19 the National Defense Authorization Act for Fiscal Year
20 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C.
21 2551 note) is amended—

22 (1) in subsection (a)(1)—

23 (A) by striking “the Government of Jordan
24 and the Government of Lebanon” and inserting
25 “the Government of Egypt, the Government of

1 Jordan, the Government of Lebanon, and the
2 Government of Tunisia”;

3 (B) by striking “efforts of the armed
4 forces” and inserting “efforts as follows:

5 “(A) Efforts of the armed forces”; and

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

8 “(B) Efforts of the armed forces of Egypt
9 and the armed forces of Tunisia to increase se-
10 curity and sustain increased security along the
11 border of Egypt and the border of Tunisia with
12 Libya, as applicable.”; and

13 (2) in subsection (c)(4), by striking “along the
14 border” and all that follows and inserting “along the
15 border of the country as specified in subsection
16 (a)(1).”.

17 (b) EXTENSION.—Subsection (f) of such section is
18 amended by striking “December 31, 2018” and inserting
19 “December 31, 2019”.

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

1 **“SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR**
2 **BORDER SECURITY OPERATIONS.”.**

3 **SEC. 1273. MODIFICATION AND CLARIFICATION OF UNITED**
4 **STATES-ISRAEL ANTI-TUNNEL COOPERATION**
5 **AUTHORITY.**

6 (a) AMOUNT OF SUPPORT PROVIDABLE BY THE
7 UNITED STATES.—Paragraph (4) of section 1279(b) of
8 the National Defense Authorization Act for Fiscal Year
9 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C.
10 8606 note) is amended by striking “\$25,000,000” and in-
11 serting “\$50,000,000”.

12 (b) SCOPE OF REQUIREMENT FOR MATCHING CON-
13 TRIBUTION BY ISRAEL.—Paragraph (3) of such section is
14 amended by inserting before the period at the end the fol-
15 lowing: “in the calendar year in which the support is pro-
16 vided”.

17 (c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVI-
18 TIES IN US.—Of the amount contributed by the United
19 States for activities under section 1279 of the National
20 Defense Authorization Act for Fiscal Year 2016, not less
21 than 50 percent of such amount shall be used in fiscal
22 year 2017 for research, development, test, and evaluation
23 activities for purposes of such section in the United States.

1 **SEC. 1274. MODIFICATION TO AND EXTENSION OF AUTHOR-**
2 **IZATION OF NON-CONVENTIONAL ASSISTED**
3 **RECOVERY CAPABILITIES.**

4 (a) **MODIFICATION OF AUTHORIZED ACTIVITIES.**—
5 Subsection (c) of section 943 of the Duncan Hunter Na-
6 tional Defense Authorization Act for Fiscal Year 2009
7 (Public Law 110–417; 122 Stat. 4578), as amended by
8 section 1205(b) of the National Defense Authorization Act
9 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
10 1623), is further amended by inserting “and other individ-
11 uals as determined by the Secretary of Defense” before
12 the period at the end of the first sentence.

13 (b) **EXTENSION OF AUTHORITY.**—Subsection (h) of
14 such section 943, as most recently amended by section
15 1271 of the National Defense Authorization Act for Fiscal
16 Year 2016 (Public Law 114–92; 129 Stat. 1075), is fur-
17 ther amended by striking “2018” and inserting “2021”.

18 **SEC. 1275. ASSESSMENT OF PROLIFERATION OF CERTAIN**
19 **REMOTELY PILOTED AIRCRAFT SYSTEMS.**

20 (a) **REPORT ON ASSESSMENT OF PROLIFERATION OF**
21 **REMOTELY PILOTED AIRCRAFT SYSTEMS.**—Not later
22 than six months after the date of the enactment of this
23 Act, the Chairman of the Joint Chiefs of Staff shall sub-
24 mit to the congressional defense committees a report set-
25 ting forth an assessment, obtained by the Chairman for
26 purposes of the report, of the impact to United States na-

1 tional security interests of the proliferation of remotely pi-
2 loted aircraft that are assessed to be “Category I” items
3 under the Missile Technology Control Regime (MTCR).

4 (b) INDEPENDENT ASSESSMENT.—

5 (1) IN GENERAL.—The assessment obtained for
6 purposes of subsection (a) shall be conducted by a
7 federally funded research and development center
8 (FFRDC), or another appropriate independent enti-
9 ty with expertise in the procurement and operation
10 of remotely piloted aircraft, selected by the Chair-
11 man for purposes of the assessment.

12 (2) USE OF PREVIOUS STUDIES.—The entity
13 conducting the assessment may use and incorporate
14 information from previous studies on matters appro-
15 priate to the assessment.

16 (c) ELEMENTS.—The assessment obtained for pur-
17 poses of subsection (a) shall include the following:

18 (1) A qualitative and quantitative assessment of
19 the scope and scale of the proliferation of remotely
20 piloted aircraft that are “Category I” items under
21 the Missile Technology Control Regime.

22 (2) An assessment of the threat posed to
23 United States interests as a result of the prolifera-
24 tion of such aircraft to adversaries.

1 (3) An assessment of the impact of the pro-
2 liferation of such aircraft on the combat capabilities
3 of and interoperability with partners and allies of
4 the United States.

5 (4) An analysis of the degree to which the
6 United States has limited the proliferation of such
7 aircraft as a result of the application of a “strong
8 presumption of denial” for exports of such aircraft.

9 (5) An assessment of the benefits and risks of
10 continuing to limit exports of such aircraft.

11 (6) Such other matters as the Chairman con-
12 siders appropriate.

13 (d) FORM.—The report under subsection (a) shall be
14 submitted in unclassified form, but may include a classi-
15 fied annex.

16 **SEC. 1276. EFFORTS TO END MODERN SLAVERY.**

17 (a) ACTIONS BY THE SECRETARY OF DEFENSE.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary
20 of Defense shall implement policies and promulgate
21 guidance to ensure that personnel of the Armed
22 Forces, including uniformed personnel and civilians
23 engaged in partnership with foreign nations, receive
24 education and training on human slavery and the

1 appropriate role of the United States Armed Forces
2 in combatting trafficking in persons.

3 (2) ELEMENTS.—The training implemented
4 pursuant to paragraph (1) shall include—

5 (A) a description of resources available for
6 Armed Forces personnel who become aware of
7 instances of human slavery or trafficking in
8 persons while deployed overseas; and

9 (B) guidance on the requirement to make
10 official reports through the chain of command,
11 the roles and responsibilities of military and ci-
12 vilian officials of the United States Armed
13 Forces and host nations, circumstances in
14 which members of the Armed Forces are au-
15 thorized to take immediate action to prevent
16 loss of life or serious injury, and the authority
17 to use appropriate force to stop or prevent sex-
18 ual abuse or exploitation of children.

19 (b) GRANT AUTHORIZATION.—The Secretary of
20 State is authorized to make grants of funding to provide
21 support for transformational programs and projects that
22 seek to achieve a measurable and substantial reduction of
23 the prevalence of modern slavery in targeted populations
24 within partner countries (or jurisdictions thereof).

1 (c) MONITORING AND EVALUATION.—Any grantee
2 shall—

3 (1) develop specific and detailed criteria for the
4 monitoring and evaluation of supported projects;

5 (2) implement a system for measuring progress
6 against baseline data that is rigorously designed
7 based on international corporate and nongovern-
8 mental best practices;

9 (3) ensure that each supported project is regu-
10 larly and rigorously monitored and evaluated, on a
11 not less than biennial basis, by an independent mon-
12 itoring and evaluation entity, against the specific
13 and detailed criteria established pursuant to para-
14 graph (1), and that the progress of the project to-
15 wards its stated goals is measured by such entity
16 against baseline data;

17 (4) support the development of a scientifically
18 sound, representative survey methodology for meas-
19 uring prevalence with reference to existing research
20 and experience, and apply the methodology consist-
21 ently to determine the baseline prevalence in target
22 populations and outcomes in order to periodically as-
23 sess progress in reducing prevalence; and

24 (5) establish, and revise on a not less than an-
25 nual basis, specific and detailed criteria for the sus-

1 pension and termination, as appropriate, of projects
2 supported by the grantee that regularly or consist-
3 ently fail to meet the criteria required by this sec-
4 tion.

5 (d) AUDITING.—

6 (1) IN GENERAL.—Any grantee shall be subject
7 to the same auditing, recordkeeping, and reporting
8 obligations required under subsections (e), (f), (g),
9 and (i) of section 504 of the National Endowment
10 for Democracy Act (22 U.S.C. 4413).

11 (2) COMPTROLLER GENERAL AUDIT AUTHOR-
12 ITY.—

13 (A) IN GENERAL.—The Comptroller Gen-
14 eral of the United States may evaluate the fi-
15 nancial transactions of the grantee as well as
16 the programs or activities the grantee carries
17 out pursuant to this section.

18 (B) ACCESS TO RECORDS.—Any grantee
19 shall provide the Comptroller General, or the
20 Comptroller General's duly authorized rep-
21 resentatives, access to such records as the
22 Comptroller General determines necessary to
23 conduct evaluations authorized by this section.

24 (e) ANNUAL REPORT.—Any grant recipient shall pro-
25 vide annually the names of each of the projects or sub-

1 grantees receiving such funding pursuant to this section
2 and the amount of funding provided for, along with a de-
3 tailed description of, each such project.

4 (f) RULE OF CONSTRUCTION REGARDING AVAIL-
5 ABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The
6 enactment of this section is deemed to meet the condition
7 of the first proviso of paragraph (2) of section 7060(f)
8 of the Department of State, Foreign Operations, and Re-
9 lated Appropriations Act, 2016 (division K of Public Law
10 114–113), and the funds referred to in such paragraph
11 shall be made available in accordance with, and for the
12 purposes set forth in, such paragraph.

13 (g) AUTHORIZATION OF APPROPRIATIONS FOR FIS-
14 CAL YEARS 2017 THROUGH 2022.—There is authorized
15 to be appropriated to the Department of State for the pur-
16 pose of making the grants authorized under this section
17 to a single nonprofit organization, for each fiscal year
18 from 2017 through 2022, \$37,500,000.

19 (h) COMPTROLLER GENERAL REVIEW OF EXISTING
20 PROGRAMS.—

21 (1) IN GENERAL.—Not later than September
22 30, 2018, and September 30, 2022, the Comptroller
23 General of the United States shall submit to Con-
24 gress a report on all of the programs conducted by
25 the Department of State, the United States Agency

1 for International Development, the Department of
2 Labor, the Department of Defense, and the Depart-
3 ment of the Treasury that address human traf-
4 ficking and modern slavery, including a detailed
5 analysis of the effectiveness of such programs in lim-
6 iting human trafficking and modern slavery and spe-
7 cific recommendations on which programs are not ef-
8 fective at reducing the prevalence of human traf-
9 ficking and modern slavery and how the funding for
10 such programs may be redirected to more effective
11 efforts.

12 (2) CONSIDERATION OF REPORT.—The Comp-
13 troller General of the United States shall brief the
14 appropriate congressional committees on the report
15 submitted under paragraph (1). The appropriate
16 congressional committees shall review and consider
17 the reports and shall, as appropriate, consider modi-
18 fications to authorization levels and programs within
19 the jurisdiction of such committees to address the
20 recommendations made in the report.

21 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congres-
23 sional committees” means—

1 set forth the terms for close and mutually beneficial
2 relations in security, economic, and governmental af-
3 fairs.

4 (5) The security terms of the Compact grant
5 the United States full authority and responsibility
6 for the security and defense of Palau, including the
7 exclusive right to deny any nation's military forces
8 access to the territory of Palau except the United
9 States, an important element of our Pacific strategy
10 for defense of the United States homeland, and the
11 right to establish and use defense sites in Palau.

12 (6) The Compact entitles any citizen of Palau
13 to volunteer for service in the United States Armed
14 Forces, and they do so at a rate that exceeds that
15 of any of the 50 States.

16 (7) In 2009, and in accordance with section
17 432 of the Compact, the United States and Palau
18 reviewed their overall relationship. In 2010, the two
19 nations signed an agreement updating and extending
20 several provisions of the Compact, including an ex-
21 tension of United States financial and program as-
22 sistance to Palau, and establishing increased post-9/
23 11 immigration protections. However, the United
24 States has not yet approved this Agreement or pro-
25 vided the assistance as called for in the Agreement.

1 (8) Beginning in 2010 and most recently on
2 February 22, 2016, the Department of the Interior,
3 the Department of State, and the Department of
4 Defense have sent letters to Speaker of the House
5 of Representatives and the President Pro Tempore
6 of the Senate transmitting the legislation to approve
7 the 2010 United States Palau Agreement including
8 an analysis of the budgetary impact of the legisla-
9 tion.

10 (9) The February 22, 2016, letter concluded,
11 “Approving the results of the Agreement is impor-
12 tant to the national security of the United States,
13 stability in the Western Pacific region, our bilateral
14 relationship with Palau and to the United States’
15 broader strategic interest in the Asia-Pacific re-
16 gion.”

17 (10) On May 20, 2016, the Department of De-
18 fense submitted a letter to the Chairmen and Rank-
19 ing Members of the congressional defense commit-
20 tees in support of including legislation enacting the
21 agreement in the fiscal year 2017 National Defense
22 Authorization Act and concluded that its inclusion
23 advances United States national security objectives
24 in the region.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) to fulfill the promise and commitment of
4 the United States to its ally, the Republic of Palau,
5 and reaffirm this special relationship and strengthen
6 the ability of the United States to defend the home-
7 land, Congress and the President should promptly
8 enact the Compact Review Agreement signed by the
9 United States and Palau in 2010; and

10 (2) Congress and the President should imme-
11 diately seek a mutually acceptable solution to ap-
12 proving the Compact Review Agreement and ensur-
13 ing adequate budgetary resources are allocated to
14 meet United States obligations under the Compact
15 through enacting legislation, including through this
16 Act.

17 **Subtitle I—Human Rights** 18 **Sanctions**

19 **SEC. 1281. SHORT TITLE.**

20 This subtitle may be cited as the “Global Magnitsky
21 Human Rights Accountability Act”.

22 **SEC. 1282. DEFINITIONS.**

23 In this subtitle:

1 (1) FOREIGN PERSON.—The term “foreign per-
2 son” means a person that is not a United States
3 person.

4 (2) PERSON.—The term “person” means an in-
5 dividual or entity.

6 (3) UNITED STATES PERSON.—The term
7 “United States person” means—

8 (A) a United States citizen or an alien law-
9 fully admitted for permanent residence to the
10 United States; or

11 (B) an entity organized under the laws of
12 the United States or of any jurisdiction within
13 the United States, including a foreign branch of
14 such an entity.

15 **SEC. 1283. AUTHORIZATION OF IMPOSITION OF SANCTIONS.**

16 (a) IN GENERAL.—The President may impose the
17 sanctions described in subsection (b) with respect to any
18 foreign person the President determines, based on credible
19 evidence—

20 (1) is responsible for extrajudicial killings, tor-
21 ture, or other gross violations of internationally rec-
22 ognized human rights committed against individuals
23 in any foreign country who seek—

24 (A) to expose illegal activity carried out by
25 government officials; or

1 (B) to obtain, exercise, defend, or promote
2 internationally recognized human rights and
3 freedoms, such as the freedoms of religion, ex-
4 pression, association, and assembly, and the
5 rights to a fair trial and democratic elections;

6 (2) acted as an agent of or on behalf of a for-
7 eign person in a matter relating to an activity de-
8 scribed in paragraph (1);

9 (3) is a government official, or a senior asso-
10 ciate of such an official, that is responsible for, or
11 complicit in, ordering, controlling, or otherwise di-
12 recting, acts of significant corruption, including the
13 expropriation of private or public assets for personal
14 gain, corruption related to government contracts or
15 the extraction of natural resources, bribery, or the
16 facilitation or transfer of the proceeds of corruption
17 to foreign jurisdictions; or

18 (4) has materially assisted, sponsored, or pro-
19 vided financial, material, or technological support
20 for, or goods or services in support of, an activity
21 described in paragraph (3).

22 (b) SANCTIONS DESCRIBED.—The sanctions de-
23 scribed in this subsection are the following:

24 (1) INADMISSIBILITY TO UNITED STATES.—In
25 the case of a foreign person who is an individual—

1 (A) ineligibility to receive a visa to enter
2 the United States or to be admitted to the
3 United States; or

4 (B) if the individual has been issued a visa
5 or other documentation, revocation, in accord-
6 ance with section 221(i) of the Immigration and
7 Nationality Act (8 U.S.C. 1201(i)), of the visa
8 or other documentation.

9 (2) BLOCKING OF PROPERTY.—

10 (A) IN GENERAL.—The blocking, in ac-
11 cordance with the International Emergency
12 Economic Powers Act (50 U.S.C. 1701 et seq.),
13 of all transactions in all property and interests
14 in property of a foreign person if such property
15 and interests in property are in the United
16 States, come within the United States, or are or
17 come within the possession or control of a
18 United States person.

19 (B) INAPPLICABILITY OF NATIONAL EMER-
20 GENCY REQUIREMENT.—The requirements of
21 section 202 of the International Emergency
22 Economic Powers Act (50 U.S.C. 1701) shall
23 not apply for purposes of this section.

24 (C) EXCEPTION RELATING TO IMPORTA-
25 TION OF GOODS.—

1 (i) IN GENERAL.—The authority to
2 block and prohibit all transactions in all
3 property and interests in property under
4 subparagraph (A) shall not include the au-
5 thority to impose sanctions on the importa-
6 tion of goods.

7 (ii) GOOD.—In this subparagraph, the
8 term “good” has the meaning given that
9 term in section 16 of the Export Adminis-
10 tration Act of 1979 (50 U.S.C. 4618) (as
11 continued in effect pursuant to the Inter-
12 national Emergency Economic Powers Act
13 (50 U.S.C. 1701 et seq.)).

14 (c) CONSIDERATION OF CERTAIN INFORMATION IN
15 IMPOSING SANCTIONS.—In determining whether to im-
16 pose sanctions under subsection (a), the President shall
17 consider—

18 (1) information provided by the chairperson and
19 ranking member of each of the appropriate congres-
20 sional committees; and

21 (2) credible information obtained by other coun-
22 tries and nongovernmental organizations that mon-
23 itor violations of human rights.

24 (d) REQUESTS BY CHAIRPERSON AND RANKING
25 MEMBER OF APPROPRIATE CONGRESSIONAL COMMIT-

1 TEES.—Not later than 120 days after receiving a written
2 request from the chairperson and ranking member of one
3 of the appropriate congressional committees with respect
4 to whether a foreign person has engaged in an activity
5 described in subsection (a), the President shall—

6 (1) determine if that person has engaged in
7 such an activity; and

8 (2) submit a report to the chairperson and
9 ranking member of that committee with respect to
10 that determination that includes—

11 (A) a statement of whether or not the
12 President imposed or intends to impose sanc-
13 tions with respect to the person; and

14 (B) if the President imposed or intends to
15 impose sanctions, a description of those sanc-
16 tions.

17 (e) EXCEPTION TO COMPLY WITH UNITED NATIONS
18 HEADQUARTERS AGREEMENT AND LAW ENFORCEMENT
19 OBJECTIVES.—Sanctions under subsection (b)(1) shall
20 not apply to an individual if admitting the individual into
21 the United States would further important law enforce-
22 ment objectives or is necessary to permit the United
23 States to comply with the Agreement regarding the Head-
24 quarters of the United Nations, signed at Lake Success
25 June 26, 1947, and entered into force November 21,

1 1947, between the United Nations and the United States,
2 or other applicable international obligations of the United
3 States.

4 (f) ENFORCEMENT OF BLOCKING OF PROPERTY.—

5 A person that violates, attempts to violate, conspires to
6 violate, or causes a violation of subsection (b)(2) or any
7 regulation, license, or order issued to carry out subsection
8 (b)(2) shall be subject to the penalties set forth in sub-
9 sections (b) and (c) of section 206 of the International
10 Emergency Economic Powers Act (50 U.S.C. 1705) to the
11 same extent as a person that commits an unlawful act de-
12 scribed in subsection (a) of that section.

13 (g) TERMINATION OF SANCTIONS.—The President
14 may terminate the application of sanctions under this sec-
15 tion with respect to a person if the President determines
16 and reports to the appropriate congressional committees
17 not later than 15 days before the termination of the sanc-
18 tions that—

19 (1) credible information exists that the person
20 did not engage in the activity for which sanctions
21 were imposed;

22 (2) the person has been prosecuted appro-
23 priately for the activity for which sanctions were im-
24 posed;

1 (3) the person has credibly demonstrated a sig-
2 nificant change in behavior, has paid an appropriate
3 consequence for the activity for which sanctions were
4 imposed, and has credibly committed to not engage
5 in an activity described in subsection (a) in the fu-
6 ture; or

7 (4) the termination of the sanctions is in the
8 vital national security interests of the United States.

9 (h) REGULATORY AUTHORITY.—The President shall
10 issue such regulations, licenses, and orders as are nec-
11 essary to carry out this section.

12 (i) IDENTIFICATION OF SANCTIONABLE FOREIGN
13 PERSONS.—The Assistant Secretary of State for Democ-
14 racy, Human Rights, and Labor, in consultation with the
15 Assistant Secretary of State for Consular Affairs and
16 other bureaus of the Department of State, as appropriate,
17 is authorized to submit to the Secretary of State, for re-
18 view and consideration, the names of foreign persons who
19 may meet the criteria described in subsection (a).

20 (j) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
21 FINED.—In this section, the term “appropriate congres-
22 sional committees” means—

23 (1) the Committee on Banking, Housing, and
24 Urban Affairs and the Committee on Foreign Rela-
25 tions of the Senate; and

1 (2) the Committee on Financial Services and
2 the Committee on Foreign Affairs of the House of
3 Representatives.

4 **SEC. 1284. REPORTS TO CONGRESS.**

5 (a) IN GENERAL.—The President shall submit to the
6 appropriate congressional committees, in accordance with
7 subsection (b), a report that includes—

8 (1) a list of each foreign person with respect to
9 which the President imposed sanctions pursuant to
10 section ____03 during the year preceding the sub-
11 mission of the report;

12 (2) a description of the type of sanctions im-
13 posed with respect to each such person;

14 (3) the number of foreign persons with respect
15 to which the President—

16 (A) imposed sanctions under section
17 ____03(a) during that year; and

18 (B) terminated sanctions under section
19 ____03(g) during that year;

20 (4) the dates on which such sanctions were im-
21 posed or terminated, as the case may be;

22 (5) the reasons for imposing or terminating
23 such sanctions; and

24 (6) a description of the efforts of the President
25 to encourage the governments of other countries to

1 impose sanctions that are similar to the sanctions
2 authorized by section ____ 03.

3 (b) DATES FOR SUBMISSION.—

4 (1) INITIAL REPORT.—The President shall sub-
5 mit the initial report under subsection (a) not later
6 than 120 days after the date of the enactment of
7 this Act.

8 (2) SUBSEQUENT REPORTS.—

9 (A) IN GENERAL.—The President shall
10 submit a subsequent report under subsection
11 (a) on December 10, or the first day thereafter
12 on which both Houses of Congress are in ses-
13 sion, of—

14 (i) the calendar year in which the ini-
15 tial report is submitted if the initial report
16 is submitted before December 10 of that
17 calendar year; and

18 (ii) each calendar year thereafter.

19 (B) CONGRESSIONAL STATEMENT.—Con-
20 gress notes that December 10 of each calendar
21 year has been recognized in the United States
22 and internationally since 1950 as “Human
23 Rights Day”.

24 (c) FORM OF REPORT.—

1 (1) IN GENERAL.—Each report required by
2 subsection (a) shall be submitted in unclassified
3 form, but may include a classified annex.

4 (2) EXCEPTION.—The name of a foreign person
5 to be included in the list required by subsection
6 (a)(1) may be submitted in the classified annex au-
7 thORIZED by paragraph (1) only if the President—

8 (A) determines that it is vital for the na-
9 tional security interests of the United States to
10 do so;

11 (B) uses the annex in a manner consistent
12 with congressional intent and the purposes of
13 this subtitle; and

14 (C) not later than 15 days before submit-
15 ting the name in a classified annex, provides to
16 the appropriate congressional committees notice
17 of, and a justification for, including the name
18 in the classified annex despite any publicly
19 available credible information indicating that
20 the person engaged in an activity described in
21 section ____ 03(a).

22 (d) PUBLIC AVAILABILITY.—

23 (1) IN GENERAL.—The unclassified portion of
24 the report required by subsection (a) shall be made

1 available to the public, including through publication
2 in the Federal Register.

3 (2) NONAPPLICABILITY OF CONFIDENTIALITY
4 REQUIREMENT WITH RESPECT TO VISA RECORDS.—

5 The President shall publish the list required by sub-
6 section (a)(1) without regard to the requirements of
7 section 222(f) of the Immigration and Nationality
8 Act (8 U.S.C. 1202(f)) with respect to confiden-
9 tiality of records pertaining to the issuance or re-
10 fusal of visas or permits to enter the United States.

11 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means—

14 (1) the Committee on Appropriations, the Com-
15 mittee on Banking, Housing, and Urban Affairs, the
16 Committee on Foreign Relations, and the Committee
17 on the Judiciary of the Senate; and

18 (2) the Committee on Appropriations, the Com-
19 mittee on Financial Services, the Committee on For-
20 eign Affairs, and the Committee on the Judiciary of
21 the House of Representatives.

1 **TITLE XIII—COOPERATIVE**
2 **THREAT REDUCTION**

3 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
4 **DUCTION FUNDS.**

5 (a) FISCAL YEAR 2017 COOPERATIVE THREAT RE-
6 DUCTION FUNDS DEFINED.—In this title, the term “fiscal
7 year 2017 Cooperative Threat Reduction funds” means
8 the funds appropriated pursuant to the authorization of
9 appropriations in section 301 and made available by the
10 funding table in section 4301 for the Department of De-
11 fense Cooperative Threat Reduction Program established
12 under section 1321 of the Department of Defense Cooper-
13 ative Threat Reduction Act (50 U.S.C. 3711).

14 (b) AVAILABILITY OF FUNDS.—Funds appropriated
15 pursuant to the authorization of appropriations in section
16 301 and made available by the funding table in section
17 4301 for the Department of Defense Cooperative Threat
18 Reduction Program shall be available for obligation for fis-
19 cal years 2017, 2018, and 2019.

20 **SEC. 1302. FUNDING ALLOCATIONS.**

21 Of the \$325,604,000 authorized to be appropriated
22 to the Department of Defense for fiscal year 2017 in sec-
23 tion 301 and made available by the funding table in sec-
24 tion 4301 for the Department of Defense Cooperative
25 Threat Reduction Program established under section 1321

1 of the Department of Defense Cooperative Threat Reduc-
2 tion Act (50 U.S.C. 3711), the following amounts may be
3 obligated for the purposes specified:

4 (1) For strategic offensive arms elimination,
5 \$11,791,000.

6 (2) For chemical weapons destruction,
7 \$2,942,000.

8 (3) For global nuclear security, \$16,899,000.

9 (4) For cooperative biological engagement,
10 \$213,984,000.

11 (5) For proliferation prevention, \$50,709,000.

12 (6) For threat reduction engagement,
13 \$2,000,000.

14 (7) For activities designated as Other Assess-
15 ments/Administrative Costs, \$27,279,000.

16 **TITLE XIV—OTHER**
17 **AUTHORIZATIONS**

18 **Subtitle A—Military Programs**

19 **SEC. 1401. WORKING CAPITAL FUNDS.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2017 for the use of the Armed Forces and other
22 activities and agencies of the Department of Defense for
23 providing capital for working capital and revolving funds,
24 as specified in the funding table in section 4501.

1 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
2 **TION, DEFENSE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for the Depart-
5 ment of Defense for fiscal year 2017 for expenses, not oth-
6 erwise provided for, for Chemical Agents and Munitions
7 Destruction, Defense, as specified in the funding table in
8 section 4501.

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

11 (1) the destruction of lethal chemical agents
12 and munitions in accordance with section 1412 of
13 the Department of Defense Authorization Act, 1986
14 (50 U.S.C. 1521); and

15 (2) the destruction of chemical warfare materiel
16 of the United States that is not covered by section
17 1412 of such Act.

18 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
19 **TIVITIES, DEFENSE-WIDE.**

20 Funds are hereby authorized to be appropriated for
21 the Department of Defense for fiscal year 2017 for ex-
22 penses, not otherwise provided for, for Drug Interdiction
23 and Counter-Drug Activities, Defense-wide, as specified in
24 the funding table in section 4501.

1 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 the Department of Defense for fiscal year 2017 for ex-
4 penses, not otherwise provided for, for the Office of the
5 Inspector General of the Department of Defense, as speci-
6 fied in the funding table in section 4501.

7 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

8 Funds are hereby authorized to be appropriated for
9 fiscal year 2017 for the Defense Health Program, as spec-
10 ified in the funding table in section 4501, for use of the
11 Armed Forces and other activities and agencies of the De-
12 partment of Defense in providing for the health of eligible
13 beneficiaries.

14 **SEC. 1406. SECURITY COOPERATION ENHANCEMENT FUND.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2017 for the Security Cooperation Enhance-
17 ment Fund, as specified in the funding table in section
18 4501, for use for authorized purposes of the Security Co-
19 operation Enhancement Fund.

20 **Subtitle B—National Defense**
21 **Stockpile**

22 **SEC. 1411. NATIONAL DEFENSE STOCKPILE MATTERS.**

23 (a) MATERIALS CONSTITUTING THE NATIONAL DE-
24 FENSE STOCKPILE.—Section 4 of the Strategic and Crit-
25 ical Materials Stock Piling Act (50 U.S.C. 98c) is amend-
26 ed—

1 (1) in subsection (b), by striking “required for”
2 and inserting “suitable for transfer or disposal
3 through”; and

4 (2) in subsection (c)—

5 (A) by striking “(1)” and all that follows
6 through “(2)”; and

7 (B) by striking “this subsection” and in-
8 serting “subsection (b)”.

9 (b) QUALIFICATION OF DOMESTIC SOURCES.—Sec-
10 tion 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

11 (1) in paragraph (1), by striking “and” at the
12 end ;

13 (2) in paragraph (2), by striking the period at
14 the end and inserting a semicolon; and

15 (3) by adding at the end the following new
16 paragraphs:

17 “(3) by qualifying existing domestic facilities
18 and domestically produced strategic and critical ma-
19 terials to meet the requirements of defense and es-
20 sential civilian industries in times of national emer-
21 gency when existing domestic sources of supply are
22 either insufficient or vulnerable to single points of
23 failure; and

24 “(4) by contracting with domestic facilities to
25 recycle strategic and critical materials, thereby in-

1 creasing domestic supplies when such materials
2 would otherwise be insufficient to support defense
3 and essential civilian industries in times of national
4 emergency.”.

5 **SEC. 1412. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
6 **RIALS FROM AND TO ACQUIRE ADDITIONAL**
7 **MATERIALS FOR THE NATIONAL DEFENSE**
8 **STOCKPILE.**

9 (a) DISPOSAL AUTHORITY.—

10 (1) IN GENERAL.—Pursuant to section 5(b) of
11 the Strategic and Critical Materials Stock Piling Act
12 (50 U.S.C. 98d(b)), the National Defense Stockpile
13 Manager shall dispose of materials contained in the
14 National Defense Stockpile and specified in para-
15 graph (2) so as to result in receipts to the United
16 States in amounts equal to—

17 (A) \$10,000,000 by the end of fiscal year
18 2017;

19 (B) \$50,000,000 by the end of fiscal year
20 2022; and

21 (C) \$150,000,000 by the end of fiscal year
22 2026.

23 (2) MATERIALS AND DISPOSAL AMOUNTS.—The
24 total quantities of materials authorized for disposal

1 pursuant to paragraph (1) may not exceed the
2 amounts as follows:

3 (A) 27 short tons of beryllium.

4 (B) 111,149 short tons of chromium,
5 ferroalloy.

6 (C) 2,973 short tons of chromium metal.

7 (D) 8,380 troy ounces of platinum.

8 (E) 275,741 pounds of contained tungsten
9 metal powder.

10 (F) 12,433,796 pounds of contained tung-
11 sten ores and concentrates.

12 (b) ACQUISITION AUTHORITY.—

13 (1) AUTHORITY.—Using funds available in the
14 National Defense Stockpile Transaction Fund, the
15 National Defense Stockpile Manager may acquire
16 the following materials determined to be strategic
17 and critical materials required to meet the defense,
18 industrial, and essential civilian needs of the United
19 States:

20 (A) High modulus and high strength car-
21 bon fibers.

22 (B) Tantalum.

23 (C) Germanium.

24 (D) Tungsten rhenium metal.

25 (E) Boron carbide powder.

1 (F) Europium.

2 (G) Silicon carbide fiber.

3 (2) AMOUNT OF AUTHORITY.—The National
4 Defense Stockpile Manager may use up to
5 \$55,000,0000 in the National Defense Stockpile
6 Transaction Fund for the acquisition of the mate-
7 rials specified paragraph (1).

8 (3) FISCAL YEAR LIMITATION.—The authority
9 under paragraph (1) is available for purchases dur-
10 ing fiscal year 2017 through fiscal year 2021.

11 **Subtitle C—Chemical**
12 **Demilitarization Matters**

13 **SEC. 1421. AUTHORITY TO DESTROY CERTAIN SPECIFIED**
14 **WORLD WAR II-ERA UNITED STATES-ORIGIN**
15 **CHEMICAL MUNITIONS LOCATED ON SAN**
16 **JOSE ISLAND, REPUBLIC OF PANAMA.**

17 (a) AUTHORITY.—

18 (1) IN GENERAL.—Subject to subsection (b),
19 the Secretary of Defense may destroy the chemical
20 munitions described in subsection (c).

21 (2) EX GRATIA ACTION.—The action authorized
22 by this section is “ex gratia” on the part of the
23 United States, as the term “ex gratia” is used in
24 section 321 of the Strom Thurmond National De-

1 fense Authorization Act for Fiscal Year 1999 (10
2 U.S.C. 2701 note).

3 (3) CONSULTATION BETWEEN SECRETARY OF
4 DEFENSE AND SECRETARY OF STATE.—The Sec-
5 retary of Defense and the Secretary of State shall
6 consult and develop any arrangements with the Re-
7 public of Panama with respect to this section.

8 (b) CONDITIONS.—The Secretary of Defense may ex-
9 ercise the authority under subsection (a) only if the Re-
10 public of Panama has—

11 (1) revised the declaration of the Republic of
12 Panama under the Convention on the Prohibition of
13 the Development, Production, Stockpiling and Use
14 of Chemical Weapons and on Their Destruction to
15 indicate that the chemical munitions described in
16 subsection (c) are “old chemical weapons” rather
17 than “abandoned chemical weapons”; and

18 (2) affirmed, in writing, that it understands—

19 (A) that the United States intends only to
20 destroy the munitions described in subsections
21 (c) and (d); and

22 (B) that the United States is not legally
23 obligated and does not intend to destroy any
24 other munitions, munitions constituents, and
25 associated debris that may be located on San

1 Jose Island as a result of research, develop-
2 ment, and testing activities conducted on San
3 Jose Island during the period of 1943 through
4 1947.

5 (c) CHEMICAL MUNITIONS.—The chemical munitions
6 described in this subsection are the eight United States-
7 origin chemical munitions located on San Jose Island, Re-
8 public of Panama, that were identified in the 2002 Final
9 Inspection Report of the Technical Secretariat of the Or-
10 ganization for the Prohibition of Chemical Weapons.

11 (d) LIMITED INCIDENTAL AUTHORITY TO DESTROY
12 OTHER MUNITIONS.—In exercising the authority under
13 subsection (a), the Secretary of Defense may destroy other
14 munitions located on San Jose Island, Republic of Pan-
15 ama, but only to the extent essential and required to reach
16 and destroy the chemical munitions described in sub-
17 section (c).

18 (e) FUNDS.—Of the amounts authorized to be appro-
19 priated for fiscal year 2017 for the Department of Defense
20 for Chemical Agents and Munitions Destruction, Defense
21 by section 1402, up to \$30,000,000 may be used to carry
22 out the authority in subsection (a).

1 **SEC. 1422. NATIONAL ACADEMIES OF SCIENCES STUDY ON**
2 **CONVENTIONAL MUNITIONS DEMILITARIZA-**
3 **TION ALTERNATIVE TECHNOLOGIES.**

4 (a) **IN GENERAL.**—The Secretary of the Army shall
5 enter into an arrangement with the Board on Army
6 Science and Technology of the National Academies of
7 Sciences, Engineering, and Medicine to conduct a study
8 of the conventional munitions demilitarization program of
9 the Department of Defense.

10 (b) **ELEMENTS.**—The study required pursuant to
11 subsection (a) shall include the following:

12 (1) A review of the current conventional muni-
13 tions demilitarization stockpile, including types of
14 munitions and types of materials contaminated with
15 propellants or energetics, and the disposal tech-
16 nologies used.

17 (2) An analysis of disposal, treatment, and
18 reuse technologies, including technologies currently
19 used by the Department and emerging technologies
20 used or being developed by private or other govern-
21 mental agencies, including a comparison of cost,
22 throughput capacity, personnel safety, and environ-
23 mental impacts.

24 (3) An identification of munitions types for
25 which alternatives to open burning, open detonation,

1 or non-closed loop incineration/combustion are not
2 used.

3 (4) An identification and evaluation of any bar-
4 riers to full-scale deployment of alternatives to open
5 burning, open detonation, or non-closed loop inciner-
6 ation/combustion, and recommendations to overcome
7 such barriers.

8 (5) An evaluation whether the maturation and
9 deployment of governmental or private technologies
10 currently in research and development would en-
11 hance the conventional munitions demilitarization
12 capabilities of the Department.

13 (c) SUBMITTAL TO CONGRESS.—Not later than 18
14 months after the date of the enactment of this Act, the
15 Secretary shall submit to the congressional defense com-
16 mittees the study conducted pursuant to subsection (a).

17 **Subtitle D—Other Matters**

18 **SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
19 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
20 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
21 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
22 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

23 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
24 funds authorized to be appropriated by section 1405 and
25 available for the Defense Health Program for operation

1 and maintenance, \$122,400,000 may be transferred by the
2 Secretary of Defense to the Joint Department of Defense—
3 Department of Veterans Affairs Medical Facility Dem-
4 onstration Fund established by subsection (a)(1) of sec-
5 tion 1704 of the National Defense Authorization Act for
6 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
7 For purposes of subsection (a)(2) of such section 1704,
8 any funds so transferred shall be treated as amounts au-
9 thorized and appropriated specifically for the purpose of
10 such a transfer.

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

22 **SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR**
23 **ARMED FORCES RETIREMENT HOME.**

24 There is hereby authorized to be appropriated for fis-
25 cal year 2017 from the Armed Forces Retirement Home

1 Trust Fund the sum of \$64,300,000 for the operation of
2 the Armed Forces Retirement Home.

3 **TITLE XV—AUTHORIZATION OF**
4 **ADDITIONAL APPROPRIA-**
5 **TIONS FOR OVERSEAS CON-**
6 **TINGENCY OPERATIONS**

7 **Subtitle A—Authorization of**
8 **Appropriations**

9 **SEC. 1501. PURPOSE.**

10 The purpose of this subtitle is to authorize appropria-
11 tions for the Department of Defense for fiscal year 2017
12 to provide additional funds for overseas contingency oper-
13 ations being carried out by the Armed Forces.

14 **SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2017 for the Department of Defense for over-
17 seas contingency operations in such amounts as may be
18 designated as provided in section 251(b)(2)(A)(ii) of the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985.

21 **SEC. 1503. PROCUREMENT.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2017 for procurement accounts for the Army,
24 the Navy and the Marine Corps, the Air Force, and De-

1 fense-wide activities, as specified in the funding table in
2 section 4102.

3 **SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
4 **TION.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2017 for the use of the Department of Defense
7 for research, development, test, and evaluation, as speci-
8 fied in the funding table in section 4202.

9 **SEC. 1505. OPERATION AND MAINTENANCE.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2017 for the use of the Armed Forces and other
12 activities and agencies of the Department of Defense for
13 expenses, not otherwise provided for, for operation and
14 maintenance, as specified in the funding table in section
15 4302.

16 **SEC. 1506. MILITARY PERSONNEL.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2017 for the use of the Armed Forces and other
19 activities and agencies of the Department of Defense for
20 expenses, not otherwise provided for, for military per-
21 sonnel, as specified in the funding table in section 4402.

22 **SEC. 1507. WORKING CAPITAL FUNDS.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2017 for the use of the Armed Forces and other
25 activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds,
2 as specified in the funding table in section 4502.

3 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
4 **TIVITIES, DEFENSE-WIDE.**

5 Funds are hereby authorized to be appropriated for
6 the Department of Defense for fiscal year 2017 for ex-
7 penses, not otherwise provided for, for Drug Interdiction
8 and Counter-Drug Activities, Defense-wide, as specified in
9 the funding table in section 4502.

10 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

11 Funds are hereby authorized to be appropriated for
12 the Department of Defense for fiscal year 2017 for ex-
13 penses, not otherwise provided for, for the Office of the
14 Inspector General of the Department of Defense, as speci-
15 fied in the funding table in section 4502.

16 **SEC. 1510. DEFENSE HEALTH PROGRAM.**

17 Funds are hereby authorized to be appropriated for
18 the Department of Defense for fiscal year 2017 for ex-
19 penses, not otherwise provided for, for the Defense Health
20 Program, as specified in the funding table in section 4502.

21 **SEC. 1511. SECURITY COOPERATION ENHANCEMENT FUND.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2017 for ex-
24 penses, not otherwise provided for, for the Security Co-

1 operation Enhancement Fund, as specified in the funding
2 table in section 4502.

3 **Subtitle B—Financial Matters**

4 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

5 The amounts authorized to be appropriated by this
6 title are in addition to amounts otherwise authorized to
7 be appropriated by this Act.

8 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

9 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

10 (1) **AUTHORITY.**—Upon determination by the
11 Secretary of Defense that such action is necessary in
12 the national interest, the Secretary may transfer
13 amounts of authorizations made available to the De-
14 partment of Defense in this title for fiscal year 2017
15 between any such authorizations for that fiscal year
16 (or any subdivisions thereof). Amounts of authoriza-
17 tions so transferred shall be merged with and be
18 available for the same purposes as the authorization
19 to which transferred.

20 (2) **LIMITATION.**—The total amount of author-
21 izations that the Secretary may transfer under the
22 authority of this subsection may not exceed
23 \$3,500,000,000.

1 (b) TERMS AND CONDITIONS.—Transfers under this
2 section shall be subject to the same terms and conditions
3 as transfers under section 1001.

4 (c) ADDITIONAL AUTHORITY.—The transfer author-
5 ity provided by this section is in addition to the transfer
6 authority provided under section 1001.

7 **Subtitle C—Limitations, Reports,**
8 **and Other Matters**

9 **SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
10 **FUND.**

11 (a) USE AND TRANSFER OF FUNDS.—Subsections
12 (b) and (c) of section 1514 of the John Warner National
13 Defense Authorization Act for Fiscal Year 2007 (Public
14 Law 109–364; 120 Stat. 2439), as in effect before the
15 amendments made by section 1503 of the Duncan Hunter
16 National Defense Authorization Act for Fiscal Year 2009
17 (Public Law 110–417; 122 Stat. 4649), shall apply to the
18 funds made available to the Department of Defense for
19 the Joint Improvised Explosive Device Defeat Fund for
20 fiscal year 2017.

21 (b) EXTENSION OF IMPROVISED EXPLOSIVE DEVICE
22 PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c)
23 of the National Defense Authorization Act for Fiscal Year
24 2013 (Public Law 112–239; 126 Stat. 2057), as most re-
25 cently amended by section 1532(b) of the National De-

1 fense Authorization Act for Fiscal Year 2016 (Public Law
2 114–92; 129 Stat. 1091), is further amended—

3 (1) in paragraph (1), by striking “fiscal year
4 2016” and inserting “fiscal years 2016 and 2017”;
5 and

6 (2) in paragraph (4), by striking “December
7 31, 2016” and inserting “December 31, 2017”.

8 **SEC. 1532. EXTENSION AND MODIFICATION OF AUTHORI-**
9 **TIES ON COUNTERTERRORISM PARTNER-**
10 **SHIPS FUND.**

11 (a) EXTENSION.—Section 1534 of the Carl Levin and
12 Howard P. “Buck” McKeon National Defense Authoriza-
13 tion Act for Fiscal Year 2015 (Public Law 113–291; 128
14 Stat. 3616) is amended—

15 (1) in subsection (a), by striking “Amounts au-
16 thorized to be appropriated for fiscal year 2015 by
17 this title” and inserting “Subject to subsection (b),
18 amounts authorized to be appropriated through fis-
19 cal year 2017”; and

20 (2) in subsection (h), by striking “December
21 31, 2016” and inserting “December 31, 2017”.

22 (b) LIMITATION ON USE OF FUNDS AUTHORIZED
23 FOR FISCAL YEAR 2017.—Such section is further amend-
24 ed—

1 (1) by redesignating subsections (b) through (h)
2 as subsections (c) through (i), respectively; and

3 (2) by inserting after subsection (a) the fol-
4 lowing new subsection (b):

5 “(b) LIMITATION ON USE OF FUNDS AUTHORIZED
6 FOR FISCAL YEAR 2017.—Amounts authorized to be ap-
7 propriated for fiscal year 2017 for the Counterterrorism
8 Partnerships Fund may only be used for the purposes
9 specified in subsection (a)(2). In the use of such amounts,
10 any reference in this section to ‘subsection (a)’ shall be
11 deemed to be a reference to ‘subsection (a)(2)’.”.

12 (c) ADMINISTRATION OF FUND.—Subsection (e) of
13 such section, as redesignated by subsection (b)(1) of this
14 section, is amended—

15 (1) by striking paragraph (3); and

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

18 (d) REPORTS.—Subsection (h) of such section, as re-
19 designated by subsection (b)(1) of this section, is amend-
20 ed—

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

22 (A) by striking “and 2017” and inserting
23 “2017, and 2018”; and

24 (B) by striking “and 2016” and inserting
25 “2016, and 2017”;

1 (2) in paragraph (4), by striking “subsection
2 (d)(5)” and inserting “subsection (e)(4)”; and

3 (3) in paragraph (5), by striking “subsection
4 (f)” and inserting “subsection (g)”.

5 **SEC. 1533. AFGHANISTAN SECURITY FORCES FUND.**

6 (a) CONTINUATION OF PRIOR AUTHORITIES AND NO-
7 TICE AND REPORTING REQUIREMENTS.—Funds available
8 to the Department of Defense for the Afghanistan Secu-
9 rity Forces Fund for fiscal year 2017 shall be subject to
10 the conditions contained in subsections (b) through (g) of
11 section 1513 of the National Defense Authorization Act
12 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
13 428), as amended by section 1531(b) of the Ike Skelton
14 National Defense Authorization Act for Fiscal Year 2011
15 (Public Law 111–383; 124 Stat. 4424).

16 (b) EQUIPMENT DISPOSITION.—

17 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—
18 Subject to paragraph (2), the Secretary of Defense
19 may accept equipment that is procured using
20 amounts in the Afghanistan Security Forces Fund
21 authorized under this Act and is intended for trans-
22 fer to the security forces of Afghanistan, but is not
23 accepted by such security forces.

24 (2) CONDITIONS ON ACCEPTANCE OF EQUIP-
25 MENT.—Before accepting any equipment under the

1 authority provided by paragraph (1), the Com-
2 mander of United States forces in Afghanistan shall
3 make a determination that the equipment was pro-
4 cured for the purpose of meeting requirements of the
5 security forces of Afghanistan, as agreed to by both
6 the Government of Afghanistan and the United
7 States, but is no longer required by such security
8 forces or was damaged before transfer to such secu-
9 rity forces.

10 (3) ELEMENTS OF DETERMINATION.—In mak-
11 ing a determination under paragraph (2) regarding
12 equipment, the Commander of United States forces
13 in Afghanistan shall consider alternatives to Sec-
14 retary of Defense acceptance of the equipment. An
15 explanation of each determination, including the
16 basis for the determination and the alternatives con-
17 sidered, shall be included in the relevant quarterly
18 report required under paragraph (5).

19 (4) TREATMENT AS DEPARTMENT OF DEFENSE
20 STOCKS.—Equipment accepted under the authority
21 provided by paragraph (1) may be treated as stocks
22 of the Department of Defense upon notification to
23 the congressional defense committees of such treat-
24 ment.

1 (5) QUARTERLY REPORTS ON EQUIPMENT DIS-
2 POSITION.—Not later than 90 days after the date of
3 the enactment of this Act and every 90-day period
4 thereafter during which the authority provided by
5 paragraph (1) is exercised, the Secretary of Defense
6 shall submit to the congressional defense committees
7 a report describing the equipment accepted under
8 this subsection, section 1531(d) of the National De-
9 fense Authorization Act for Fiscal Year 2014 (Pub-
10 lic Law 113–66; 127 Stat. 938; 10 U.S.C. 2302
11 note), and section 1532(b) of the Carl Levin and
12 Howard P. “Buck” McKeon National Defense Au-
13 thorization Act for Fiscal Year 2015 (Public Law
14 113–291; 128 Stat. 3612) during the period covered
15 by the report. Each report shall include a list of all
16 equipment that was accepted during the period cov-
17 ered by the report and treated as stocks of the De-
18 partment and copies of the determinations made
19 under paragraph (2), as required by paragraph (3).

20 (c) PLAN TO PROMOTE SECURITY OF AFGHAN
21 WOMEN.—

22 (1) REPORTING REQUIREMENT.—The Secretary
23 of Defense, with the concurrence of the Secretary of
24 State, shall include in each report required under
25 section 1225 of the Carl Levin and Howard P.

1 “Buck” McKeon National Defense Authorization
2 Act for Fiscal Year 2015 (Public Law 113–291; 128
3 Stat. 3550)—

4 (A) a current assessment of the security of
5 Afghan women and girls, including information
6 regarding efforts to increase the recruitment
7 and retention of women in the Afghan National
8 Security Forces; and

9 (B) a current assessment of the implemen-
10 tation of the plans for the recruitment, integra-
11 tion, retention, training, treatment, and provi-
12 sion of appropriate facilities and transportation
13 for women in the Afghan National Security
14 Forces, including the challenges associated with
15 such implementation and the steps being taken
16 to address those challenges.

17 (2) PLAN REQUIRED.—

18 (A) IN GENERAL.—The Secretary of De-
19 fense, with the concurrence of the Secretary of
20 State, shall support, to the extent practicable,
21 the efforts of the Government of Afghanistan to
22 promote the security of Afghan women and
23 girls during and after the security transition
24 process through the development and implemen-
25 tation by the Government of Afghanistan of an

1 Afghan-led plan that should include the ele-
2 ments described in this paragraph.

3 (B) TRAINING.—The Secretary of Defense,
4 with the concurrence of the Secretary of State
5 and working with the NATO-led Resolute Sup-
6 port mission, should encourage the Government
7 of Afghanistan to develop—

8 (i) measures for the evaluation of the
9 effectiveness of existing training for Af-
10 ghan National Security Forces on this
11 issue;

12 (ii) a plan to increase the number of
13 female security officers specifically trained
14 to address cases of gender-based violence,
15 including ensuring the Afghan National
16 Police’s Family Response Units have the
17 necessary resources and are available to
18 women across Afghanistan;

19 (iii) mechanisms to enhance the ca-
20 pacity for units of National Police’s Family
21 Response Units to fulfill their mandate as
22 well as indicators measuring the oper-
23 ational effectiveness of these units;

24 (iv) a plan to address the development
25 of accountability mechanisms for Afghani-

1 stan National Army and Afghanistan Na-
2 tional Police personnel who violate codes of
3 conduct relating to the human rights of
4 women and girls, including female mem-
5 bers of the Afghan National Security
6 Forces;

7 (v) a plan to address the development
8 of accountability mechanisms for Afghani-
9 stan National Army and Afghanistan Na-
10 tional Police personnel who violate codes of
11 conduct relating to protecting children
12 from sexual abuse; and

13 (vi) a plan to develop training for the
14 Afghanistan National Army and the Af-
15 ghanistan National Police to increase
16 awareness and responsiveness among Af-
17 ghanistan National Army and Afghanistan
18 National Police personnel regarding the
19 unique security challenges women confront
20 when serving in those forces.

21 (C) ENROLLMENT AND TREATMENT.—The
22 Secretary of Defense, with the concurrence of
23 the Secretary of State and in cooperation with
24 the Afghan Ministries of Defense and Interior,
25 shall seek to assist the Government of Afghani-

1 stan in including as part of the plan developed
2 under subparagraph (A) the development and
3 implementation of a plan to increase the num-
4 ber of female members of the Afghanistan Na-
5 tional Army and the Afghanistan National Po-
6 lice and to promote their equal treatment, in-
7 cluding through such steps as providing appro-
8 priate equipment, modifying facilities, and en-
9 suring literacy and gender awareness training
10 for recruits.

11 (D) ALLOCATION OF FUNDS.—

12 (i) IN GENERAL.—Of the funds avail-
13 able to the Department of Defense for the
14 Afghan Security Forces Fund for fiscal
15 year 2017, it is the goal that \$25,000,000,
16 but in no event less than \$10,000,000,
17 shall be used for—

18 (I) the recruitment, integration,
19 retention, training, and treatment of
20 women in the Afghan National Secu-
21 rity Forces; and

22 (II) the recruitment, training,
23 and contracting of female security
24 personnel for future elections.

1 (ii) TYPES OF PROGRAMS AND ACTIVI-
2 TIES.—Such programs and activities may
3 include—

4 (I) efforts to recruit women into
5 the Afghan National Security Forces,
6 including the special operations forces;

7 (II) programs and activities of
8 the Afghan Ministry of Defense Direc-
9 torate of Human Rights and Gender
10 Integration and the Afghan Ministry
11 of Interior Office of Human Rights,
12 Gender and Child Rights;

13 (III) development and dissemina-
14 tion of gender and human rights edu-
15 cational and training materials and
16 programs within the Afghan Ministry
17 of Defense and the Afghan Ministry
18 of Interior;

19 (IV) efforts to address harass-
20 ment and violence against women
21 within the Afghan National Security
22 Forces;

23 (V) improvements to infrastruc-
24 ture that address the requirements of
25 women serving in the Afghan National

1 Security Forces, including appropriate
 2 equipment for female security and po-
 3 lice forces, and transportation for po-
 4 licewomen to their station;

5 (VI) support for Afghanistan Na-
 6 tional Police Family Response Units;
 7 and

8 (VII) security provisions for
 9 high-profile female police and army
 10 officers.

11 (d) REPEAL OF SUPERSEDED REQUIREMENTS.—Sec-
 12 tion 1531 of the National Defense Authorization Act for
 13 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088)
 14 is amended by striking subsections (b) and (c).

15 **TITLE XVI—STRATEGIC PRO-**
 16 **GRAMS, CYBER, AND INTEL-**
 17 **LIGENCE MATTERS**

18 **Subtitle A—Space Activities**

19 **SEC. 1601. REQUIREMENT THAT PILOT PROGRAM FOR AC-**
 20 **QUISITION OF COMMERCIAL SATELLITE COM-**
 21 **MUNICATION SERVICES DEMONSTRATE**
 22 **ORDER-OF-MAGNITUDE IMPROVEMENTS IN**
 23 **SATELLITE COMMUNICATIONS CAPABILITIES.**

24 (a) IN GENERAL.—Section 1605 of the Carl Levin
 25 and Howard P. “Buck” McKeon National Defense Au-

1 thORIZATION Act for Fiscal Year 2015 (Public Law 113–
2 291; 10 U.S.C. 2208 note) is amended—

3 (1) by redesignating subsections (c) and (d) as
4 subsections (d) and (e), respectively; and

5 (2) by inserting after subsection (b) the fol-
6 lowing new subsection:

7 “(c) LIMITATION ON USE OF FUNDS.—None of the
8 funds authorized to be appropriated or otherwise made
9 available to carry out the pilot program under subsection
10 (a)(1) may be obligated or expended until the Secretary
11 submits to the congressional defense committees a plan
12 to demonstrate that the pilot program will achieve order-
13 of-magnitude improvements in satellite communications
14 capability, as required by subsection (b)(5).”

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that it is disappointing that, despite numerous re-
17 quests to the Air Force for its plan to meet the require-
18 ment of subsection (b)(5) of section 1605 of the Carl
19 Levin and Howard P. “Buck” McKeon National Defense
20 Authorization Act for Fiscal Year 2015 (Public Law 113–
21 291; 10 U.S.C. 2208 note) in carrying out the pilot pro-
22 gram under that section, the Air Force has not only failed
23 to meet the statutorily imposed requirement to provide a
24 briefing on that pilot program at the same time as the
25 President submitted to Congress the budget for fiscal year

1 2017 pursuant to section 1105 of title 31, United States
2 Code, but has also been nonresponsive to requests for in-
3 formation relating to that requirement.

4 **SEC. 1602. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.**

5 (a) IN GENERAL.—The Commander of the Air Force
6 Space Command shall develop a plan to use allied launch
7 vehicles to meet the requirements for achieving the policy
8 relating to assured access to space set forth in section
9 2273 of title 10, United States Code, in the event that
10 such requirements cannot be met, for a limited period of
11 time, using only United States launch vehicles.

12 (b) ASSESSMENTS.—In developing the plan required
13 by subsection (a), the Commander shall conduct assess-
14 ments of—

15 (1) what United States satellites would be ap-
16 propriate to be launched on an allied launch vehicle;
17 and

18 (2) whether any legislation would be necessary
19 to allow for the launch of a national security satellite
20 on an allied launch vehicle.

21 (c) SUBMISSION TO CONGRESS.—Not later than 180
22 days after the date of the enactment of this Act, the Com-
23 mander shall submit to the congressional defense commit-
24 tees a report on the plan required by subsection (a) and
25 the assessments required by subsection (b).

1 (d) DEFINITIONS.—In this section:

2 (1) ALLIED LAUNCH VEHICLE.—

3 (A) IN GENERAL.—The term “allied
4 launch vehicle” means a launch vehicle of the
5 government of a country that is an ally of the
6 United States.

7 (B) EXCLUSIONS.—A launch vehicle of the
8 government of the Russian Federation, the Peo-
9 ple’s Republic of China, Iran, or North Korea
10 may not be considered an allied launch vehicle
11 for purposes of this section.

12 (2) NATIONAL SECURITY SATELLITE.—The
13 term “national security satellite” means a satellite
14 launched for national security purposes, including
15 such a satellite launched by the Air Force, the Navy,
16 or the National Reconnaissance Office, or any other
17 element of the Department of Defense.

18 **SEC. 1603. LONG-TERM STRATEGY ON ELECTROMAGNETIC**
19 **SPECTRUM FOR WARFARE.**

20 (a) STRATEGY REQUIRED.—Not later than February
21 28, 2017, the Commander of the United States Strategic
22 Command shall submit to the Committees on Armed Serv-
23 ices of the Senate and the House of Representatives a
24 strategy for the Department of Defense for the avail-
25 ability, use, and protection of electromagnetic spectrum

1 for warfare during the 10-year period beginning on the
2 date of the submittal of the strategy.

3 (b) ELEMENTS.—The strategy required by subsection
4 (a) shall include the following:

5 (1) A description of the current intelligence and
6 threat environment for electromagnetic spectrum for
7 warfare.

8 (2) An assessment of the interoperability among
9 the Agencies, components, elements, and forces of
10 the Department needed to carry out the strategy,
11 and a plan to remedy any shortfalls identified by the
12 assessment.

13 (3) A plan for developing and maintaining the
14 capability to conduct large-scale simulated exercises
15 involving spectrum with near peer competitors.

16 (4) A plan to address meaningful capability
17 gaps in providing electromagnetic spectrum for war-
18 fare for ground, air, and space layers not currently
19 addressed by any element of the Department.

20 **SEC. 1604. FIVE-YEAR PLAN FOR JOINT INTERAGENCY COM-**
21 **BINED SPACE OPERATIONS CENTER.**

22 Not later than 180 days after the date of the enact-
23 ment of this Act, the Secretary of Defense shall submit
24 to the congressional defense committees a plan for the
25 Joint Interagency Combined Space Operations Center for

1 the five-year period beginning on such date of enactment
2 that includes—

3 (1) a description of the roles and responsibil-
4 ities of the Center;

5 (2) an estimate of funding needed for the Cen-
6 ter that includes a description of contributions from
7 other Federal agencies;

8 (3) an estimate of the personnel needed for the
9 Center;

10 (4) a description of planned activities of the
11 Center; and

12 (5) a description of how the Center will com-
13 plement and support the mission of the Joint Space
14 Operations Center.

15 **SEC. 1605. INDEPENDENT ASSESSMENT OF GLOBAL POSI-**
16 **TIONING SYSTEM NEXT GENERATION OPER-**
17 **ATIONAL CONTROL SYSTEM.**

18 (a) **IN GENERAL.**—Not later than 90 days after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall enter into an arrangement with a federally funded
21 research and development center to assess the acquisition
22 strategy of the Air Force for the Global Positioning Sys-
23 tem Next Generation Operational Control System (in this
24 section referred to as “OCX”).

1 (b) ELEMENTS.—The assessment required by sub-
2 section (a) shall include the following:

3 (1) An assessment of the ability of the Air
4 Force to complete blocks zero through two of the
5 OCX operating system on a schedule necessary to
6 transition the OCX to full operation.

7 (2) An estimate of the cost of completing blocks
8 zero through two on the schedule described in para-
9 graph (1), taking into account the following:

10 (A) The rate of software defects.

11 (B) Earned value management.

12 (C) Information assurance requirements.

13 (3) An assessment of the ability of the Air
14 Force to implement contingency plans for sustaining
15 the Global Positioning System constellation to miti-
16 gate the effects of delays to the implementation of
17 the OCX and to alleviate challenges with respect to
18 the operations and checkout of the Global Posi-
19 tioning System III satellites.

20 (4) An assessment of any risks to the viability
21 and required availability of the Global Positioning
22 System constellation associated with efforts to com-
23 plete blocks zero through two as described in para-
24 graph (1) or the contingency plans described in
25 paragraph (3).

1 (b) REPORTING TO CONGRESS.—The Comptroller
 2 General shall regularly inform the appropriate congres-
 3 sional committees with respect to any matters relating to
 4 the cost, schedule, or performance of a program assessed
 5 under subsection (a) that the Comptroller General con-
 6 siders significant.

7 (c) PROVISION OF INFORMATION BY NATIONAL RE-
 8 CONNAISSANCE OFFICE.—The Director of the National
 9 Reconnaissance Office shall provide to the Comptroller
 10 General, in a timely manner, access to the information the
 11 Comptroller General requires to conduct the assessment
 12 required by subsection (a).

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
 14 DEFINED.—In this section, the term “appropriate con-
 15 gressional committees” means—

- 16 (1) the congressional defense committees; and
 17 (2) the Select Committee on Intelligence of the
 18 Senate and the Permanent Select Committee on In-
 19 telligence of the House of Representatives.

20 **SEC. 1607. COST-BENEFIT ANALYSIS OF COMMERCIAL USE**
 21 **OF EXCESS BALLISTIC MISSILE SOLID ROCK-**
 22 **ET MOTORS.**

23 (a) IN GENERAL.—The Comptroller General of the
 24 United States shall conduct an analysis of the costs and
 25 benefits of allowing the use of solid rocket motors from

1 missiles described in section 50134(e) of title 51, United
2 States Code, for commercial space launch purposes. Such
3 analysis shall include an evaluation of the effect, if any,
4 of allowing such use on national security, the Department
5 of Defense, the solid rocket motor industrial base, the
6 commercial space launch market, and any other areas the
7 Comptroller General considers appropriate.

8 (b) BRIEFING.—Not later than September 1, 2016,
9 the Comptroller General shall provide a briefing on the
10 analysis required by subsection (a) to the congressional
11 defense committees, the Committee on Commerce,
12 Science, and Transportation of the Senate, and the Com-
13 mittee on Science, Space, and Technology of the House
14 of Representatives.

15 **SEC. 1608. ASSESSMENT OF COST-BENEFIT ANALYSES BY**
16 **DEPARTMENT OF DEFENSE OF USE OF KA-**
17 **BAND COMMERCIAL SATELLITE COMMUNICA-**
18 **TIONS.**

19 (a) IN GENERAL.—The Comptroller General of the
20 United States shall assess the types of analyses the De-
21 partment of Defense has conducted to understand the
22 costs and benefits of the use of KA-band commercial sat-
23 ellite communications by the Department.

24 (b) ELEMENTS.—In conducting the assessment re-
25 quired by subsection (a), the Comptroller General shall—

1 (1) assess whether the Department of Defense
2 has evaluated the use of KA-band commercial sat-
3 ellite communications, based on total cost, capabili-
4 ties, and interoperability with existing or planned
5 terminals; and

6 (2) consider such other matters as the Comp-
7 troller General considers appropriate.

8 (c) BRIEFING.—Not later than 270 days after the
9 date of the enactment of this Act, the Comptroller General
10 shall provide a briefing on the assessment required by sub-
11 section (a) to the congressional defense committees.

12 **SEC. 1609. LIMITATION ON USE OF FUNDS FOR JOINT**
13 **SPACE OPERATIONS CENTER MISSION SYS-**
14 **TEM.**

15 (a) LIMITATION.—None of the funds authorized to
16 be appropriated by this Act and made available for the
17 Joint Space Operations Center Mission System may be ob-
18 ligated or expended for increment three of that System
19 until the Secretary of the Air Force submits to the con-
20 gressional defense committees a report setting forth a
21 strategy for acquiring a common software and hardware
22 framework for space operating systems described in para-
23 graphs (1) and (2) of subsection (b).

24 (b) ELEMENTS OF REPORT.—The report described in
25 subsection (a) shall include a description of the following:

1 (1) Space operating systems that perform space
2 battlement management, communication, and control
3 as of the date of the enactment of this Act.

4 (2) Space operating systems planned to perform
5 space battlement management, communication, and
6 control in the future.

7 (3) Schedules for acquisition and an estimate of
8 the cost of space operating systems described in
9 paragraph (2).

10 (4) Critical elements of space operating systems
11 described in paragraphs (1) and (2) that will require
12 common software and hardware to promote a com-
13 mon operating environment and reduce acquisition
14 costs and long-term maintenance requirements.

15 **SEC. 1610. LIMITATION ON AVAILABILITY OF FISCAL YEAR**
16 **2017 FUNDS FOR THE GLOBAL POSITIONING**
17 **SYSTEM NEXT GENERATION OPERATIONAL**
18 **CONTROL SYSTEM.**

19 Amounts authorized to be appropriated for fiscal year
20 2017 by this Act and available for the Global Positioning
21 System Next Generation Operational Control System
22 (GPS–OCX) may not be obligated or expended for the cur-
23 rent product development contract for that System, or for
24 any other purpose in connection with that System, until
25 the Secretary of Defense submits to Congress the certifi-

1 cation on the System required pursuant to section
2 2433a(c)(2) of title 10, United States Code, as a result
3 of the determination not to terminate procurement of that
4 System.

5 **SEC. 1611. AVAILABILITY OF CERTAIN AMOUNTS TO MEET**
6 **REQUIREMENTS IN CONNECTION WITH**
7 **UNITED STATES POLICY ON ASSURED AC-**
8 **CESS TO SPACE.**

9 (a) FISCAL YEAR 2017 AMOUNTS.—Of the amount
10 authorized to be appropriated for fiscal year 2017 by sec-
11 tion 201 for research, development, test, and evaluation,
12 Air Force, and available for the Evolved Expendable
13 Launch Vehicle (PE 0604853F) as specified in the fund-
14 ing table in section 4201, not more than 50 percent may
15 be available in that fiscal year to meet requirements in
16 connection with the United States policy on assured access
17 to space specified in section 2273 of title 10, United
18 States Code.

19 (b) FISCAL YEAR 2016 AMOUNTS.—Of the amount
20 authorized to be appropriated for fiscal year 2016 for re-
21 search, development, test, and evaluation, Air Force, avail-
22 able for the Evolved Expendable Launch Vehicle, and
23 available for obligation for that purpose as of the date of
24 the enactment of this Act, not more than 50 percent may

1 be available in fiscal year 2017 to meet requirements in
2 connection with the policy described in subsection (a).

3 (c) AMOUNTS FOR FISCAL YEARS AFTER FISCAL
4 YEAR 2017.—Of the amount authorized to be appro-
5 priated for any fiscal year after fiscal year 2017 for re-
6 search, development, test, and evaluation, Air Force, and
7 available for the Evolved Expendable Launch Vehicle, not
8 more than 50 percent may be available in that fiscal year
9 to meet requirements in connection with the policy de-
10 scribed in subsection (a).

11 **SEC. 1612. AVAILABILITY OF FUNDS FOR CERTAIN SECURE**
12 **VOICE CONFERENCING CAPABILITIES.**

13 Of amounts authorized to be appropriated or other-
14 wise made available for fiscal year 2015 or 2016 for re-
15 search, development, test, and evaluation, Air Force, and
16 available for obligation as of the date of the enactment
17 of this Act, not more than \$10,200,000 may be used to
18 support the accomplishment by the Air Force of integra-
19 tion and associated critical testing and systems engineer-
20 ing activities for the Presidential and National Voice Con-
21 ferencing program and the Advanced Extremely High Fre-
22 quency Extended Data Rate, worldwide, secure, survivable
23 voice conferencing capability for the President and na-
24 tional leaders, as described in the reprogramming action

1 prior approval request submitted by the Under Secretary
2 of Defense (Comptroller) to Congress on March 3, 2016.

3 **Subtitle B—Defense Intelligence**
4 **and Intelligence-Related Activities**

5 **SEC. 1621. DEPARTMENT OF DEFENSE-WIDE REQUIRE-**
6 **MENTS FOR SECURITY CLEARANCES FOR**
7 **MILITARY INTELLIGENCE OFFICERS.**

8 The Secretary of Defense shall ensure that each mili-
9 tary intelligence officer serving as a unit or service intel-
10 ligence officer, or in command of an intelligence unit or
11 activity, has an active security clearance.

12 **Subtitle C—Cyber Warfare,**
13 **Cybersecurity, and Related Matters**

14 **SEC. 1631. CYBER PROTECTION SUPPORT FOR DEPART-**
15 **MENT OF DEFENSE PERSONNEL IN POSI-**
16 **TIONS HIGHLY VULNERABLE TO CYBER AT-**
17 **TACK.**

18 (a) **AUTHORITY TO PROVIDE SUPPORT.**—The Sec-
19 retary of Defense may provide cyber protection support
20 to personnel of the Department of Defense while such per-
21 sonnel occupy positions in the Department determined by
22 the Secretary to be of highest risk of vulnerability to cyber
23 attacks on their personal devices, networks, and persons.

24 (b) **NATURE OF SUPPORT.**—Subject to the avail-
25 ability of resources, in providing cyber protection support

1 pursuant to subsection (a), the Secretary may provide per-
2 sonnel described in that subsection training, advisement,
3 and assistance regarding cyber attacks described in that
4 subsection.

5 (c) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Secretary shall submit
7 to the Committees on Armed Services of the Senate and
8 the House of Representatives a report on the provision
9 of cyber protection support pursuant to subsection (a).
10 The report shall include a description of the methodology
11 used by the Secretary to determine the positions in the
12 Department that are of highest vulnerability to cyber at-
13 tacks for purposes of subsection (a).

14 **SEC. 1632. CYBER MISSION FORCES MATTERS.**

15 (a) ACTIONS PENDING FULL IMPLEMENTATION OF
16 PLAN FOR CYBER MISSION FORCE POSITIONS.—Until the
17 Secretary of Defense completes implementation of the au-
18 thority in subsection (a) of section 1599f of title 10,
19 United States Code, for Cyber Mission Force (CMF) posi-
20 tions in accordance with the implementation plan required
21 by subsection (d) of such section, the Secretary shall do
22 each of the following:

23 (1) Provide for and implement an interagency
24 transfer agreement between excepted service position
25 and competitive service position systems in applica-

1 ble agencies and components of the Department in
2 order to satisfy the requirements for Cyber Mission
3 Force positions from among a mix of employees in
4 the excepted service and the competitive service in
5 such agencies and components.

6 (2) Direct the Armed Forces to implement in
7 their Defense Civilian Intelligence Personnel Sys-
8 tems for Cyber Mission Force positions a so-called
9 “Rank-in-Person” classification system similar to
10 the classification system used by the National Secu-
11 rity Agency.

12 (3) Implement direct hiring authority for Cyber
13 Mission Force positions up to the GG or GS-15
14 level.

15 (4) Authorize officials conducting hiring in the
16 competitive service for Cyber Mission Force posi-
17 tions to set starting salaries at up to a step-five level
18 with no justification and at up to a step-ten level
19 with justification that meets published guidelines ap-
20 plicable to the excepted service.

21 (b) OTHER MATTERS.—The Principal Cyber Advisor
22 shall, working through the cross-functional team estab-
23 lished by section 932(c)(3) of the National Defense Au-
24 thorization Act for Fiscal Year 2014 (10 U.S.C. 2224

1 note) and in coordination with the Commander of the
2 United States Cyber Command, supervise—

3 (1) the development of training standards for
4 computer network operations tool developers for
5 military, civilian, and contractor personnel sup-
6 porting the Cyber Mission Forces;

7 (2) the rapid enhancement of capacity to train
8 personnel to those standards to meet the needs of
9 the Cyber Mission Forces for tool development; and

10 (3) actions necessary to ensure timely comple-
11 tion of personnel security investigations and adju-
12 dications for tool development personnel.

13 **SEC. 1633. LIMITATION ON ENDING OF ARRANGEMENT IN**
14 **WHICH THE COMMANDER OF THE UNITED**
15 **STATES CYBER COMMAND IS ALSO DIRECTOR**
16 **OF THE NATIONAL SECURITY AGENCY.**

17 (a) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that the arrangement (commonly referred to as a
19 “dual-hat arrangement”) under which the Commander of
20 the United States Cyber Command also serves as the Di-
21 rector of the National Security Agency is in the national
22 security interests of the United States.

23 (b) LIMITATION ON ENDING OF CURRENT ARRANGE-
24 MENT.—The Secretary of Defense may not take action to
25 end the arrangement described in subsection (a) until the

1 Secretary and the Chairman of the Joint Chiefs of Staff
2 jointly determine and certify to the appropriate commit-
3 tees of Congress that the end of that arrangement will
4 not pose risks to the military effectiveness of the United
5 States Cyber Command that are unacceptable in the na-
6 tional security interests of the United States.

7 (c) CONDITIONS-BASED CRITERIA.—The Secretary
8 and the Chairman shall develop criteria for assessing the
9 military and intelligence necessity and benefit of the ar-
10 rangement described in subsection (a). The criteria shall
11 be based on measures of the operational dependence of
12 the United States Cyber Command on the National Secu-
13 rity Agency and the ability of each organization to accom-
14 plish their roles and responsibilities independent of the
15 other. The conditions to be evaluated shall include the fol-
16 lowing:

17 (1) The sufficiency of operational infrastruc-
18 ture.

19 (2) The sufficiency of command and control
20 systems and processes for planning, deconflicting,
21 and executing military cyber operations, tools and
22 weapons for achieving required effects.

23 (3) Technical intelligence collection and oper-
24 ational preparation of the environment capabilities.

1 (4) The ability to train personnel, test capabili-
2 ties, and rehearse missions.

3 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Committee on Armed Services, the
7 Committee on Appropriations, and the Select Com-
8 mittee on Intelligence of the Senate; and

9 (2) the Committee on Armed Services, the
10 Committee on Appropriations, and the Permanent
11 Select Committee on Intelligence of the House of
12 Representatives.

13 **SEC. 1634. PILOT PROGRAM ON APPLICATION OF CON-**
14 **SEQUENCE-DRIVEN, CYBER-INFORMED ENGI-**
15 **NEERING TO MITIGATE AGAINST CYBERSE-**
16 **CURITY THREATS TO OPERATING TECH-**
17 **NOLOGIES OF MILITARY INSTALLATIONS.**

18 (a) PILOT PROGRAM REQUIRED.—Commencing not
19 later than 180 days after the date of the enactment of
20 this Act, the Secretary of Defense shall, in coordination
21 with the Secretaries of the military departments, carry out
22 a pilot program to assess the feasibility and advisability
23 of applying consequence-driven, cyber-informed engineer-
24 ing methodologies to the operating technologies of military
25 installations, including industrial control systems, in order

1 to increase the resilience of military installations against
2 cybersecurity threats and prevent or mitigate the potential
3 for high-consequence cyberattacks.

4 (b) ELEMENTS.—

5 (1) DISCHARGING ENTITY.—The Secretary
6 shall carry out the pilot program through a research
7 laboratory of the Department of Defense or, with
8 the approval of the Secretary of Energy, a research
9 laboratory of the Department of Energy, selected by
10 the Secretary for purposes of the pilot program.

11 (2) LOCATIONS.—The Secretary shall carry out
12 the pilot program at not fewer than two military in-
13 stallations selected by the Secretary for purposes of
14 the pilot program from among military installations
15 supporting the most critical mission-essential func-
16 tions of the Department of Defense.

17 (c) DURATION.—The duration of the pilot program
18 shall be two years.

19 (d) REPORTS.—

20 (1) REPORTS REQUIRED.—Not later than Sep-
21 tember 30, 2017, and each year thereafter through
22 2019, the Secretary shall submit to the congres-
23 sional defense committees a report on the pilot pro-
24 gram.

1 (2) RECURRING ELEMENTS.—Each report
2 under paragraph (1) shall include, current as of the
3 date of such report, the following:

4 (A) A description of the activities carried
5 out under the pilot program.

6 (B) An assessment of the value of the
7 methodologies applied during the pilot program
8 in increasing the resilience of military installa-
9 tions against cybersecurity threats.

10 (3) ADDITIONAL ELEMENT IN FINAL RE-
11 PORT.—The report under paragraph (1) in 2019
12 shall also include such recommendations for admin-
13 istrative or legislative action as the Secretary con-
14 siders appropriate in light of the pilot program, in-
15 cluding for actions as follows:

16 (A) To apply methodologies identified
17 through the pilot program across the Depart-
18 ment of Defense.

19 (B) To require the Armed Forces to build
20 capability of determining whether such meth-
21 odologies should be included as requirement in
22 applicable future military construction projects.

1 **SEC. 1635. EVALUATION OF CYBER VULNERABILITIES OF F-**
2 **35 AIRCRAFT AND SUPPORT SYSTEMS.**

3 (a) **IN GENERAL.**—Subsection (a) of section 1647 of
4 the National Defense Authorization Act for Fiscal Year
5 2016 (Public Law 114–92; 129 Stat. 1118) is amended—

6 (1) in paragraph (2), by striking “The” and in-
7 serting “Other than a weapon system described in
8 paragraph (3), the”; and

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

11 “(3) **F–35 AIRCRAFT.**—The Secretary shall en-
12 sure that a complete evaluation of the F–35 aircraft
13 and its support systems, such as the Autonomic Lo-
14 gistics Information System, is completed under para-
15 graph (1) before February 1, 2017.”.

16 (b) **REPORT.**—Such section is amended—

17 (1) by redesignating subsections (d) and (e) as
18 subsections (f) and (g), respectively; and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsections:

21 “(c) **TOOLS AND SOLUTIONS.**—The Secretary of De-
22 fense may—

23 “(1) develop tools that improve assessments of
24 cyber vulnerabilities;

1 “(2) conduct non-recurring engineering for the
2 design of mitigation solutions for such
3 vulnerabilities; and

4 “(3) establish Department-wide information re-
5 positories to share findings relating to such assess-
6 ments and to share such mitigation solutions.

7 “(d) REPORT ON F-35 AIRCRAFT.—

8 “(1) IN GENERAL.—Not later than February
9 28, 2017, the Secretary of Defense shall submit to
10 the congressional defense committees a report on the
11 evaluation completed under subsection (a)(3).

12 “(2) CONTENTS.—The report submitted under
13 paragraph (1) shall include the following:

14 “(A) The findings of the Secretary with re-
15 spect to the evaluation completed under sub-
16 section (a)(3).

17 “(B) Identification of any major informa-
18 tion assurance deficiencies relating to the F-35
19 aircraft or its support systems.

20 “(C) A cyber vulnerability mitigation strat-
21 egy for such aircraft and systems.”.

1 **SEC. 1636. REVIEW AND ASSESSMENT OF TECHNOLOGY**
2 **STRATEGY AND DEVELOPMENT AT DEFENSE**
3 **INFORMATION SYSTEMS AGENCY.**

4 (a) STRATEGY REQUIRED.—The Director of the De-
5 fense Information Systems Agency shall develop a re-
6 search and technology development strategy in support of
7 Defense Information Systems Agency missions.

8 (b) STRATEGIC PLAN FOR DEFENSE INFORMATION
9 SYSTEMS AGENCY RESEARCH, DEVELOPMENT, TEST,
10 AND EVALUATION ACTIVITIES.—

11 (1) IN GENERAL.—(A) Not less frequently than
12 once every two fiscal years through fiscal year 2022,
13 the Director, in coordination with the Under Sec-
14 retary of Defense for Acquisition, Technology and
15 Logistics and the Chief Information Officer of the
16 Department of Defense, shall complete a strategic
17 plan, in unclassified and classified formats as nec-
18 essary, reflecting the needs of the Department of
19 Defense with respect to research, development, test,
20 and evaluation activities, facilities, workforce, and
21 resources of the Agency.

22 (B) Each such strategic plan required by sub-
23 paragraph (A) shall cover the period of five fiscal
24 years beginning with the fiscal year in which the
25 plan is developed.

1 (C) The strategic plan shall be based on a com-
2 prehensive review of the research, development, test,
3 and evaluation requirements and missions of the
4 Agency and the adequacy of research, development,
5 test, and evaluation activities, facilities, workforce,
6 and resources of the Agency to meet those require-
7 ments and missions.

8 (2) ELEMENTS.—Each strategic plan required
9 by paragraph (1)(A) shall include the following:

10 (A) An assessment of the research, devel-
11 opment, test, and evaluation requirements of
12 the Department to be supported by the Agency
13 for the period covered by the plan.

14 (B) An identification of performance meas-
15 ures associated with the successful achievement
16 of objectives for the period covered by the plan.

17 (C) An assessment of the research and de-
18 velopment programs and plans of the Agency.

19 (D) An assessment of the current state of
20 the test and evaluation facilities and resources
21 of the Agency.

22 (E) An assessment of plans and business
23 case analyses supporting any significant modi-
24 fication of the facilities, workforce, and re-
25 sources project, proposed, or recommended by

1 the Director, including with respect to the ex-
2 pansion, divestment, consolidation, or curtail-
3 ment of activities.

4 **SEC. 1637. EVALUATION OF CYBER VULNERABILITIES OF**
5 **DEPARTMENT OF DEFENSE CRITICAL INFRA-**
6 **STRUCTURE.**

7 (a) **EVALUATION REQUIRED.**—The Secretary of De-
8 fense shall, in accordance with the plan under subsection
9 (b), complete an evaluation of the cyber vulnerabilities of
10 Department of Defense critical infrastructure by not later
11 than December 31, 2020.

12 (b) **PLAN FOR EVALUATION.**—

13 (1) **IN GENERAL.**—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary shall submit to the congressional defense com-
16 mittees the plan of the Secretary for the evaluation
17 of Department of Defense critical infrastructure
18 under subsection (a), including an identification of
19 each of the facilities and locations to be evaluated
20 and an estimate of the funding required to conduct
21 the evaluation.

22 (2) **PRIORITY IN EVALUATION.**—The plan under
23 paragraph (1) shall accord a priority among evalua-
24 tions based on the criticality of supporting infra-
25 structure, as determined by the Chairman of the

1 Joint Chiefs of Staff based on an assessment of em-
2 ployment of forces and threats.

3 (3) INTEGRATION WITH OTHER EFFORTS.—The
4 plan under paragraph (1) shall build upon existing
5 efforts regarding the identification and mitigation of
6 cyber vulnerabilities of major weapon systems and
7 Department of Defense critical infrastructure, and
8 shall not duplicate similar ongoing efforts.

9 (c) STATUS ON PROGRESS.—The Secretary shall in-
10 form the congressional defense committees of the activities
11 undertaken in the evaluation of Department of Defense
12 critical infrastructure under this section as part of the
13 quarterly cyber operations briefings under section 484 of
14 title 10, United States Code.

15 (d) RISK MITIGATION STRATEGIES.—As part of the
16 evaluation of cyber vulnerabilities of Department of De-
17 fense critical infrastructure, the Secretary shall develop
18 strategies for mitigating the risks of cyber vulnerabilities
19 identified in the course of the evaluation.

20 (e) TOOLS AND SOLUTIONS.—The Secretary may—

21 (1) develop tools that improve assessments of
22 cyber vulnerabilities of Department of Defense crit-
23 ical infrastructure;

1 (2) ELEMENTS.—The plan required by para-
2 graph (1) shall include an architecture, a concept of
3 operations, component functionality, and interoper-
4 ability requirements for the tools, sensors, systems,
5 and processes that comprise the information security
6 continuous monitoring capability operating under a
7 comply-to-connect policy.

8 (b) IMPLEMENTATION OF PLAN.—The Chief Infor-
9 mation Officer and the Commander shall each issue such
10 directives for Department of Defense components as they
11 each consider appropriate to take actions to comply with
12 the plan and policy developed under paragraph (1).

13 (c) TIMEFRAME.—The Chief Information Officer and
14 the Commander shall ensure that the plan and policy re-
15 quired by subsection (a) is developed, and the directives
16 required by subsection (b) are issued, before such time as
17 is necessary for components of the Department of Defense
18 to include necessary funding and program plans in pro-
19 gram objective memoranda for the budget submitted by
20 the President under section 1105(a) of title 31, United
21 States Code, for fiscal year 2019.

22 (d) SOFTWARE LICENSE COMPLIANCE MATTERS.—
23 The plan and policy required by subsection (a) shall enable
24 compliance with the software license inventory require-
25 ments of the plan issued pursuant to section 937 of the

1 National Defense Authorization Act for Fiscal Year 2013
2 (Public Law 112–239; 10 U.S.C. 2223 note) and updated
3 pursuant to section 935 of the National Defense Author-
4 ization Act for Fiscal Year 2014 (Public Law 113–66; 10
5 U.S.C. 2223 note).

6 (e) LIMITATION ON FUTURE SOFTWARE LICENS-
7 ING.—

8 (1) IN GENERAL.—The Secretary of Defense
9 may not obligate or expend any funds for a software
10 license for the Department of Defense for which the
11 Department would spend in excess of \$5,000,000
12 annually unless the Department is able, through
13 automated means—

14 (A) to count the number of such licenses
15 in use; and

16 (B) to determine the security status of
17 each instance of use of the software licensed.

18 (2) EFFECTIVE DATE.—Paragraph (1) shall
19 take effect—

20 (A) in the case of a contract for new soft-
21 ware licensing, on January 1, 2018; and

22 (B) in the case of a contract relating to
23 software licensing that was already in effect, on
24 January 1, 2020.

1 (f) INTEGRATION WITH OTHER CAPABILITIES.—The
2 Chief Information Officer and the Commander of United
3 States Cyber Command shall ensure that information gen-
4 erated through automated- and automation assisted proc-
5 esses for continuous monitoring, asset management, and
6 comply-to-connect policies and processes is accessible and
7 usable in machine-readable form by cyber protection teams
8 and computer network defense service providers.

9 **SEC. 1639. REPORT ON AUTHORITY DELEGATED TO SEC-**
10 **RETARY OF DEFENSE TO CONDUCT CYBER**
11 **OPERATIONS.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of the enactment of this Act, the Secretary of Defense
14 shall submit to the congressional defense committees a re-
15 port outlining in detail the authorities that have been dele-
16 gated by the President to the Secretary for the conduct
17 of cyber operations.

18 (b) CONTENTS.—The report required by subsection
19 (a) shall include the following:

20 (1) A detailed description of the standing au-
21 thorities and limitations that authorize or limit the
22 Secretary's response to—

23 (A) a malicious cyber activity carried out
24 against the United States or a United States
25 person by a foreign power (as defined in section

1 101 of the Foreign Intelligence Surveillance Act
2 of 1978 (50 U.S.C. 1801)); or

3 (B) malicious cyber activity against an en-
4 tity of the Department of Defense.

5 (2) A detailed description of how the authorities
6 described in subsection (a) compare to the authori-
7 ties delegated to the Secretary regarding activities in
8 non-cyber domains.

9 **SEC. 1640. DETERRENCE OF ADVERSARIES IN CYBERSPACE.**

10 (a) REPORT ON DETERRENCE OF ADVERSARIES IN
11 CYBERSPACE.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this Act, the
14 Chairman of the Joint Chiefs of Staff shall submit
15 to the President and the congressional defense com-
16 mittees a report on the military and nonmilitary op-
17 tions available to the United States to deter Russia,
18 China, Iran, North Korea, and terrorist organiza-
19 tions in cyberspace.

20 (2) CONTENTS.—The report submitted under
21 paragraph (1) shall include the following:

22 (A) A description of the options described
23 in paragraph (1).

1 (B) For each option described under sub-
2 paragraph (A), an assessment of the effective-
3 ness of the option.

4 (C) An integrated priorities list for cyber
5 deterrence capabilities of the Department of
6 Defense that identifies, at a minimum, high pri-
7 ority capability needs prioritized across armed
8 force and functional lines, risk areas, and long-
9 term strategic planning issues.

10 (b) REPORT ON ACTS OF WAR IN CYBERSPACE.—

11 (1) IN GENERAL.—Not later than 60 days after
12 the date on which the Chairman submits the report
13 required by subsection (a)(1), the President shall
14 submit to the congressional defense committees a re-
15 port on determining when an action carried out in
16 cyberspace constitutes an act of war against the
17 United States.

18 (2) CONTENTS.—The report required by para-
19 graph (1) shall include the following:

20 (A) Identification of what actions carried
21 out in cyberspace constitute an act of war
22 against the United States.

23 (B) Identification of how the law of war
24 applies to cyber operations of the Department
25 of Defense.

1 (C) Identification of the circumstances re-
2 quired for responding to a cyber attack against
3 the United States.

4 (D) A declaratory policy on the use of
5 cyber weapons by the United States.

6 (3) CONSIDERATIONS.—In preparing the report
7 required by paragraph (1), the President shall con-
8 sider the following:

9 (A) Whether a cyber attack must dem-
10 onstrate a use of force to be considered an act
11 of war.

12 (B) The ways in which the effects of a
13 cyber attack may be equivalent to effects of an
14 attack using conventional weapons, including
15 with respect to physical destruction or casual-
16 ties.

17 (C) Intangible effects of significant scope,
18 intensity, or duration.

19 (D) How the law of neutrality applies, how
20 the utilization or exploitation of communica-
21 tions infrastructure in neutral States applies,
22 and what limitations, if any, apply in exercising
23 the right of the United States to act in self-de-
24 fense 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:

1 “(6) An assessment of the readiness of the com-
2 mand, control, and communications system for the
3 national leadership of the United States and of each
4 layer of the system, as that layer relates to nuclear
5 command, control, and communications.”.

6 **SEC. 1653. REVIEW BY COMPTROLLER GENERAL OF THE**
7 **UNITED STATES OF RECOMMENDATIONS RE-**
8 **LATING TO NUCLEAR ENTERPRISE OF DE-**
9 **PARTMENT OF DEFENSE.**

10 (a) IN GENERAL.—During each of fiscal years 2017
11 through 2021, the Comptroller General of the United
12 States shall conduct a review of the following:

13 (1) The processes of the Department of Defense
14 for addressing the recommendations of the Depart-
15 ment of Defense Internal Nuclear Enterprise Re-
16 view, the Independent Review of the Department of
17 Defense Nuclear Enterprise, and other recommenda-
18 tions affecting the health of the nuclear enterprise of
19 the Department of Defense identified or tracked by
20 the Nuclear Deterrence Enterprise Review Group,
21 including the process used by the Director of Cost
22 Assessment and Program Evaluation to evaluate the
23 implementation of such recommendations.

24 (2) The processes used to implement rec-
25 ommendations from other assessments of the nuclear

1 enterprise of the Department of Defense, including
2 the National Leadership Command Capability and
3 Nuclear Command, Control, and Communications
4 Enterprise Review.

5 (b) BRIEFING.—After conducting each review under
6 subsection (a), the Comptroller General shall provide to
7 the congressional defense committees a briefing on the re-
8 view.

9 (c) CONFORMING REPEAL.—Section 1658 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2016
11 (Public Law 114–92; 129 Stat. 1125) is repealed.

12 **SEC. 1654. SENSE OF CONGRESS ON NUCLEAR DETER-**
13 **RENCE.**

14 The following is the sense of Congress:

15 (1) The nuclear forces of the United States
16 continue to play a fundamental role in deterring ag-
17 gression against the interests of the United States
18 and its allies in an increasingly dangerous world in
19 which foreign adversaries, including the Russian
20 Federation, are making explicit nuclear threats
21 against the United States and its allies. Strong
22 United States nuclear forces assure United States
23 allies that the extended deterrence guarantees of the
24 United States are credible and that the resolve of
25 the United States remains strong even in the face of

1 nuclear provocations, including nuclear coercion and
2 blackmail.

3 (2) The prevention of war through effective de-
4 terrence requires survivable and flexible nuclear
5 forces that are well exercised and ready to respond
6 to nuclear escalation if necessary. Possessing a
7 range of capabilities and options to counter nuclear
8 threats assures United States allies and enhances
9 the credibility of United States nuclear deterrence
10 by reinforcing the resolve of the United States in the
11 minds of United States allies and potential adver-
12 saries.

13 (3) The declared policy of the United States
14 with respect to the use of nuclear weapons must be
15 coordinated and communicate clearly that the use of
16 nuclear weapons against the United States or its
17 vital interests would ultimately fail and subject the
18 aggressor to incalculable consequences.

19 (4) In support of a strong and credible nuclear
20 deterrent, the United States must—

21 (A) maintain a nuclear force with a di-
22 verse, flexible range of nuclear yield and deliv-
23 ery modes that are ready, capable, and credible;

24 (B) afford the highest priority to the mod-
25 ernization of the nuclear triad, dual-capable air-

1 craft, and related command and control ele-
2 ments; and

3 (C) ensure the broadest participation of
4 United States allies in nuclear defense plan-
5 ning, training, and exercises to demonstrate the
6 commitment of the United States and its allies
7 and their solidarity against nuclear threats and
8 coercion.

9 (5) The North Atlantic Treaty Organization
10 (NATO) must make it clear at the NATO summit
11 in Warsaw, Poland, in July 2016 that NATO has
12 taken steps to address the nuclear provocations of
13 the Russian Federation, particularly including steps
14 to counter any calculation by the Russian Federa-
15 tion that the use of nuclear weapons against NATO
16 members could have other than incalculable con-
17 sequences for the Russian Federation. Effective de-
18 terrence requires that NATO clearly communicate
19 that reality to the leaders of the Russian Federation,
20 conduct realistic nuclear planning and exercises, and
21 modernize the full suite of dual-capable aircraft and
22 associated command and control networks and facili-
23 ties.

1 **SEC. 1655. EXPEDITED DECISION WITH RESPECT TO SECUR-**
2 **ING LAND-BASED MISSILE FIELDS.**

3 To mitigate any risk posed to the nuclear forces of
4 the United States by the failure to replace the UH-1N
5 helicopter, the Secretary of Defense shall, in consultation
6 with the Chairman of the Joint Chiefs of Staff—

7 (1) decide if the land-based missile fields using
8 UH-1N helicopters meet security requirements and
9 if there are any shortfalls or gaps in meeting such
10 requirements;

11 (2) not later than 30 days after the date of the
12 enactment of this Act, submit to Congress a report
13 on the decision relating to a request for forces re-
14 quired by paragraph (1); and

15 (3) if the Chairman determines the implementa-
16 tion of the decision to be warranted to mitigate any
17 risk posed to the nuclear forces of the United
18 States—

19 (A) not later than 60 days after such date
20 of enactment, implement that decision; or

21 (B) if the Secretary cannot implement that
22 decision during the period specified in subpara-
23 graph (A), not later than 45 days after such
24 date of enactment, submit to Congress a report
25 that includes a proposal for the date by which

1 the Secretary can implement that decision and
2 a plan to carry out that proposal.

3 **Subtitle E—Missile Defense**
4 **Programs**

5 **SEC. 1661. REQUIRED TESTING BY MISSILE DEFENSE AGEN-**
6 **CY OF GROUND-BASED MIDCOURSE DEFENSE**
7 **ELEMENT OF BALLISTIC MISSILE DEFENSE**
8 **SYSTEM.**

9 (a) TESTING REQUIRED.—Except as provided in sub-
10 section (c), not less frequently than once each fiscal year,
11 the Director of the Missile Defense Agency shall admin-
12 ister a flight test of the ground-based midcourse defense
13 element of the ballistic missile defense system.

14 (b) REQUIREMENTS.—The Director shall ensure that
15 each test carried out under subsection (a) provides, when
16 possible, for one or more of the following:

17 (1) The validation of technical improvements
18 made to increase system performance and reliability.

19 (2) The evaluation of the operational effective-
20 ness of the ground-based midcourse defense element
21 of the ballistic missile defense system.

22 (3) The use of threat-representative targets and
23 critical engagement conditions.

24 (4) The evaluation of new configurations of
25 interceptors before they are fielded.

1 (5) The satisfaction of the “fly before buy” ac-
2 quisition approach for new interceptor components
3 or software.

4 (6) The evaluation of the interoperability of the
5 ground-based midcourse defense element with other
6 elements of the ballistic missile defense systems.

7 (c) EXCEPTIONS.—The Director may forgo a test
8 under subsection (a) in a fiscal year under one or more
9 of the following conditions:

10 (1) It would jeopardize national security.

11 (2) Insufficient time considerations between
12 post-test analysis and subsequent pre-test design.

13 (3) Insufficient funding.

14 (4) An interceptor is unavailable.

15 (5) A target is unavailable or is insufficiently
16 representative of threats.

17 (6) The test range or necessary test assets are
18 unavailable.

19 (7) Inclement weather.

20 (8) Any other condition the Director considers
21 appropriate.

22 (d) CERTIFICATION.—Not later than 45 days after
23 forgoing a test for a condition or conditions under sub-
24 section (c)(8), the Under Secretary of Defense for Acquisi-
25 tion, Technology, and Logistics shall submit to the con-

1 gressional defense committees a certification setting forth
2 the condition or conditions that caused the test to be for-
3 gone under that subsection.

4 (e) REPORT.—Not later than 45 days after forgoing
5 a test for any condition specified in subsection (c), the
6 Director shall submit to the congressional defense commit-
7 tees a report setting forth the rationale for forgoing the
8 test and a plan to restore an intercept flight test in the
9 Integrated Master Test Plan of the Missile Defense Agen-
10 cy. In the case of a test forgone for a condition or condi-
11 tions under subsection (c)(8), the report required by this
12 subsection is in addition to the certification required by
13 subsection (d).

14 **SEC. 1662. IRON DOME SHORT-RANGE ROCKET DEFENSE**
15 **SYSTEM CODEVELOPMENT AND COPRODUC-**
16 **TION.**

17 (a) IRON DOME SHORT-RANGE ROCKET DEFENSE
18 SYSTEM.—

19 (1) AVAILABILITY OF FUNDS.—Of the funds
20 authorized to be appropriated for Procurement, De-
21 fense-wide, and available for the Missile Defense
22 Agency, not more than \$42,000,000 may be pro-
23 vided to the Government of Israel to procure Tamir
24 interceptors for the Iron Dome short-range rocket
25 defense system through coproduction of such inter-

1 ceptors in the United States by industry of the
2 United States.

3 (2) CONDITIONS.—

4 (A) AGREEMENT.—Funds described in
5 paragraph (1) for the Iron Dome short-range
6 rocket defense program shall be available sub-
7 ject to the terms and conditions in the Agree-
8 ment Between the Department of Defense of
9 the United States of America and the Ministry
10 of Defense of the State of Israel Concerning
11 Iron Dome Defense System Procurement,
12 signed on March 5, 2014, subject to an amend-
13 ed bilateral agreement for coproduction for
14 Tamir interceptors. In negotiations by the Mis-
15 sile Defense Agency and the Missile Defense
16 Organization of the Government of Israel re-
17 garding such production, the goal of the United
18 States is to maximize opportunities for co-
19 production of the Tamir interceptors described
20 in paragraph (1) in the United States by indus-
21 try of the United States.

22 (B) CERTIFICATION.—Not later than 30
23 days prior to the initial obligation of funds de-
24 scribed in paragraph (1), the Director of the
25 Missile Defense Agency and the Under Sec-

1 retary of Defense for Acquisition, Technology,
2 and Logistics shall jointly submit to the appro-
3 priate congressional committees—

4 (i) a certification that the amended bi-
5 lateral agreement specified in subpara-
6 graph (A) is being implemented as pro-
7 vided in such bilateral agreement; and

8 (ii) an assessment detailing any risks
9 relating to the implementation of such bi-
10 lateral agreement.

11 (b) LIMITATION ON FUNDING FOR DAVID’S SLING
12 WEAPON SYSTEM.—None of the amounts appropriated or
13 otherwise made available pursuant to subsection (a)(1) of
14 section 1679 of the National Defense Authorization Act
15 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
16 1135) that remain available and are unobligated on the
17 date of the enactment of this Act may be expended or obli-
18 gated until the appropriate congressional committees re-
19 ceive the plan required by subsection (d) of such section
20 (Public Law 114–92; 129 Stat. 1136).

21 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
22 FINED.—In this section, the term “appropriate congres-
23 sional committees” means the following:

24 (1) The congressional defense committees.

1 (2) The Committee on Foreign Relations of the
2 Senate and the Committee on Foreign Affairs of the
3 House of Representatives.

4 **SEC. 1663. NON-TERRESTRIAL MISSILE DEFENSE INTER-**
5 **CEPT AND DEFEAT CAPABILITY FOR THE**
6 **BALLISTIC MISSILE DEFENSE SYSTEM.**

7 Section 1685 of the National Defense Authorization
8 Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.
9 1142) is amended—

10 (1) in subsection (c)(2), by inserting before the
11 semicolon at the end the following: “for each fiscal
12 year over the five fiscal-year period beginning with
13 the fiscal year following the fiscal year in which the
14 report is submitted, assuming such potential pro-
15 gram of record is technically feasible and could be
16 deployed by December 31, 2027”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(d) COMMENCEMENT OF RDT&E.—Not later than
20 60 days after the submittal of the report required by sub-
21 section (c), the Director may commence coordination and
22 activities associated with research, development, test, and
23 evaluation on the programs described in subsection
24 (c)(2).”.

1 **SEC. 1664. REVIEW OF PRE-LAUNCH MISSILE DEFENSE**
2 **STRATEGY.**

3 (a) REVIEW.—The Secretary of Defense and the
4 Chairman of the Joint Chiefs of Staff shall jointly conduct
5 a review of the strategy, programs, and capabilities to
6 counter cruise and ballistic missiles prior to launch in sup-
7 port of regional and homeland missile defense, using the
8 full range of active, passive, kinetic, and nonkinetic de-
9 fense measures.

10 (b) ELEMENTS.—The review under subsection (a)
11 shall address the following:

12 (1) The pre-launch missile defense policy, strat-
13 egy, and objectives of the United States.

14 (2) The existing and planned programs across
15 the services and the Department to develop pre-
16 launch missile defense capabilities.

17 (3) The roles and responsibilities of the Office
18 of the Secretary of Defense, Defense Agencies, com-
19 batant commands, the Joint Chiefs of Staff, the
20 military departments, and the intelligence commu-
21 nity in such programs.

22 (4) The process for determining requirements
23 for pre-launch missile defense capabilities under
24 such programs, including input from the joint mili-
25 tary requirements process.

1 (5) The plans to include such programs into the
2 Department's Integrated Air and Missile Defense ar-
3 chitecture.

4 (6) The budget profile for such programs across
5 the Future Years Defense Program.

6 (7) The role of international cooperation on
7 pre-launch missile defense capabilities and the plans,
8 policies, and requirements for integration and inter-
9 operability of such capabilities with allies.

10 (8) Any other matters the Secretary determines
11 relevant.

12 (c) REPORT.—

13 (1) RESULTS.—Not later than 180 days after
14 the date of the enactment of this Act, the Secretary
15 shall submit to the congressional defense committees
16 a report setting forth the results of the review under
17 subsection (a).

18 (2) FORM.—The report required under para-
19 graph (1) shall be submitted in unclassified form,
20 but may include a classified annex.

21 (3) THREAT REPORT.—In conjunction with the
22 report submitted under paragraph (1), the Sec-
23 retary, in coordination with the Director of National
24 Intelligence, shall submit to the congressional de-
25 fense committees a classified report with an assess-

1 ment of the tactical ballistic and cruise missile
2 threat to the United States, deployed forces of the
3 United States, and allies of the United States.

4 (d) DEFINITIONS.—In this section:

5 (1) CONGRESSIONAL DEFENSE COMMITTEES.—

6 The term “congressional defense committees”
7 means—

8 (A) the Committee on Armed Services of
9 the Senate;

10 (B) the Committee on Armed Services of
11 the House of Representatives;

12 (C) the Subcommittee on Defense of the
13 Committee on Appropriations of the Senate;
14 and

15 (D) the Subcommittee on Defense of the
16 Committee on Appropriations of the House of
17 Representatives.

18 (2) PRE-LAUNCH MISSILE DEFENSE PRO-
19 GRAMS.—The term “pre-launch missile defense pro-
20 grams” means programs that would lead to improv-
21 ing the capabilities of the United States to counter
22 cruise and ballistic missiles before they are launched
23 against the United States homeland, United States
24 deployed forces, or allies of the United States.

1 **SEC. 1665. MODIFICATION OF NATIONAL MISSILE DEFENSE**
2 **POLICY.**

3 Section 2 of the National Missile Defense Act of 1999
4 (Public Law 106–38; 10 U.S.C. 2431 note) is amended
5 by striking “limited”.

6 **SEC. 1666. EXTENSION OF PROHIBITIONS ON PROVIDING**
7 **CERTAIN MISSILE DEFENSE INFORMATION**
8 **TO THE RUSSIAN FEDERATION.**

9 Section 130h(d) of title 10, United States Code, is
10 amended by striking “2017” and inserting “2018”.

11 **Subtitle F—Other Matters**

12 **SEC. 1671. SURVEY AND REVIEW OF DEFENSE INTEL-**
13 **LIGENCE ENTERPRISE.**

14 (a) SURVEY AND REVIEW.—

15 (1) IN GENERAL.—Not later than 120 days
16 after the date of the enactment of this Act, the
17 Chairman of the Joint Chiefs of Staff shall—

18 (A) review the organization, resources, and
19 processes of the Defense Intelligence Enter-
20 prise, including the defense intelligence agencies
21 and intelligence elements of the combatant com-
22 mands and military departments, to assess the
23 capabilities and capacity of such Enterprise,
24 along with the intelligence community, to meet
25 present and future defense intelligence require-
26 ments; and

1 (B) conduct a survey of each geographic
2 combatant command to assess—

3 (i) the current state of intelligence
4 support to military operations;

5 (ii) the prioritization and allocation of
6 intelligence resources within each combat-
7 ant command; and

8 (iii) whether intelligence resources are
9 balanced between support to theater com-
10 manders and support to operational com-
11 manders.

12 (2) ELEMENTS.—The review and survey re-
13 quired by paragraph (1) shall include the following:

14 (A) A comprehensive assessment of the
15 Defense Intelligence Enterprise and whether
16 such Enterprise—

17 (i) is organized and has resources to
18 meet current and future defense intel-
19 ligence requirements;

20 (ii) is balancing resources appro-
21 priately between operational and strategic
22 defense intelligence requirements;

23 (iii) is responding with sufficient agil-
24 ity to emerging or unexpected require-
25 ments; and

1 (iv) is sufficiently integrated with
2 combatant commands, subordinate com-
3 mands, and joint task forces.

4 (B) With respect to each geographic com-
5 batant command surveyed—

6 (i) information on the total intel-
7 ligence workforce assigned to the combat-
8 ant command, including civilians, military,
9 and contract personnel;

10 (ii) detailed information on the alloca-
11 tion of intelligence resources to meet com-
12 batant commander priorities;

13 (iii) detailed information on the intel-
14 ligence priorities of the commander of the
15 combatant command and intelligence re-
16 sources allocated to each priority; and

17 (iv) detailed information on the intel-
18 ligence resources, including personnel and
19 assets, dedicated to each of the following:

20 (I) Direct support to the combat-
21 ant commander.

22 (II) Contingency planning.

23 (III) Ongoing operations.

24 (IV) Crisis response.

25 (b) REPORT.—

1 (1) REQUIREMENT FOR REPORT.—Not later
2 than 180 days after the date of the enactment of
3 this Act, the Chairman of the Joint Chiefs of Staff
4 shall submit to the congressional defense committees
5 and the Under Secretary of Defense for Intelligence
6 a report on the findings of the Chairman with re-
7 spect to the review and survey required by sub-
8 section (a)(1).

9 (2) CONTENT.—The report required by para-
10 graph (1) shall include—

11 (A) a detailed analysis of how each com-
12 batant command uses the intelligence resources
13 available to such command; and

14 (B) the recommendations of the Chairman,
15 if any, to improve the Defense Intelligence En-
16 terprise to fulfill operational military require-
17 ments.

18 (c) DEFENSE INTELLIGENCE ENTERPRISE DE-
19 FINED.—In this section, the term “Defense Intelligence
20 Enterprise” means the organizations, infrastructure, and
21 measures, including policies, processes, procedures, and
22 products, of the intelligence, counterintelligence, and secu-
23 rity components of each of the following:

24 (1) The Department of Defense.

25 (2) The Joint Staff.

1 (3) The combatant commands.

2 (4) The military departments.

3 (5) Other elements of the Department of De-
4 fense that perform national intelligence, defense in-
5 telligence, intelligence-related, counterintelligence, or
6 security functions.

7 **SEC. 1672. MILESTONE A DECISION FOR THE CONVEN-**
8 **TIONAL PROMPT GLOBAL STRIKE WEAPONS**
9 **SYSTEM.**

10 The Secretary of Defense shall make a Milestone A
11 decision for the Conventional Prompt Global Strike Weap-
12 ons System not later than the earlier of—

13 (1) September 30, 2020; or

14 (2) the date that is 8 months after the success-
15 ful completion of Intermediate Range Flight 2 of
16 that System.

17 **SEC. 1673. CYBER CENTER FOR EDUCATION AND INNOVA-**
18 **TION AND NATIONAL CRYPTOLOGIC MU-**
19 **SEUM.**

20 (a) IN GENERAL.—Chapter 449 of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new section:

1 **“§ 4781. Cyber Center for Education and Innovation**
2 **and National Cryptologic Museum**

3 “(a) ESTABLISHMENT AUTHORIZED.—The Secretary
4 of Defense may establish at Fort George G. Meade, Mary-
5 land, a center to be known as the ‘Cyber Center for Edu-
6 cation and Innovation and the National Cryptologic Mu-
7 seum’ (in this section referred to as the ‘Center’). The
8 Center may be used for the identification, curation, stor-
9 age, and public viewing of materials relating to the activi-
10 ties of the National Security Agency and the Central Secu-
11 rity Service, any predecessor or successor organizations,
12 and the history of cryptology. The Center may contain
13 meeting, conference, and classroom facilities that will be
14 used to support such education, training, public outreach,
15 and other purposes as the Secretary considers appropriate.

16 “(b) DESIGN, CONSTRUCTION, AND OPERATION.—
17 The Secretary may enter into an agreement with the Na-
18 tional Cryptologic Museum Foundation (in this section re-
19 ferred to as the ‘Foundation’), a non-profit organization,
20 for the design, construction, and operation of the Center.

21 “(c) ACCEPTANCE AUTHORITY.—

22 “(1) ACCEPTANCE OF FACILITY.—If the Foun-
23 dation constructs the Center pursuant to an agree-
24 ment under subsection (b), upon satisfactory comple-
25 tion of the Center’s construction or any phase there-
26 of, as determined by the Secretary, and upon full

1 satisfaction by the Foundation of any other obliga-
2 tions pursuant to such agreement, the Secretary
3 may accept the Center or such phase from the
4 Foundation, and all right, title, and interest in the
5 Center or such phase shall vest in the United States.

6 “(2) ACCEPTANCE OF SERVICES.—Notwith-
7 standing section 1342 of title 31, the Secretary may
8 accept services from the Foundation. For purposes
9 of this section and any other provision of law, em-
10 ployees or personnel of the Foundation may not be
11 considered to be employees of the United States.

12 “(d) USE OF CERTAIN GIFTS.—

13 “(1) MANAGEMENT OF SMALLER GIFTS.—
14 Under regulations prescribed by the Secretary, the
15 Director of the National Security Agency may, with-
16 out regard to section 2601 of this title, accept, hold,
17 administer, invest, and spend for the benefit of the
18 Center any gift, devise, or bequest of personal prop-
19 erty, or of money of a value of \$500,000 or less,
20 made for the benefit of the Center.

21 “(2) PAYMENT OF EXPENSES.—The Director
22 may pay or authorize the payment of any reasonable
23 and necessary expenses in connection with the con-
24 veyance or transfer of a gift, devise, or bequest
25 under this subsection.

1 “(e) AUTHORITY TO ASSESS FEES AND USE OF
2 FUNDS.—

3 “(1) FEES AND USER CHARGES.—Under regu-
4 lations prescribed by the Secretary, the Director
5 may assess fees and user charges for the use of Cen-
6 ter facilities and property, including rental, user,
7 conference, and concession fees.

8 “(2) USE OF FUNDS.—Amounts received by the
9 Secretary under paragraph (1) shall be used for the
10 benefit of the Center.

11 “(f) FUND.—If the Center is established pursuant to
12 subsection (a), there shall be established on the books of
13 the Treasury a fund to be known as the ‘Cyber Center
14 for Education and Innovation and National Cryptologic
15 Museum Fund’. Gifts of money under subsection (d), and
16 fees and user charges received under subsection (e), shall
17 be deposited in the fund and be available until expended
18 for the benefit of the Center, including costs of operation
19 and of the acquisition of books, manuscripts, works of art,
20 historical artifacts, drawings, plans, models, and con-
21 demned or obsolete combat materiel.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 449 is amended by adding at
24 the end the following new item:

“4781. Cyber Center for Education and Innovation and National Cryptologic
Museum.”.

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division may be cited as the “Military Construc-
6 tion Authorization Act for Fiscal Year 2017”.

7 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
11 YEARS.—Except as provided in subsection (b), all author-
12 izations contained in titles XXI through XXVII for mili-
13 tary construction projects, land acquisition, family housing
14 projects and facilities, and contributions to the North At-
15 lantic Treaty Organization Security Investment Program
16 (and authorizations of appropriations therefor) shall ex-
17 pire on the later of—

18 (1) October 1, 2019; or

19 (2) the date of the enactment of an Act author-
20 izing funds for military construction for fiscal year
21 2020.

22 (b) EXCEPTION.—Subsection (a) shall not apply to
23 authorizations for military construction projects, land ac-
24 quisition, family housing projects and facilities, and con-
25 tributions to the North Atlantic Treaty Organization Se-

1 curity Investment Program (and authorizations of appro-
 2 priations therefor), for which appropriated funds have
 3 been obligated before the later of—

4 (1) October 1, 2019; or

5 (2) the date of the enactment of an Act author-
 6 izing funds for fiscal year 2020 for military con-
 7 struction projects, land acquisition, family housing
 8 projects and facilities, or contributions to the North
 9 Atlantic Treaty Organization Security Investment
 10 Program.

11 **SEC. 2003. EFFECTIVE DATE.**

12 Titles XXI through XXVII shall take effect on the
 13 later of—

14 (1) October 1, 2016; or

15 (2) the date of the enactment of this Act.

16 **TITLE XXI—ARMY MILITARY**
 17 **CONSTRUCTION**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 19 **ACQUISITION PROJECTS.**

20 (a) **INSIDE THE UNITED STATES.**—Using amounts
 21 appropriated pursuant to the authorization of appropria-
 22 tions in section 2103(a) and available for military con-
 23 struction projects inside the United States as specified in
 24 the funding table in section 4601, the Secretary of the
 25 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

1 in section 4601, the Secretary of the Army may construct
 2 or acquire family housing units (including land acquisition
 3 and supporting facilities) at the installations or locations,
 4 in the number of units, and in the amounts set forth in
 5 the following table:

Army: Family Housing

State/Coun- try	Installation or Location	Units	Amount
Korea	Camp Humphreys	Family Housing New Construction	\$143,563,000
	Camp Walker	Family Housing New Construction	\$54,554,000

6 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2103(a) and available for military family housing
 9 functions as specified in the funding table in section 4601,
 10 the Secretary of the Army may carry out architectural and
 11 engineering services and construction design activities
 12 with respect to the construction or improvement of family
 13 housing units in an amount not to exceed \$2,618,000.

14 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
 16 are hereby authorized to be appropriated for fiscal years
 17 beginning after September 30, 2016, for military con-
 18 struction, land acquisition, and military family housing
 19 functions of the Department of the Army as specified in
 20 the funding table in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
2 PROJECTS.—Notwithstanding the cost variations author-
3 ized by section 2853 of title 10, United States Code, and
4 any other cost variation authorized by law, the total cost
5 of all projects carried out under section 2101 of this Act
6 may not exceed the total amount authorized to be appro-
7 priated under subsection (a), as specified in the funding
8 table in section 4601.

9 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
10 **CERTAIN FISCAL YEAR 2014 PROJECT.**

11 In the case of the authorization contained in the table
12 in section 2101(a) of the Military Construction Authoriza-
13 tion Act for Fiscal Year 2014 (division B of Public Law
14 113–66; 127 Stat. 986) for Joint Base Lewis-McChord,
15 Washington, for construction of an aircraft maintenance
16 hangar at the installation, the Secretary of the Army may
17 construct an aircraft washing apron.

18 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
19 **FISCAL YEAR 2013 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
21 the Military Construction Authorization Act for Fiscal
22 Year 2013 (division B of Public Law 112–239; 126 Stat.
23 2118), the authorizations set forth in the table in sub-
24 section (b), as provided in section 2101 of that Act (126
25 Stat. 2119) and extended by section 2107 of the Military

1 Construction Authorization Act for Fiscal Year 2016 (di-
 2 vision B of Public Law 114–92; 129 Stat. 1148), shall
 3 remain in effect until October 1, 2017, or the date of the
 4 enactment of an Act authorizing funds for military con-
 5 struction for fiscal year 2018, whichever is later.

6 (b) TABLE.—The table referred to in subsection (a)
 7 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

8 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 9 **FISCAL YEAR 2014 PROJECTS.**

10 (a) EXTENSION.—Notwithstanding section 2002 of
 11 the Military Construction Authorization Act for Fiscal
 12 Year 2014 (division B of Public Law 113–66; 127 Stat.
 13 985), the authorizations set forth in the table in sub-
 14 section (b), as provided in section 2101 of that Act (127
 15 Stat. 986) shall remain in effect until October 1, 2017,
 16 or the date of the enactment of an Act authorizing funds
 17 for military construction for fiscal year 2018, whichever
 18 is later.

19 (b) TABLE.—The table referred to in subsection (a)
 20 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

1 **TITLE XXII—NAVY MILITARY**
2 **CONSTRUCTION**

3 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
4 **ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
6 appropriated pursuant to the authorization of appropria-
7 tions in section 2204(a) and available for military con-
8 struction projects inside the United States as specified in
9 the funding table in section 4601, the Secretary of the
10 Navy may acquire real property and carry out military
11 construction projects for the installations or locations in-
12 side the United States, and in the amounts, set forth in
13 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,

1 in the number of units, and in the amount set forth in
 2 the following table:

Navy: Family Housing

State	Installation or Location	Units	Amount
Mariana Islands	Guam	Replace Andersen Housing PH 1	\$78,815,000

3 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 4 priated pursuant to the authorization of appropriations in
 5 section 2204(a) and available for military family housing
 6 functions as specified in the funding table in section 4601,
 7 the Secretary of the Navy may carry out architectural and
 8 engineering services and construction design activities
 9 with respect to the construction or improvement of family
 10 housing units in an amount not to exceed \$4,149,000.

11 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 12 **UNITS.**

13 Subject to section 2825 of title 10, United States
 14 Code, and using amounts appropriated pursuant to the
 15 authorization of appropriations in section 2204(a) and
 16 available for military family housing functions as specified
 17 in the funding table in section 4601, the Secretary of the
 18 Navy may improve existing military family housing units
 19 in an amount not to exceed \$11,047,000.

20 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

21 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
 22 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2016, for military con-
2 struction, land acquisition, and military family housing
3 functions of the Department of the Navy, as specified in
4 the funding table in section 4601.

5 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
6 **PROJECTS.**—Notwithstanding the cost variations author-
7 ized by section 2853 of title 10, United States Code, and
8 any other cost variation authorized by law, the total cost
9 of all projects carried out under section 2201 of this Act
10 may not exceed the total amount authorized to be appro-
11 priated under subsection (a), as specified in the funding
12 table in section 4601.

13 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
14 **CERTAIN FISCAL YEAR 2014 PROJECT.**

15 In the case of the authorization contained in the table
16 in section 2201 of the Military Construction Authorization
17 Act for Fiscal Year 2014 (division B of Public Law 113–
18 66; 127 Stat. 989) for Pearl City, Hawaii, for construction
19 of a water transmission line at that location, the Secretary
20 of the Navy may construct a 591-meter (1,940-foot) long
21 16-inch diameter water transmission line as part of the
22 network required to provide the main water supply to
23 Joint Base Pearl Harbor-Hickam, Hawaii.

1 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2013 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2013 (division B of Public Law 112–239; 126 Stat.
 6 2118), the authorizations set forth in the table in sub-
 7 section (b), as provided in section 2201 of that Act (126
 8 Stat. 2122) and extended by section 2206 of the Military
 9 Construction Authorization Act for Fiscal Year 2016 (di-
 10 vision B of Public Law 114–92; 129 Stat. 1151), shall
 11 remain in effect until October 1, 2017, or the date of the
 12 enactment of an Act authorizing funds for military con-
 13 struction for fiscal year 2018, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
 15 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

16 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 17 **FISCAL YEAR 2014 PROJECTS.**

18 (a) EXTENSION.—Notwithstanding section 2002 of
 19 the Military Construction Authorization Act for Fiscal
 20 Year 2014 (division B of Public Law 113–66; 127 Stat.

1 985), the authorizations set forth in the table in sub-
 2 section (b), as provided in section 2201 of that Act (127
 3 Stat. 989), shall remain in effect until October 1, 2017,
 4 or the date of the enactment of an Act authorizing funds
 5 for military construction for fiscal year 2018, whichever
 6 is later.

7 (b) TABLE.—The table referred to in subsection (a)
 8 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

9 **TITLE XXIII—AIR FORCE**
 10 **MILITARY CONSTRUCTION**

11 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 12 **LAND ACQUISITION PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts
 14 appropriated pursuant to the authorization of appropria-
 15 tions in section 2304(a) and available for military con-
 16 struction 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

1 outside the United States, and in the amounts, set forth
 2 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

3 **SEC. 2302. FAMILY HOUSING.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2304(a) and available
 6 for military family housing functions as specified in the
 7 funding table in section 4601, the Secretary of the Air
 8 Force may carry out architectural and engineering serv-
 9 ices and construction design activities with respect to the
 10 construction or improvement of family housing units in an
 11 amount not to exceed \$4,368,000.

12 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 13 **UNITS.**

14 Subject to section 2825 of title 10, United States
 15 Code, and using amounts appropriated pursuant to the
 16 authorization of appropriations in section 2304(a) and
 17 available for military family housing functions as specified
 18 in the funding table in section 4601, the Secretary of the

1 Air Force may improve existing military family housing
2 units in an amount not to exceed \$56,984,000.

3 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
4 **FORCE.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated for fiscal years
7 beginning after September 30, 2016, for military con-
8 struction, land acquisition, and military family housing
9 functions of the Department of the Air Force, as specified
10 in the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2301 of this Act
16 may not exceed the total amount authorized to be appro-
17 priated under subsection (a), as specified in the funding
18 table in section 4601.

19 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
20 **CERTAIN FISCAL YEAR 2016 PROJECT.**

21 In the case of the authorization contained in the table
22 in section 2301(a) of the Military Construction Authoriza-
23 tion Act for Fiscal Year 2016 (division B of Public Law
24 114–92; 129 Stat. 1153) for Malmstrom Air Force Base,
25 Montana, for construction of a Tactical Response Force

1 Alert Facility at the installation, the Secretary of the Air
 2 Force may construct an emergency power generator sys-
 3 tem consistent with the Air Force's construction guide-
 4 lines.

5 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 6 **FISCAL YEAR 2014 PROJECTS.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2014 (division B of Public Law 113–66; 127 Stat.
 10 985), the authorizations set forth in the table in sub-
 11 section (b), as provided in section 2301 of that Act (127
 12 Stat. 992), shall remain in effect until October 1, 2017,
 13 or the date of the enactment of an Act authorizing funds
 14 for military construction for fiscal year 2018, whichever
 15 is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 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 Un- specified (Italy)	Aviano Air Base	Guardian Angel Op- erations Facility ...	\$22,047,000

1 **TITLE XXIV—DEFENSE AGEN-**
 2 **CIES MILITARY CONSTRUC-**
 3 **TION**

4 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 5 **TION AND LAND ACQUISITION PROJECTS.**

6 (a) INSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2403(a) and available for military con-
 9 struction projects inside the United States as specified in
 10 the funding table in section 4601, the Secretary of De-
 11 fense may acquire real property and carry out military
 12 construction projects for the installations or locations in-
 13 side the United States, and in the amounts, set forth in
 14 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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(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 De-
 6 fense 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:

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

10 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
 11 **PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in section 2403(a) and available for energy conserva-
 15 tion projects as specified in the funding table in section
 16 4601, the Secretary of Defense may carry out energy con-
 17 servation projects under chapter 173 of title 10, United
 18 States Code, for the installations or locations inside the
 19 United States, and in the amounts, set forth in the fol-
 20 lowing 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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2403(a) and available for energy conserva-
4 tion projects as specified in the funding table in section
5 4601, the Secretary of Defense may carry out energy con-
6 servation projects under chapter 173 of title 10, United
7 States Code, for the installations or locations outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing 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

1 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
4 are hereby authorized to be appropriated for fiscal years
5 beginning after September 30, 2016, for military con-
6 struction, land acquisition, and military family housing
7 functions of the Department of Defense (other than the
8 military departments), as specified in the funding table
9 in section 4601.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
11 PROJECTS.—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2401 of this Act
15 may not exceed the total amount authorized to be appro-
16 priated under subsection (a), as specified in the funding
17 table in section 4601.

18 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
19 **CERTAIN FISCAL YEAR 2014 PROJECT.**

20 In the case of the authorization in the table in section
21 2401(b) of the Military Construction Authorization Act
22 for Fiscal Year 2014 (division B of Public Law 113–66;
23 127 Stat. 996), for Royal Air Force Lakenheath, United
24 Kingdom, for construction of a high school, the Secretary
25 of Defense may construct a combined middle/high school.

1 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2013 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2013 (division B of Public Law 112–239; 126 Stat.
 6 2118), the authorizations set forth in the table in sub-
 7 section (b), as provided in section 2401 of that Act (126
 8 Stat. 2127) and amended by section 2406(a) of the Mili-
 9 tary Construction Authorization Act for Fiscal Year 2016
 10 (division B of Public Law 114–92; 129 Stat. 1160), shall
 11 remain in effect until October 1, 2017, or the date of the
 12 enactment of an Act authorizing funds for military con-
 13 struction for fiscal year 2018, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
 15 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

16 **SEC. 2406. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 17 **FISCAL YEAR 2014 PROJECTS.**

18 (a) EXTENSION.—Notwithstanding section 2002 of
 19 the Military Construction Authorization Act for Fiscal
 20 Year 2014 (division B of Public Law 113–66; 127 Stat.
 21 985), the authorizations set forth in the table in sub-
 22 section (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	PFFPA Support Operations Center	\$14,800,000
	Pentagon	Raven Rock Administrative Facility Upgrade	\$32,000,000
	Pentagon	Boundary Channel Access Control Point	\$6,700,000

1 **TITLE XXV—INTERNATIONAL**
2 **PROGRAMS**
3 **Subtitle A—North Atlantic Treaty**
4 **Organization Security Invest-**
5 **ment Program**

6 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
7 **ACQUISITION PROJECTS.**

8 The Secretary of Defense may make contributions for
9 the North Atlantic Treaty Organization Security Invest-
10 ment Program as provided in section 2806 of title 10,
11 United States Code, in an amount not to exceed the sum
12 of the amount authorized to be appropriated for this pur-
13 pose in section 2502 and the amount collected from the
14 North Atlantic Treaty Organization as a result of con-
15 struction previously financed by the United States.

16 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

17 Funds are hereby authorized to be appropriated for
18 fiscal years beginning after September 30, 2016, for con-
19 tributions by the Secretary of Defense under section 2806
20 of title 10, United States Code, for the share of the United
21 States of the cost of projects for the North Atlantic Treaty
22 Organization Security Investment Program authorized by
23 section 2501 as specified in the funding table in section
24 4601.

1 **Subtitle B—Host Country In-Kind**
 2 **Contributions**

3 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
 4 **PROJECTS.**

5 Pursuant to agreement with the Republic of Korea
 6 for required in-kind contributions, the Secretary of De-
 7 fense may accept military construction projects for the in-
 8 stallations or locations, and in the amounts, set forth in
 9 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, Zoekler 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

1 **TITLE XXVI—GUARD AND**
 2 **RESERVE FORCES FACILITIES**
 3 **Subtitle A—Project Authorizations**
 4 **and Authorization of Appropria-**
 5 **tions**

6 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 7 **STRUCTION AND LAND ACQUISITION**
 8 **PROJECTS.**

9 Using amounts appropriated pursuant to the author-
 10 ization of appropriations in section 2606 and available for
 11 the National Guard and Reserve as specified in the fund-
 12 ing table in section 4601, the Secretary of the Army may
 13 acquire real property and carry out military construction
 14 projects for the Army National Guard locations inside the
 15 United States, and in the amounts, set forth in the fol-
 16 lowing 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

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Army may
 7 acquire real property and carry out military construction
 8 projects for the Army Reserve locations inside the United
 9 States, and in the amounts, set forth in the following
 10 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

11 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 12 **CORPS RESERVE CONSTRUCTION AND LAND**
 13 **ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Navy may
 18 acquire real property and carry out military construction
 19 projects for the Navy Reserve and Marine Corps Reserve
 20 locations inside the United States, and in the amounts,
 21 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

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Air Force
 7 may acquire real property and carry out military construc-
 8 tion projects for the Air National Guard locations inside
 9 the United States, and in the amounts, set forth in the
 10 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 Air- port.	\$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

11 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 12 **TION AND LAND ACQUISITION PROJECTS.**

13 Using amounts appropriated pursuant to the author-
 14 ization of appropriations in section 2606 and available for
 15 the National Guard and Reserve as specified in the fund-

1 ing table in section 4601, the Secretary of the Air Force
 2 may acquire real property and carry out military construc-
 3 tion projects for the Air Force Reserve locations inside
 4 the United States, and in the amounts, set forth in the
 5 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

6 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
 7 **TIONAL GUARD AND RESERVE.**

8 Funds are hereby authorized to be appropriated for
 9 fiscal years beginning after September 30, 2016, for the
 10 costs of acquisition, architectural and engineering services,
 11 and construction of facilities for the Guard and Reserve
 12 Forces, and for contributions therefor, under chapter
 13 1803 of title 10, United States Code (including the cost
 14 of acquisition of land for those facilities), as specified in
 15 the funding table in section 4601.

16 **Subtitle B—Other Matters**

17 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**
 18 **CERTAIN FISCAL YEAR 2014 PROJECT.**

19 In the case of the authorization contained in the table
 20 in section 2602 of the Military Construction Authorization
 21 Act for Fiscal Year 2014 (division B of Public Law 113–
 22 66; 127 Stat. 1001) for Bullville, New York, for construc-

1 tion of a new Army Reserve Center at that location, the
2 Secretary of the Army may add to or alter the existing
3 Army Reserve Center at Bullville, New York.

4 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**
5 **CERTAIN FISCAL YEAR 2015 PROJECT.**

6 In the case of the authorization contained in the table
7 in section 2603 of the Military Construction Authorization
8 Act for Fiscal Year 2015 (division B of Public Law 113–
9 291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for
10 construction of a Reserve Training Center at that location,
11 the Secretary of the Navy may acquire approximately 8.5
12 acres (370,260 square feet) of adjacent land, obtain nec-
13 essary interest in land, and construct road improvements
14 and associated supporting facilities to provide required ac-
15 cess to the Reserve Training Center.

16 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**
17 **FISCAL YEAR 2013 PROJECT.**

18 (a) EXTENSION.—Notwithstanding section 2002 of
19 the Military Construction Authorization Act for Fiscal
20 Year 2013 (division B of Public Law 112–239; 126 Stat.
21 2118), the authorization set forth in the table in sub-
22 section (b), as provided in section 2603 of that Act (126
23 Stat. 2135) and extended by section 2614 of the Military
24 Construction Authorization Act for Fiscal Year 2016 (di-
25 vision B of Public Law 114–92; 129 Stat. 1166), shall

1 remain in effect until October 1, 2017, or the date of the
 2 enactment of an Act authorizing funds for military con-
 3 struction for fiscal year 2018, whichever is later.

4 (b) TABLE.—The table referred to in subsection (a)
 5 is as follows:

**National Guard and Reserve: Extension of 2013 Project
 Authorization**

State	Installation or Loca- tion	Project	Amount
Iowa	Fort Des Moines	Joint Reserve Center	\$19,162,000

6 **SEC. 2614. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 7 **FISCAL YEAR 2014 PROJECTS.**

8 (a) EXTENSION.—Notwithstanding section 2002 of
 9 the Military Construction Authorization Act for Fiscal
 10 Year 2014 (division B of Public Law 113–66; 127 Stat.
 11 985), the authorizations set forth in the table in sub-
 12 section (b), as provided in sections 2602, 2603, 2604, and
 13 2605 of that Act (127 Stat. 1001, 1002), shall remain
 14 in effect until October 1, 2017, or the date of the enact-
 15 ment of an Act authorizing funds for military construction
 16 for fiscal year 2018, whichever is later.

17 (b) TABLE.—The table referred to in subsection (a)
 18 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 Com- plex	\$9,800,000
Maryland	Fort Meade	175th Network War- fare Squadron Fa- cility	\$4,000,000
	Martin State Airport ...	Cyber/ISR Facility ...	\$8,000,000
New York	Bullville	Army Reserve Center	\$14,500,000

1 **SEC. 2615. REPORT ON REPLACEMENT OF SECURITY**
2 **FORCES AND COMMUNICATIONS TRAINING**
3 **FACILITY AT FRANCES S. GABRESKI AIR NA-**
4 **TIONAL GUARD BASE, NEW YORK.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The 106th Rescue Wing at Francis S.
8 Gabreski Air National Guard Base, New York, pro-
9 vides combat search and rescue coverage for United
10 States and allied forces.

11 (2) The mission of 106th Rescue Wing is to
12 provide worldwide Personnel Recovery, Combat
13 Search and Rescue Capability, Expeditionary Com-
14 bat Support, and Civil Search and Rescue Support
15 to Federal and State entities.

16 (3) The current security forces and communica-
17 tions facility at Frances S. Gabreski Air National
18 Guard Base, specifically building 250, has fire safety
19 deficiencies and does not comply with anti-terrorism/
20 force protection standards, creating hazardous con-

1 ditions for members of the Armed Forces and re-
2 quiring expeditious abatement.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of the Air
5 Force shall submit to the congressional defense commit-
6 tees a report setting forth an assessment of the need to
7 replace the security forces and communications training
8 facility at Frances S. Gabreski Air National Guard Base.

9 **TITLE XXVII—BASE REALIGN-**
10 **MENT AND CLOSURE ACTIVI-**
11 **TIES**

12 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
13 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
14 **TIES FUNDED THROUGH DEPARTMENT OF**
15 **DEFENSE BASE CLOSURE ACCOUNT.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2016, for base
18 realignment and closure activities, including real property
19 acquisition and military construction projects, as author-
20 ized by the Defense Base Closure and Realignment Act
21 of 1990 (part A of title XXIX of Public Law 101–510;
22 10 U.S.C. 2687 note) and funded through the Department
23 of Defense Base Closure Account established by section
24 2906 of such Act (as amended by section 2711 of the Mili-
25 tary Construction Authorization Act for Fiscal Year 2013

1 (division B of Public Law 112–239; 126 Stat. 2140)), as
2 specified in the funding table in section 4601.

3 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**
4 **BASE REALIGNMENT AND CLOSURE (BRAC)**
5 **ROUND.**

6 Nothing in this Act shall be construed to authorize
7 an additional Base Realignment and Closure (BRAC)
8 round.

9 **TITLE XXVIII—MILITARY CON-**
10 **STRUCTION GENERAL PROVI-**
11 **SIONS**

12 **Subtitle A—Military Construction**
13 **Program and Military Family**
14 **Housing Changes**

15 **SEC. 2801. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
16 **ITY TO USE OPERATION AND MAINTENANCE**
17 **FUNDS FOR CONSTRUCTION PROJECTS IN**
18 **CERTAIN AREAS OUTSIDE THE UNITED**
19 **STATES.**

20 Section 2808 of the National Defense Authorization
21 Act for Fiscal Year 2004 (division B of Public Law 108–
22 136; 117 Stat. 1723), as most recently amended by sec-
23 tion 2802 of the National Defense Authorization Act for
24 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169),
25 is further amended—

1 (1) in subsection (c)(1)—

2 (A) by striking “October 1, 2015” and in-
3 serting “October 1, 2016”;

4 (B) by striking “December 31, 2016” and
5 inserting “December 31, 2017”; and

6 (C) by striking “fiscal year 2017” and in-
7 serting “fiscal year 2018”; and

8 (2) in subsection (h)—

9 (A) in paragraph (1), by striking “Decem-
10 ber 31, 2016” and inserting “December 31,
11 2017”; and

12 (B) in paragraph (2), by striking “fiscal
13 year 2017” and inserting “fiscal year 2018”.

14 **SEC. 2802. LIMITED AUTHORITY FOR SCOPE OF WORK IN-**
15 **CREASE.**

16 (a) IN GENERAL.—Section 2853 of title 10, United
17 States Code, is amended—

18 (1) in subsection (b)(2), by striking “The scope
19 of work” and inserting “Except as provided in sub-
20 section (d), the scope of work”;

21 (2) by redesignating subsections (d) and (e) as
22 subsections (e) and (f), respectively; and

23 (3) by inserting after subsection (c) the fol-
24 lowing new subsection (d):

1 “(d) The limitation in subsection (b)(2) on an in-
2 crease in the scope of work does not apply if—

3 “(1) the increase in the scope of work is not
4 more than 10 percent of the amount specified for
5 that project, construction, improvement, or acquisi-
6 tion in the justification data provided to Congress as
7 part of the request for authorization of the project,
8 construction, improvement, or acquisition;

9 “(2) the increase is approved by the Secretary
10 concerned;

11 “(3) the Secretary concerned notifies the con-
12 gressional defense committees in writing of the in-
13 crease in scope and the reasons therefor; and

14 “(4) a period of 21 days has elapsed after the
15 date on which the notification is received by the
16 committees or, if over sooner, a period of 14 days
17 has elapsed after the date on which a copy of the
18 notification is provided in an electronic medium pur-
19 suant to section 480 of this title.”.

20 (b) CROSS-REFERENCE AMENDMENTS.—(1) Sub-
21 section (a) of such section is amended by striking “sub-
22 section (c) or (d)” and inserting “subsection (c), (d), or
23 (e)”.

1 (2) Subsection (f) of such section, as redesignated by
2 subsection (a)(2), is amended by striking “through (d)”
3 and inserting “through (e)”.

4 (c) **ADDITIONAL TECHNICAL AMENDMENT.**—Sub-
5 section (a) of such section is further amended by inserting
6 “of this title” after “section 2805(a)”.

7 **SEC. 2803. PERMANENT AUTHORITY FOR ACCEPTANCE AND**
8 **USE OF CONTRIBUTIONS FOR CERTAIN CON-**
9 **STRUCTION, MAINTENANCE, AND REPAIR**
10 **PROJECTS MUTUALLY BENEFICIAL TO THE**
11 **DEPARTMENT OF DEFENSE AND KUWAIT**
12 **MILITARY FORCES.**

13 (a) **PERMANENT AUTHORITY.**—Section 2804 of the
14 National Defense Authorization Act for Fiscal Year 2016
15 (Public Law 114–92; 10 U.S.C. 2350j note) is amended
16 by striking subsection (f).

17 (b) **CONFORMING AMENDMENT.**—The heading of
18 such section is amended by striking “**TEMPORARY**”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. AUTHORITY TO CARRY OUT MILITARY CON-**
4 **STRUCTION PROJECTS FOR ENERGY RESIL-**
5 **IENCY AND SECURITY PROJECTS NOT PRE-**
6 **VIOUSLY AUTHORIZED.**

7 (a) **IN GENERAL.**—Section 2914 of title 10, United
8 States Code, is amended—

9 (1) in the section heading, by inserting “**RE-**
10 **SILIENCY AND**” before “**CONSERVATION CON-**
11 **STRUCTION PROJECTS**”; and

12 (2) in subsection (a), by striking “military con-
13 struction project for energy conservation” and in-
14 serting “military construction project for energy re-
15 siliency and security, in addition to energy conserva-
16 tion”.

17 (b) **CLERICAL AMENDMENT.**—The table of sections
18 at the beginning of chapter 173 of such title is amended
19 by striking the item relating to section 2914 and inserting
20 the following new item:

“2914. Energy resiliency and conservation construction projects.”.

1 **SEC. 2812. AUTHORITY OF THE SECRETARY CONCERNED TO**
2 **ACCEPT LESSEE IMPROVEMENTS AT GOV-**
3 **ERNMENT-OWNED/CONTRACTOR-OPERATED**
4 **INDUSTRIAL PLANTS OR FACILITIES.**

5 Section 2535 of title 10, United States Code, is
6 amended—

7 (1) by redesignating subsection (c) as sub-
8 section (d); and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) ACCEPTANCE OF LESSEE IMPROVEMENTS AT
12 GOVERNMENT-OWNED/CONTRACTOR-OPERATED INDUS-
13 TRIAL PLANTS.—(1) A lease of a Government-owned/con-
14 tractor-operated industrial plant or facility may permit the
15 lessee, with the approval of the Secretary concerned, to
16 alter, expand, or otherwise improve the plant or facility
17 as necessary for the development or production of military
18 weapons systems, munitions, components, or supplies.
19 Such lease may provide, notwithstanding section 2802 of
20 this title, that such alteration, expansion or other improve-
21 ment shall, upon completion, become the property of the
22 Government, regardless of whether such alteration, expan-
23 sion, or other improvement constitutes all or part of the
24 consideration for the lease pursuant to section 2667(b)(5)
25 of this title or represents a reimbursable cost allocable to
26 any contract, cooperative agreement, grant, or other in-

1 strument with respect to activity undertaken at such in-
2 dustrial plant or facility.

3 “(2) When a decision is made to approve a project
4 to which paragraph (1) applies costing more than the
5 threshold specified under section 2805(c) of this title, the
6 Secretary concerned shall notify the congressional defense
7 committees in writing of that decision, the justification for
8 the project, and the estimated cost of the project. The
9 project may be carried out only after the end of the 21-
10 day period beginning on the date the notification is re-
11 ceived by the committees or, if earlier, the end of the 14-
12 day period beginning on the date on which a copy of the
13 notification is provided in an electronic medium pursuant
14 to section 480 of this title.”.

15 **SEC. 2813. TREATMENT OF INSURED DEPOSITORY INSTITU-**
16 **TIONS OPERATING ON LAND LEASED FROM**
17 **MILITARY INSTALLATIONS.**

18 Section 2667 of title 10, United States Code, is
19 amended by adding at the end the following new sub-
20 section:

21 “(1) TREATMENT OF INSURED DEPOSITORY INSTITU-
22 TIONS.—All Federal or State chartered insured depository
23 institutions operating on a military installation may be
24 treated equally with respect to the financial terms of
25 leases, services, and utilities.”.

1 **Subtitle C—Land Conveyances**

2 **SEC. 2821. LAND ACQUISITIONS, ARLINGTON COUNTY, VIR-** 3 **GINIA.**

4 (a) ACQUISITION AUTHORIZED.—

5 (1) IN GENERAL.—The Secretary of the Army
6 may acquire by purchase, exchange, donation or by
7 other means, including condemnation, which the
8 Secretary determines is sufficient for the expansion
9 of Arlington National Cemetery for purposes of en-
10 suring maximization of interment sites and compat-
11 ible use of adjacent properties, including any appro-
12 priate cemetery or memorial parking, all right, title
13 and interest in and to land—

14 (A) from Arlington County (in this section
15 referred to as the “County”), one or more par-
16 cels of real property in the area known as the
17 Southgate Road right-of-way, Columbia Pike
18 right-of-way, and South Joyce Street right-of-
19 way located in Arlington County, Virginia; and

20 (B) from the Commonwealth— of Virginia
21 (in this section referred to as the “Common-
22 wealth”), one or more parcels of property in the
23 area known as the Columbia Pike right-of-way,
24 including the Virginia Transportation Mainte-

1 nance Yard, and the Washington Boulevard-Co-
2 lumbia Pike interchange.

3 (2) SELECTION OF PROPERTY FOR ACQUISI-
4 TION.—The Memorandum of Understanding between
5 the Department of the Army and Arlington County
6 signed in January 2013 shall be used as a guide in
7 determining the properties to be acquired under this
8 section to expand Arlington National Cemetery to
9 the maximum extent practicable. After consultation
10 with the Commonwealth and the County, the Sec-
11 retary shall determine the exact parcels to be ac-
12 quired, and such determination shall be final. In se-
13 lecting the properties to be acquired under para-
14 graph (1), the Secretary shall seek—

15 (A) to remove existing barriers to the ex-
16 pansion of Arlington National Cemetery north
17 of Columbia Pike through a realignment of
18 Southgate Road to the western boundary of the
19 former Navy Annex site; and

20 (B) to support the realignment and
21 straightening of Columbia Pike and redesign of
22 the Washington Boulevard-Columbia Pike inter-
23 change.

24 (3) CONSIDERATION.—The Secretary is author-
25 ized to expend amounts up to fair market value con-

1 sideration for the interests in land acquired under
2 this subsection.

3 (b) EXCHANGE AUTHORIZED.—

4 (1) In carrying out the acquisition authorized in
5 subsection (a), in lieu of the consideration author-
6 ized under subsection (a)(3), the Secretary may con-
7 vey through land exchange—

8 (A) to the County, all right, title, and in-
9 terest of the United States in and to one or
10 more parcels of real property, together with any
11 improvements thereon, located south of current
12 Columbia Pike and west of South Joyce Street
13 in Arlington County, Virginia;

14 (B) to the Commonwealth, all right, title,
15 and interest of the United States in and to one
16 or more parcels of property east of Joyce Street
17 in Arlington County, Virginia, necessary for the
18 realignment of Columbia Pike and the Wash-
19 ington Boulevard-Columbia Pike interchange,
20 as well as for future improvements to Interstate
21 395 ramps; and

22 (C) to either the County or the Common-
23 wealth, other real property under control of the
24 Secretary determined by the Secretary to be ex-
25 cess to the needs of the Army.

1 (2) EXCHANGE VALUE.—

2 (A) MINIMUM VALUE.—The Secretary
3 shall obtain no less than fair market value con-
4 sideration for any property conveyed under this
5 subsection.

6 (B) CASH EQUALIZATION.—Where the
7 value of property to be exchanged is greater
8 than the value of property to be acquired by the
9 Secretary, the Secretary may accept cash
10 equalization payments.

11 (C) TREATMENT OF CASH CONSIDERATION
12 RECEIVED.—Any cash payment received by the
13 United States as consideration for the convey-
14 ance under subparagraph (B) shall be deposited
15 in the special account in the Treasury estab-
16 lished under subsection (b) of section 572 of
17 title 40, United States Code, and shall be avail-
18 able in accordance with paragraph (5)(B) of
19 such subsection or, in the case of conveyance of
20 excess property located on a military installa-
21 tion closed under the Defense Base Closure and
22 Realignment Act of 1990 (part A of title XXIX
23 of Public Law 101–510; 10 U.S.C. 2687 note),
24 shall be deposited in the special account estab-
25 lished under section 2906 of such Act.

1 (c) APPRAISALS.—The value of property to be ac-
 2 quired or conveyed under this section shall be determined
 3 by appraisals acceptable to the Secretary.

4 (d) DESCRIPTION OF PROPERTY.—The exact acreage
 5 and legal description of the real property to be acquired
 6 or conveyed under this section shall be determined by sur-
 7 veys satisfactory to the Secretary, in consultation with the
 8 Commonwealth and the County where practicable.

9 (e) ADDITIONAL TERMS AND CONDITIONS.—The
 10 Secretary may require such additional terms and condi-
 11 tions in connection with transactions authorized under
 12 this section as is considered appropriate to protect the in-
 13 terests of the United States.

14 (f) REPEAL OF AUTHORITY.—Section 2841 of the
 15 Military Construction Authorization Act for Fiscal Year
 16 2015 (division B of Public Law 113–291; 128 Stat. 3712)
 17 is repealed.

18 **SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE**
 19 **RADAR STATION, GALENA, ALASKA.**

20 (a) CONVEYANCE AUTHORIZED.—The Secretary of
 21 the Air Force may convey, without consideration, to the
 22 Town of Galena, Alaska (in this section referred to as the
 23 “Town”), all right, title, and interest of the United States
 24 in and to a parcel of real property, including improve-
 25 ments thereon, at the former Campion Air Force Station,

1 Alaska, as further described in subsection (b), for the pur-
2 pose of permitting the Town to use the conveyed property
3 for public purposes. The conveyance under this subsection
4 is subject to valid existing rights.

5 (b) DESCRIPTION OF PROPERTY.—The property to
6 be conveyed under subsection (a) consists of up to approxi-
7 mately 1,300 acres of the remaining land withdrawn under
8 Public Land Order No. 843 of June 24, 1952, and Public
9 Land Order No. 1405 of April 4, 1957, for use by the
10 Secretary of the Air Force as the former Campion Air
11 Force Station. The portions of the former Air Force Sta-
12 tion that are not authorized to be conveyed under sub-
13 section (a) are those portions that are subject to environ-
14 mental land use restrictions or are undergoing environ-
15 mental remediation by the Secretary of the Air Force as
16 of the date of such conveyance.

17 (c) REVERSIONARY INTEREST.—If the Secretary of
18 the Air Force determines at any time that the real prop-
19 erty conveyed under subsection (a) is not being used in
20 accordance with the purpose of the conveyance specified
21 in such subsection, all right, title, and interest in and to
22 the land, including any improvements thereto, shall, at the
23 option of the Secretary, revert to and become the property
24 of the United States, and the United States shall have
25 the right of immediate entry onto such real property. A

1 determination by the Secretary under this subsection shall
2 be made on the record after an opportunity for a hearing.

3 (d) CONVEYANCE AGREEMENT.—The conveyance of
4 land under this section shall be accomplished using a quit
5 claim deed or other legal instrument and upon terms and
6 conditions mutually satisfactory to the Secretary of the
7 Air Force, after consulting with the Secretary of the Inte-
8 rior, and the Town, including such additional terms and
9 conditions as the Secretary of the Air Force, after con-
10 sulting with the Secretary of the Interior, considers appro-
11 priate to protect the interests of the United States.

12 (e) PAYMENT OF COSTS OF CONVEYANCE.—

13 (1) PAYMENT REQUIRED.—The Secretary of
14 the Air Force shall require the Town to cover all
15 costs (except costs for environmental remediation of
16 the property) to be incurred by the Secretary of the
17 Air Force and by the Secretary of the Interior, or
18 to reimburse the appropriate Secretary for such
19 costs incurred by the Secretary, to carry out the
20 conveyance under this section, including survey
21 costs, costs for environmental documentation, and
22 any other administrative costs related to the convey-
23 ance. If amounts are collected from the Town in ad-
24 vance of the Secretary incurring the actual costs,
25 and the amount collected exceeds the costs actually

1 incurred by the Secretary to carry out the convey-
2 ance, the appropriate Secretary shall refund the ex-
3 cess amount to the Town.

4 (2) TREATMENT OF AMOUNTS RECEIVED.—

5 Amounts received under paragraph (1) as reim-
6 bursement for costs incurred by the Secretary of the
7 Air Force or by the Secretary of the Interior to
8 carry out the conveyance under subsection (a) shall
9 be credited to the fund or account that was used to
10 cover the costs incurred by the appropriate Sec-
11 retary in carrying out the conveyance, or to an ap-
12 propriate fund or account currently available to the
13 appropriate Secretary for the purposes for which the
14 costs were paid. Amounts so credited shall be
15 merged with amounts in such fund or account and
16 shall be available for the same purposes, and subject
17 to the same conditions and limitations, as amounts
18 in such fund or account.

19 (f) MAP AND LEGAL DESCRIPTION.—As soon as
20 practicable after the date of the enactment of this Act,
21 the Secretary of the Air Force, in consultation with the
22 Secretary of the Interior, shall finalize a map and the legal
23 description of the real property to be conveyed under sub-
24 section (a). The Secretary of the Air Force may correct
25 any minor errors in the map or the legal description. The

1 map and legal description shall be on file and available
2 for public inspection in the appropriate offices of the Bu-
3 reau of Land Management.

4 (g) SUPERSEDEANCE OF PUBLIC LAND ORDERS.—
5 Public Land Order Nos. 843 and 1405 are hereby super-
6 seded, but only insofar as the orders affect the lands con-
7 veyed to the Town under subsection (a).

8 **SEC. 2823. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE**
9 **AURORAL RESEARCH PROGRAM FACILITY**
10 **AND ADJACENT PROPERTY, GAKONA, ALAS-**
11 **KA.**

12 (a) CONVEYANCES AUTHORIZED.—

13 (1) CONVEYANCE TO UNIVERSITY OF ALAS-
14 KA.—The Secretary of the Air Force may convey to
15 the University of Alaska (in this section referred to
16 as the “University”) all right, title, and interest of
17 the United States in and to a parcel of real prop-
18 erty, including improvements thereon, consisting of
19 approximately 1,158 acres near the Gulkana Village,
20 Alaska, which was purchased by the Secretary of the
21 Air Force from Ahtna, Incorporated, in January
22 1989, contain a High Frequency Active Auroral Re-
23 search Program facility, and comprise a portion of
24 the property more particularly described in sub-
25 section (b), for the purpose of permitting the Uni-

1 versity to use the conveyed property for public pur-
2 poses.

3 (2) CONVEYANCE TO ALASKA NATIVE CORPORA-
4 TION.—The Secretary of the Air Force may convey
5 to Ahtna, Incorporated, (in this section referred to
6 as “Ahtna”), all right, title, and interest of the
7 United States in and to a parcel of real property, in-
8 cluding improvements thereon, consisting of approxi-
9 mately 4,259 acres near Gulkana Village, Alaska,
10 which was purchased by the Secretary of the Air
11 Force from Ahtna, Incorporated, in January 1989
12 and comprise the portion of the property more par-
13 ticularly described in subsection (b) that does not
14 contain the High Frequency Active Auroral Re-
15 search Program facility. The property to be con-
16 veyed under this paragraph does not include any of
17 the property authorized for conveyance to the Uni-
18 versity under paragraph (1).

19 (b) PROPERTY DESCRIBED.—Subject to the property
20 exclusions specified in subsection (c), the real property au-
21 thorized for conveyance under subsection (a) consists of
22 portions of sections within township 7 north, range 1 east;
23 township 7 north, range 2 east; township 8 north, range
24 1 east; and township 8 north, range 2 east; Copper River

1 Meridian, Chitina Recording District, Third Judicial Dis-
2 trict, State of Alaska, as follows:

3 (1) Township 7 north, range 1 east:

4 (A) Section 1.

5 (B) $E^{1/2}$, $S^{1/2}NW^{1/4}$, $SW^{1/4}$ of section 2.

6 (C) $S^{1/2}SE^{1/4}$, $NE^{1/4}SE^{1/4}$ of section 3.

7 (D) $E^{1/2}$ of section 10.

8 (E) Sections 11 and 12.

9 (F) That portion of $N^{1/2}$, $N^{1/2}S^{1/2}$ of sec-
10 tion 13, excluding all lands lying southerly and
11 easterly of the Glenn Highway right-of-way.

12 (G) $N^{1/2}$, $N^{1/2}S^{1/2}$ of section 14.

13 (H) $NE^{1/4}$, $NE^{1/4}SE^{1/4}$ of section 15.

14 (2) Township 7 north, range 2 east:

15 (A) $W^{1/2}$ of section 6.

16 (B) $NW^{1/4}$ of section 7, and the portion of
17 $N^{1/2}SW^{1/4}$ and $NW^{1/4}SE^{1/4}$ of such section lying
18 northerly of the Glenn Highway right-of-way.

19 (3) Township 8 north, range 1 east:

20 (A) $SE^{1/4}SE^{1/4}$ of section 35.

21 (B) $E^{1/2}$, $SW^{1/4}$, $SE^{1/4}NW^{1/4}$ of section 36.

22 (4) Township 8 north, range 2 east:

23 (A) $W^{1/2}$ of section 31.

1 (c) EXCLUSION OF CERTAIN PROPERTY.—The real
2 property authorized for conveyance under subsection (a)
3 may not include the following:

4 (1) Public easements reserved pursuant to sec-
5 tion 17(b) of the Alaska Native Claims Settlement
6 Act (43 U.S.C. 1616(b)), as described in the War-
7 ranty Deed from Ahtna, Incorporated, to the United
8 States, dated March 1, 1990, recorded in Book 31,
9 pages 665 through 668 in the Chitina Recording
10 District, Third Judicial District, Alaska.

11 (2) Easement for an existing trail as described
12 in the such Warranty Deed from Ahtna, Incor-
13 porated, to the United States.

14 (3) The subsurface estate.

15 (d) CONSIDERATION.—

16 (1) CONVEYANCE TO UNIVERSITY.—As consid-
17 eration for the conveyance of property under sub-
18 section (a)(1), the University shall provide the
19 United States with consideration in an amount that
20 is acceptable to the Secretary of the Air Force,
21 whether in the form of cash payment, in-kind con-
22 sideration, or a combination thereof.

23 (2) CONVEYANCE TO AHTNA.—As consideration
24 for the conveyance of property under subsection
25 (a)(2), Ahtna shall provide the United States with

1 consideration in an amount that is acceptable to the
2 Secretary, whether in the form of cash payment, in-
3 kind consideration, a land exchange under the Alas-
4 ka Native Claims Settlement Act (43 U.S.C. 1601 et
5 seq), or a combination thereof.

6 (3) TREATMENT OF CASH CONSIDERATION RE-
7 CEIVED.—Any cash payment received by the Sec-
8 retary as consideration for a conveyance under sub-
9 section (a) shall be deposited in the special account
10 in the Treasury established under subsection (b) of
11 section 572 of title 40, United States Code, and
12 shall be available in accordance with paragraph
13 (5)(B) of such subsection.

14 (e) REVERSIONARY INTEREST.—If the Secretary of
15 the Air Force determines at any time that the real prop-
16 erty conveyed under subsection (a)(1) is not being used
17 by the University in accordance with the purposes of the
18 conveyance specified in such subsection, all right, title, and
19 interest in and to the property, including any improve-
20 ments thereto, shall, at the option of the Secretary, revert
21 to and become the property of the United States, and the
22 United States shall have the right of immediate entry onto
23 such property. A determination by the Secretary under
24 this subsection shall be made on the record after an oppor-
25 tunity for a hearing.

1 (f) PAYMENT OF COSTS OF CONVEYANCE.—

2 (1) PAYMENT REQUIRED.—The Secretary of
3 the Air Force shall require the recipient of real
4 property under this section to cover all costs to be
5 incurred by the Secretary, or to reimburse the Sec-
6 retary for such costs incurred by the Secretary, to
7 carry out the conveyance of that property, including
8 survey costs, costs for environmental documentation,
9 and any other administrative costs related to the
10 conveyance. If amounts are collected in advance of
11 the Secretary incurring the actual costs, and the
12 amount collected exceeds the costs actually incurred
13 by the Secretary to carry out the conveyance, the
14 Secretary shall refund the excess amount to the re-
15 cipient.

16 (2) TREATMENT OF AMOUNTS RECEIVED.—
17 Amounts received under paragraph (1) as reim-
18 bursement for costs incurred by the Secretary to
19 carry out a conveyance under this section shall be
20 credited and made available to the Secretary as pro-
21 vided in section 2695(c) of title 10, United States
22 Code.

23 (g) CONVEYANCE AGREEMENT.—The conveyance of
24 property under this section shall be accomplished using
25 a quit claim deed or other legal instrument and upon

1 terms and conditions mutually satisfactory to the Sec-
2 retary of the Air Force and the recipient of the property,
3 including such additional terms and conditions as the Sec-
4 retary considers appropriate to protect the interests of the
5 United States.

6 **SEC. 2824. TRANSFER OF FORT BELVOIR MARK CENTER**
7 **CAMPUS FROM THE SECRETARY OF THE**
8 **ARMY TO THE SECRETARY OF DEFENSE AND**
9 **APPLICABILITY OF CERTAIN PROVISIONS OF**
10 **LAW RELATING TO THE PENTAGON RESERVA-**
11 **TION.**

12 (a) INCLUSION OF MARK CENTER CAMPUS UNDER
13 PENTAGON RESERVATION AUTHORITIES.—

14 (1) DEFINITION OF PENTAGON RESERVA-
15 TION.—Paragraph (1) of subsection (f) of section
16 2674 of title 10, United States Code, is amended to
17 read as follows:

18 “(1) The term ‘Pentagon Reservation’ means
19 the Pentagon, the Mark Center Campus, and the
20 Raven Rock Mountain Complex.”.

21 (2) OTHER DEFINITIONS.—Such subsection is
22 further amended by adding at the end the following
23 new paragraphs:

24 “(3) The term ‘Pentagon’ means that area of
25 land (consisting of approximately 227 acres) and im-

1 provements thereon, including parking areas, located
2 in Arlington County, Virginia, containing the Pen-
3 tagon Office Building and its supporting facilities.

4 “(4) The term ‘Mark Center Campus’ means
5 that area of land (consisting of approximately 16
6 acres) and improvements thereon, including parking
7 areas, located in Alexandria, Virginia, and known on
8 the day before the date of the enactment of this
9 paragraph as the Fort Belvoir Mark Center Cam-
10 pus.

11 “(5) The term ‘Raven Rock Mountain Complex’
12 means that area of land (consisting of approximately
13 720 acres) and improvements thereon, including
14 parking areas, at the Raven Rock Mountain Com-
15 plex and its supporting facilities located in Maryland
16 and Pennsylvania.”.

17 (3) CONFORMING AMENDMENT RELATING TO
18 LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1)
19 of such section is amended by inserting “for the
20 Pentagon Reservation and” after “law enforcement
21 and security functions”.

22 (4) CONFORMING AMENDMENT RELATING TO
23 DEFINITIONS.—Subsection (g) of such section is re-
24 pealed.

1 (b) UPDATE TO REFERENCE TO SECRETARY OF DE-
2 FENSE AUTHORITY.—Subsection (a) of such section is
3 amended—

4 (1) by striking “Jurisdiction” and inserting
5 “The Secretary of Defense has jurisdiction”; and

6 (2) by striking “is transferred to the Secretary
7 of Defense”.

8 (c) REPEAL OF OBSOLETE REPORTING REQUIRE-
9 MENT.—Such subsection is further amended—

10 (1) by striking “(1)” after “(a)”; and

11 (2) by striking paragraphs (2) and (3).

12 (d) SUBSECTION CAPTIONS.—Such section is further
13 amended—

14 (1) in subsection (a), as amended by subsection
15 (c) of this section, by inserting “PENTAGON RES-
16 ERVATION.—” after “(a)”;

17 (2) in subsection (b), by striking “(b)(1)” and
18 inserting “(b) LAW ENFORCEMENT AUTHORITIES
19 AND PERSONNEL.—(1)”;

20 (3) in subsection (c), by striking “(c)(1)” and
21 inserting “(c) REGULATIONS AND ENFORCEMENT.—
22 (1)”;

23 (4) in subsection (d), by inserting “AUTHORITY
24 TO CHARGE FOR PROVISION OF CERTAIN SERVICES
25 AND FACILITIES.—” after “(d)”;

1 (5) in subsection (e), by striking “(e)(1)” and
2 inserting “(e) PENTAGON RESERVATION MAINTEN-
3 NANCE REVOLVING FUND.—(1)”; and

4 (6) in subsection (f), by inserting “DEFINI-
5 TIONS.—” after “(f)”.

6 **SEC. 2825. TRANSFER OF ADMINISTRATIVE JURISDICTIONS,**
7 **NAVAJO ARMY DEPOT, ARIZONA.**

8 (a) **IN GENERAL.**—Except as provided under sub-
9 section (b), all administrative jurisdiction of the Secretary
10 of Agriculture over 23,682 acres of National Forest Sys-
11 tem land located within the Kaibab National Forest and
12 the Coconino National Forest shown on the map entitled
13 “Navajo Army Depot Jurisdiction” and dated May 9,
14 2016, is hereby transferred to the Secretary of the Army.

15 (b) **VOLUNTEER MOUNTAIN LOOKOUT.**—The Sec-
16 retary of Agriculture shall retain road access to the Volun-
17 teer Lookout Mountain as depicted on the map referred
18 to in subsection (a).

19 (c) **RESTORATION OR REMEDIATION.**—

20 (1) **JURISDICTION TRANSFERRED TO THE SEC-**
21 **RETARY OF THE ARMY.**—The Secretary of the Army
22 shall be responsible for, and fund any environmental
23 restoration or remediation that is required for, the
24 abatement of any release of hazardous substances,
25 pollutants, contaminants, or petroleum products on

1 the land referenced in subsection (a), and shall hold
2 harmless the Secretary of Agriculture from any fi-
3 nancial obligation to contribute to any such restora-
4 tion or remediation.

5 (2) JURISDICTION RETAINED BY SECRETARY OF
6 AGRICULTURE.—With respect to the approximately
7 4,741 acres of land that were withdrawn and re-
8 served for use by the Secretary of the Army pursu-
9 ant to the Public Land Orders referenced in sub-
10 section (d) for which the Secretary of Agriculture
11 will retain administrative jurisdiction, the Secretary
12 of the Army shall be responsible for, and fund any
13 environmental restoration or remediation that is re-
14 quired for, the abatement of any release of haz-
15 ardous substances, pollutants, contaminants, or pe-
16 troleum products on the lands that occurred prior to
17 the date of the enactment of this section.

18 (d) REVOCATION.—Public Land Order 59 (dated No-
19 vember 12, 1942) and Public Land Order 176 (dated Sep-
20 tember 29, 1943) are hereby revoked.

21 (e) REVERSIONARY INTEREST.—On the request of
22 the owners of the Camp Navajo railroad 1 parcel and the
23 Camp Navajo railroad 2 parcel, any reversionary interest
24 of the United States pursuant to the Act of July 27, 1866
25 (14 Stat. 292, chapter 278), in and to the Camp Navajo

1 railroad 1 parcel shall be transferred to the Camp Navajo
2 railroad 2 parcel.

3 (f) RELEASE.—On transfer of the reversionary inter-
4 est under subsection (e), the Camp Navajo railroad 1 par-
5 cel shall no longer be subject to the reversionary interest
6 described in that subsection.

7 (g) DEFINITIONS.—In this section:

8 (1) CAMP NAVAJO RAILROAD 1 PARCEL.—The
9 term “Camp Navajo railroad 1 parcel” means the
10 land described in the deed recorded in Coconino
11 County, Arizona, on October 6, 2014, as document
12 number 3703647.

13 (2) CAMP NAVAJO RAILROAD 2 PARCEL.—The
14 term “Camp Navajo railroad 2 parcel” means the
15 parcel of land as described in the deed recorded in
16 Coconino County, Arizona, on June 2, 2006, as doc-
17 ument number 3386576.

18 **SEC. 2826. LEASE, JOINT BASE ELMENDORF-RICHARDSON,**

19 **ALASKA.**

20 (a) LEASES AUTHORIZED.—

21 (1) LEASE TO MUNICIPALITY OF ANCHOR-
22 AGE.—The Secretary of the Air Force may lease to
23 the Municipality of Anchorage, Alaska, certain real
24 property, to include improvements thereon, at Joint
25 Base Elmendorf-Richardson (“JBER”), Alaska, as

1 more particularly described in subsection (b) for the
2 purpose of permitting the Municipality to use the
3 leased property for recreational purposes.

4 (2) LEASE TO MOUNTAIN VIEW LIONS CLUB.—

5 The Secretary of the Air Force may lease to the
6 Mountain View Lions Club certain real property, to
7 include improvements thereon, at JBER, as more
8 particularly described in subsection (b) for the pur-
9 pose of the installation, operation, maintenance, pro-
10 tection, repair and removal of recreational equip-
11 ment.

12 (b) DESCRIPTION OF PROPERTY.—

13 (1) The real property to be leased under sub-
14 section (a)(1) consists of the real property described
15 in Department of the Air Force Lease No.
16 DACA85-1-99-14.

17 (2) The real property to be leased under sub-
18 section (a)(2) consists of real property described in
19 Department of the Air Force Lease No. DACA85-
20 1-97-36.

21 (c) TERM AND CONDITIONS OF LEASES.—

22 (1) TERM OF LEASES.—The term of the leases
23 authorized under subsection (a) shall not exceed 25
24 years.

1 (2) OTHER TERMS AND CONDITIONS.—Except
2 as otherwise provided in this section—

3 (A) the remaining terms and conditions of
4 the lease under subsection (a)(1) shall consist
5 of the same terms and conditions described in
6 Department of the Air Force Lease No.
7 DACA85-1-99-14; and

8 (B) the remaining terms and conditions of
9 the lease under subsection (a)(2) shall consist
10 of the same terms and conditions described in
11 Department of the Air Force Lease No.
12 DACA85-1-97-36.

13 (d) ADDITIONAL TERMS AND CONDITIONS.—The
14 Secretary may require such additional terms and condi-
15 tions in connection with the leases under this section as
16 the Secretary considers appropriate to protect the inter-
17 ests of the United States.

1 **Subtitle D—Utah Land**
2 **Withdrawals and Exchanges.**

3 **PART I—AUTHORIZATION FOR TEMPORARY CLO-**
4 **SURE OF CERTAIN PUBLIC LAND ADJACENT**
5 **TO THE UTAH TEST AND TRAINING RANGE**

6 **SEC. 2831. SHORT TITLE.**

7 This part may be cited as the “Utah Test and Train-
8 ing Range Encroachment Prevention and Temporary Clo-
9 sure Act”.

10 **SEC. 2832. DEFINITIONS.**

11 In this part:

12 (1) **BLM LAND.**—The term “BLM land”
13 means certain public land administered by the Bu-
14 reau of Land Management land in the State com-
15 prising approximately 703,621 acres, as generally
16 depicted on the map entitled “Utah Test and Train-
17 ing Range Enhancement/West Desert Land Ex-
18 change” and dated May 7, 2016.

19 (2) **SECRETARY.**—The term “Secretary” means
20 the Secretary of the Interior.

21 (3) **STATE.**—The term “State” means the State
22 of Utah.

23 (4) **UTAH TEST AND TRAINING RANGE.**—The
24 term “Utah Test and Training Range” means the
25 portions of the military land and airspace operating

1 area of the Utah Test and Training Area that are
2 located in the State, including the Dugway Proving
3 Ground.

4 **SEC. 2833. MEMORANDUM OF AGREEMENT.**

5 (a) MEMORANDUM OF AGREEMENT.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary and
8 the Secretary of the Air Force shall enter into a
9 memorandum of agreement to authorize the Sec-
10 retary of the Air Force, in consultation with the Sec-
11 retary, to impose limited closures of the BLM land
12 for military operations and national security and
13 public safety purposes, as provided in this part.

14 (2) DRAFT.—

15 (A) IN GENERAL.—Not later than 180
16 days after the date of enactment of this Act,
17 the Secretary and the Secretary of the Air
18 Force shall complete a draft of the memo-
19 randum of agreement required under paragraph
20 (1).

21 (B) PUBLIC COMMENT PERIOD.—During
22 the 30-day period beginning on the date on
23 which the draft memorandum of agreement is
24 completed under subparagraph (A), there shall
25 be an opportunity for public comment on the

1 draft memorandum of agreement, including an
2 opportunity for the Utah Test and Training
3 Range Community Resource Advisory Group es-
4 tablished under section 2836 to provide com-
5 ments on the draft memorandum of agreement.

6 (3) MANAGEMENT BY SECRETARY.—The memo-
7 randum of agreement entered into under paragraph
8 (1) shall provide that the Secretary shall continue to
9 manage the BLM land in accordance with the Fed-
10 eral Land Policy and Management Act of 1976 (43
11 U.S.C. 1701 et seq.) and applicable land use plans,
12 while allowing for the temporary closure of the BLM
13 land in accordance with this part.

14 (4) PERMITS AND RIGHTS-OF-WAY.—

15 (A) IN GENERAL.—The Secretary shall
16 consult with the Secretary of the Air Force re-
17 garding Utah Test and Training Range mission
18 requirements before issuing new use permits or
19 rights-of-way on the BLM land.

20 (B) FRAMEWORK.—The Secretary and the
21 Secretary of the Air Force shall establish within
22 the memorandum of agreement entered into
23 under paragraph (1) a framework agreed to by
24 the Secretary and the Secretary of the Air
25 Force for resolving any disagreement on the

1 issuance of permits or rights-of-way on the
2 BLM land.

3 (5) TERMINATION.—

4 (A) IN GENERAL.—The memorandum of
5 agreement entered into under paragraph (1)
6 shall be for a term to be determined by the Sec-
7 retary and the Secretary of the Air Force, not
8 to exceed 25 years.

9 (B) EARLY TERMINATION.—The memo-
10 randum of agreement may be terminated before
11 the date determined under subparagraph (A) if
12 the Secretary of the Air Force determines that
13 the temporary closure of the BLM land is no
14 longer necessary to fulfill Utah Test and Train-
15 ing Range mission requirements.

16 (b) MAP.—The Secretary may correct any minor er-
17 rors in the map described in section 2832(1).

18 (c) LAND SAFETY.—If corrective action is necessary
19 on the BLM land due to an action of the Air Force, the
20 Secretary of the Air Force shall—

21 (1) render the BLM land safe for public use;

22 and

23 (2) appropriately communicate the safety of the
24 land to the Secretary on the date on which the BLM

1 land is rendered safe for public use under paragraph
2 (1).

3 (d) CONSULTATION.—The Secretary shall consult
4 with any federally recognized Indian tribe in the vicinity
5 of the BLM land before entering into any agreement
6 under this part.

7 (e) GRAZING.—

8 (1) EFFECT.—Nothing in this part impacts the
9 management of grazing on the BLM land.

10 (2) CONTINUATION OF GRAZING MANAGE-
11 MENT.—The Secretary shall continue grazing man-
12 agement on the BLM land pursuant to the Federal
13 Land Policy and Management Act of 1976 (43
14 U.S.C. 1701 et seq.) and applicable resource man-
15 agement plans.

16 (f) MEMORANDUM OF UNDERSTANDING ON EMER-
17 GENCY ACCESS AND RESPONSE.—Nothing in this section
18 precludes the continuation of the memorandum of under-
19 standing between the Department of the Interior and the
20 Department of the Air Force with respect to emergency
21 access and response, as in existence on the date of enact-
22 ment of this Act.

23 (g) WITHDRAWAL.—Subject to valid existing rights,
24 the BLM land is withdrawn from all forms of appropria-

1 tion under the public land laws, including the mining laws,
2 the mineral leasing laws, and the geothermal leasing laws.

3 **SEC. 2834. TEMPORARY CLOSURES.**

4 (a) IN GENERAL.—If the Secretary of the Air Force
5 determines that military operations (including operations
6 relating to the fulfillment of the mission of the Utah Test
7 and Training Range), public safety, or national security
8 require the temporary closure to public use of any road,
9 trail, or other portion of the BLM land, the Secretary of
10 the Air Force may take such action as the Secretary of
11 the Air Force, in consultation with the Secretary, deter-
12 mines necessary to carry out the temporary closure.

13 (b) LIMITATIONS.—Any temporary closure under
14 subsection (a)—

15 (1) shall be limited to the minimum areas and
16 periods during which the Secretary of the Air Force
17 determines are required to carry out a closure under
18 this section;

19 (2) shall not occur on a State or Federal holi-
20 day, unless notice is provided in accordance with
21 subsection (c)(1)(B);

22 (3) shall not occur on a Friday, Saturday, or
23 Sunday, unless notice is provided in accordance with
24 subsection (c)(1)(B); and

1 (4)(A) if practicable, shall be for not longer
2 than a 3-hour period per day;

3 (B) shall only be for longer than a 3-hour
4 period per day—

5 (i) for mission essential reasons; and

6 (ii) as infrequently as practicable and
7 in no case for more than 10 days per year;
8 and

9 (C) shall in no case be for longer than a
10 6-hour period per day.

11 (c) NOTICE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), the Secretary of the Air Force shall—

14 (A) keep appropriate warning notices post-
15 ed before and during any temporary closure;
16 and

17 (B) provide notice to the Secretary, public,
18 and relevant stakeholders concerning the tem-
19 porary closure—

20 (i) at least 30 days before the date on
21 which the temporary closure goes into ef-
22 fect;

23 (ii) in the case of a closure during the
24 period beginning on March 1 and ending
25 on May 31, at least 60 days before the

1 date on which the closure goes into effect;
2 or
3 (iii) in the case of a closure described
4 in paragraph (3) or (4) of subsection (b),
5 at least 90 days before the date on which
6 the closure goes into effect.

7 (2) SPECIAL NOTIFICATION PROCEDURES.—In
8 each case for which a mission-unique security re-
9 quirement does not allow for the notifications de-
10 scribed in paragraph (1)(B), the Secretary of the Air
11 Force shall work with the Secretary to achieve a mu-
12 tually agreeable timeline for notification.

13 (d) MAXIMUM ANNUAL CLOSURES.—The total cumu-
14 lative hours of temporary closures authorized under this
15 section with respect to the BLM land shall not exceed 100
16 hours annually.

17 (e) PROHIBITION ON CERTAIN TEMPORARY CLO-
18 SURES.—The northernmost area identified as “Newfound-
19 land’s” on the map described in section 2832(1) shall not
20 be subject to any temporary closure between August 21
21 and February 28, in accordance with the lawful hunting
22 seasons of the State of Utah.

23 (f) EMERGENCY GROUND RESPONSE.—A temporary
24 closure of a portion of the BLM land shall not affect the

1 conduct of emergency response activities on the BLM land
2 during the temporary closure.

3 (g) LIVESTOCK.—Livestock authorized by a Federal
4 grazing permit shall be allowed to remain on the BLM
5 land during a temporary closure of the BLM land under
6 this section.

7 (h) LAW ENFORCEMENT AND SECURITY.—The Sec-
8 retary and the Secretary of the Air Force may enter into
9 cooperative agreements with State and local law enforce-
10 ment officials with respect to lawful procedures and proto-
11 cols to be used in promoting public safety and operation
12 security on or near the BLM land during noticed test and
13 training periods.

14 **SEC. 2835. LIABILITY.**

15 The United States (including all departments, agen-
16 cies, officers, and employees of the United States) shall
17 be held harmless and shall not be liable for any injury
18 or damage to any individual or property suffered in the
19 course of any mining, mineral, or geothermal activity, or
20 any other authorized nondefense-related activity, con-
21 ducted on the BLM land.

22 **SEC. 2836. COMMUNITY RESOURCE ADVISORY GROUP.**

23 (a) ESTABLISHMENT.—Not later than 90 days after
24 the date of enactment of this Act, there shall be estab-
25 lished the Utah Test and Training Range Community Re-

1 source Advisory Group (referred to in this section as the
2 “Community Group”) to provide regular and continuing
3 input to the Secretary and the Secretary of the Air Force
4 on matters involving public access to, use of, and overall
5 management of the BLM land.

6 (b) MEMBERSHIP.—

7 (1) IN GENERAL.—The Secretary shall appoint
8 members to the Community Group, including—

9 (A) 1 representative of Indian tribes in the
10 vicinity of the BLM land, to be nominated by
11 a majority vote conducted among the Indian
12 tribes in the vicinity of the BLM land;

13 (B) not more than 1 county commissioner
14 from each of Box Elder, Tooele, and Juab
15 Counties, Utah;

16 (C) 2 representatives of off-road and high-
17 way use, hunting, or other recreational users of
18 the BLM land;

19 (D) 2 representatives of livestock permit-
20 tees on public land located within the BLM
21 land;

22 (E) 1 representative of the Utah Depart-
23 ment of Agriculture and Food; and

24 (F) not more than 3 representatives of
25 State or Federal offices or agencies, or private

1 groups or individuals, if the Secretary deter-
2 mines that such representatives would further
3 the goals and objectives of the Community
4 Group.

5 (2) CHAIRPERSON.—The members described in
6 paragraph (1) shall elect from among the members
7 of the Community Group—

8 (A) 1 member to serve as Chairperson of
9 the Community Group; and

10 (B) 1 member to serve as Vice-Chairperson
11 of the Community Group.

12 (3) AIR FORCE PERSONNEL.—The Secretary of
13 the Air Force shall appoint appropriate operational
14 and land management personnel of the Air Force to
15 serve as a liaison to the Community Group.

16 (c) CONDITIONS AND TERMS OF APPOINTMENT.—

17 (1) IN GENERAL.—Each member of the Com-
18 munity Group shall serve voluntarily and without
19 compensation.

20 (2) TERM OF APPOINTMENT.—

21 (A) IN GENERAL.—Each member of the
22 Community Group shall be appointed for a
23 term of 4 years.

24 (B) ORIGINAL MEMBERS.—Notwith-
25 standing subparagraph (A), the Secretary shall

1 select 1/2 of the original members of the Com-
2 munity Group to serve for a term of 4 years
3 and the 1/2 to serve for a term of 2 years to en-
4 sure the replacement of members shall be stag-
5 gered from year to year.

6 (C) REAPPOINTMENT AND REPLACE-
7 MENT.—The Secretary may reappoint or re-
8 place a member of the Community Group ap-
9 pointed under subsection (b)(1), if—

10 (i) the term of the member has ex-
11 pired;

12 (ii) the member has retired; or

13 (iii) the position held by the member
14 described in subparagraph (A) through (F)
15 of paragraph (1) has changed to the extent
16 that the ability of the member to represent
17 the group or entity that the member rep-
18 resents has been significantly affected.

19 (d) MEETINGS.—

20 (1) IN GENERAL.—The Community Group shall
21 meet not less than once per year, and at such other
22 frequencies as determined by 5 or more of the mem-
23 bers of the Community Group.

24 (2) RESPONSIBILITIES OF COMMUNITY
25 GROUP.—The Community Group shall be responsible

1 for determining appropriate schedules for, details of,
2 and actions for meetings of the Community Group.

3 (3) NOTICE.—The Chairperson shall provide
4 notice to each member of the Community Group not
5 less than 10 business days before the date of a
6 scheduled meeting.

7 (4) EXEMPT FROM FEDERAL ADVISORY COM-
8 MITTEE ACT.—The Federal Advisory Committee Act
9 (5 U.S.C. App.) shall not apply to meetings of the
10 Community Group.

11 (e) RECOMMENDATIONS OF COMMUNITY GROUP.—
12 The Secretary and Secretary of the Air Force, consistent
13 with existing laws (including regulations), shall take under
14 consideration recommendations from the Community
15 Group.

16 (f) TERMINATION OF AUTHORITY.—The Community
17 Group shall terminate on the date that is 10 years after
18 the date of enactment of this Act.

19 **SEC. 2837. SAVINGS CLAUSES.**

20 (a) EFFECT ON WEAPON IMPACT AREA.—Nothing in
21 this part expands the boundaries of the weapon impact
22 area of the Utah Test and Training Range.

23 (b) EFFECT ON SPECIAL USE AIRSPACE AND TRAIN-
24 ING ROUTES.—Nothing in this part precludes—

1 (1) the designation of new units of special use
2 airspace; or

3 (2) the expansion of existing units of special
4 use airspace.

5 (c) EFFECT ON EXISTING MILITARY SPECIAL USE
6 AIRSPACE AGREEMENT.—Nothing in this part limits or
7 alters the Military Operating Areas of Airspace Use
8 Agreement between the Federal Aviation Administration
9 and the Air Force in effect on the date of enactment of
10 this Act.

11 (d) EFFECT ON EXISTING RIGHTS AND AGREE-
12 MENTS.—

13 (1) KNOLLS SPECIAL RECREATION MANAGE-
14 MENT AREA; BLM COMMUNITY PITS.—Except as oth-
15 erwise provided in section 2834, nothing in this part
16 limits or alters any existing right or right of access
17 to—

18 (A) the Knolls Special Recreation Manage-
19 ment Area; or

20 (B)(i) the Bureau of Land Management
21 Community Pits Central Grayback and South
22 Grayback; and

23 (ii) any other county or community pit lo-
24 cated within close proximity to the BLM land.

1 (e) INTERSTATE 80.—Nothing in this part authorizes
2 any additional authority or right to the Secretary or the
3 Secretary of the Air Force to temporarily close Interstate
4 80.

5 (f) EFFECT ON LIMITATION ON AMENDMENTS TO
6 CERTAIN INDIVIDUAL RESOURCE MANAGEMENT
7 PLANS.—Nothing in this part affects the limitation estab-
8 lished under section 2815(d) of the National Defense Au-
9 thorization Act for Fiscal Year 2000 (Public Law 106–
10 65; 113 Stat. 852).

11 (g) EFFECT ON PREVIOUS MEMORANDUM OF UN-
12 DERSTANDING.—Nothing in this part affects the memo-
13 randum of understanding entered into by the Air Force,
14 the Bureau of Land Management, the Utah Department
15 of Natural Resources, and the Utah Division of Wildlife
16 Resources relating to the reestablishment of bighorn sheep
17 in the Newfoundland Mountains and signed by the parties
18 to the memorandum of understanding during the period
19 beginning on January 24, 2000, and ending on February
20 4, 2000.

21 (h) EFFECT ON FEDERALLY RECOGNIZED INDIAN
22 TRIBES.—Nothing in this part alters any right reserved
23 by treaty or Federal law for a Federally recognized Indian
24 tribe for tribal use.

1 (i) PAYMENTS IN LIEU OF TAXES.—Nothing in this
2 part diminishes, enhances, or otherwise affects any other
3 right or entitlement of the counties in which the BLM land
4 is situated to payments in lieu of taxes based on the BLM
5 land, under section 6901 of title 31, United States Code.

6 (j) WILDLIFE IMPROVEMENTS.—The Secretary and
7 the Utah Division of Wildlife Resources shall continue the
8 management of wildlife improvements, including guzzlers,
9 in existence as of the date of enactment of this Act on
10 the BLM land.

11 **PART II—BUREAU OF LAND MANAGEMENT LAND**

12 **EXCHANGE WITH STATE OF UTAH**

13 **SEC. 2841. DEFINITIONS.**

14 In this part:

15 (1) EXCHANGE MAP.—The term “Exchange
16 Map” means the map prepared by the Bureau of
17 Land Management entitled “Utah Test and Train-
18 ing Range Enhancement/West Desert Land Ex-
19 change” and dated May 7, 2016.

20 (2) FEDERAL LAND.—The term “Federal land”
21 means the Bureau of Land Management land lo-
22 cated in Box Elder, Millard, Juab, Tooele, and Bea-
23 ver Counties, Utah, that is identified on the Ex-
24 change Map as “BLM Lands Proposed for Transfer
25 to State Trust Lands”.

1 (3) NON-FEDERAL LAND.—The term “non-Fed-
2 eral land” means the land owned by the State in
3 Box Elder, Tooele, and Juab Counties, Utah, that is
4 identified on the Exchange Map as—

5 (A) “State Trust Land Proposed for
6 Transfer to BLM”; and

7 (B) “State Trust Minerals Proposed for
8 Transfer to BLM”.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

11 (5) STATE.—The term “State” means the State
12 of Utah, acting through the School and Institutional
13 Trust Lands Administration.

14 **SEC. 2842. EXCHANGE OF FEDERAL LAND AND NON-FED-**
15 **ERAL LAND.**

16 (a) IN GENERAL.—If the State offers to convey to
17 the United States title to the non-Federal land, the Sec-
18 retary shall—

19 (1) accept the offer; and

20 (2) on receipt of all right, title, and interest in
21 and to the non-Federal land, convey to the State (or
22 a designee) all right, title, and interest of the United
23 States in and to the Federal land.

24 (b) APPLICABLE LAW.—

1 (1) IN GENERAL.—The land exchange shall be
2 subject to section 206 of the Federal Land Policy
3 and Management Act of 1976 (43 U.S.C. 1716) and
4 other applicable law.

5 (2) EFFECT OF STUDY.—The Secretary shall
6 carry out the land exchange under this title notwith-
7 standing section 2815(d) of the National Defense
8 Authorization Act for Fiscal Year 2000 (Public Law
9 106–65; 113 Stat. 852).

10 (3) LAND USE PLANNING.—The Secretary shall
11 not be required to undertake any additional land use
12 planning under section 202 of the Federal Land Pol-
13 icy and Management Act of 1976 (43 U.S.C. 1712)
14 before the conveyance of the Federal land under this
15 part.

16 (c) VALID EXISTING RIGHTS.—The exchange author-
17 ized under subsection (a) shall be subject to valid existing
18 rights.

19 (d) TITLE APPROVAL.—Title to the Federal land and
20 non-Federal land to be exchanged under this part shall
21 be in a format acceptable to the Secretary and the State.

22 (e) APPRAISALS.—

23 (1) IN GENERAL.—The value of the Federal
24 land and the non-Federal land to be exchanged
25 under this part shall be determined by appraisals

1 conducted by 1 or more independent and qualified
2 appraisers.

3 (2) STATE APPRAISER.—The Secretary and the
4 State may agree to use an independent and qualified
5 appraiser retained by the State, with the consent of
6 the Secretary.

7 (3) APPLICABLE LAW.—The appraisals under
8 paragraph (1) shall be conducted in accordance with
9 nationally recognized appraisal standards, including,
10 as appropriate, the Uniform Appraisal Standards for
11 Federal Land Acquisitions and the Uniform Stand-
12 ards of Professional Appraisal Practice.

13 (4) MINERALS.—

14 (A) MINERAL REPORTS.—The appraisals
15 under paragraph (1) may take into account
16 mineral and technical reports provided by the
17 Secretary and the State in the evaluation of
18 minerals in the Federal land and non-Federal
19 land.

20 (B) MINING CLAIMS.—Federal land that is
21 encumbered by a mining or millsite claim lo-
22 cated under sections 2318 through 2352 of the
23 Revised Statutes (commonly known as the
24 “Mining Law of 1872”) (30 U.S.C. 21 et seq.)
25 shall be appraised in accordance with standard

1 appraisal practices, including, as appropriate,
2 the Uniform Appraisal Standards for Federal
3 Land Acquisition.

4 (C) VALIDITY EXAMINATION.—Nothing in
5 this part requires the Secretary to conduct a
6 mineral examination for any mining claim on
7 the Federal land.

8 (5) APPROVAL.—An appraisal conducted under
9 paragraph (1) shall be submitted to the Secretary
10 and the State for approval.

11 (6) DURATION.—An appraisal conducted under
12 paragraph (1) shall remain valid for 3 years after
13 the date on which the appraisal is approved by the
14 Secretary and the State.

15 (7) COST OF APPRAISAL.—

16 (A) IN GENERAL.—The cost of an ap-
17 praisal conducted under paragraph (1) shall be
18 paid equally by the Secretary and the State.

19 (B) REIMBURSEMENT BY SECRETARY.—If
20 the State retains an appraiser in accordance
21 with paragraph (2), the Secretary shall reim-
22 burse the State in an amount equal to 50 per-
23 cent of the costs incurred by the State.

24 (f) CONVEYANCE OF TITLE.—It is the intent of Con-
25 gress that the land exchange authorized under this part

1 shall be completed not later than 1 year after the date
2 of final approval by the Secretary and the State of the
3 appraisals conducted under subsection (e).

4 (g) PUBLIC INSPECTION AND NOTICE.—

5 (1) PUBLIC INSPECTION.—At least 30 days be-
6 fore the date of conveyance of the Federal land and
7 non-Federal land, all final appraisals and appraisal
8 reviews for the Federal land and non-Federal land
9 to be exchanged under this part shall be available
10 for public review at the office of the State Director
11 of the Bureau of Land Management in the State.

12 (2) NOTICE.—The Secretary or the State, as
13 applicable, shall publish in a newspaper of general
14 circulation in Salt Lake County, Utah, a notice that
15 the appraisals conducted under subsection (e) are
16 available for public inspection.

17 (h) CONSULTATION WITH INDIAN TRIBES.—The
18 Secretary shall consult with any federally recognized In-
19 dian tribe in the vicinity of the Federal land and non-Fed-
20 eral land to be exchanged under this part before the com-
21 pletion of the land exchange.

22 (i) EQUAL VALUE EXCHANGE.—

23 (1) IN GENERAL.—The value of the Federal
24 land and non-Federal land to be exchanged under
25 this part—

1 (A) shall be equal; or

2 (B) shall be made equal in accordance with
3 paragraph (2).

4 (2) EQUALIZATION.—

5 (A) SURPLUS OF FEDERAL LAND.—

6 (i) IN GENERAL.—If the value of the
7 Federal land exceeds the value of the non-
8 Federal land, the value of the Federal land
9 and non-Federal land shall be equalized by
10 the State conveying to the Secretary, as
11 necessary to equalize the value of the Fed-
12 eral land and non-Federal land—

13 (I) State trust land parcel 1, as
14 described in the assessment entitled
15 “Bureau of Land Management Envi-
16 ronmental Assessment UT-100-06-
17 EA”, numbered UTU-82090, and
18 dated March 2008; or

19 (II) State trust land located
20 within any of the wilderness areas or
21 national conservation areas in Wash-
22 ington County, Utah, established
23 under subtitle O of title I of the Om-
24 nibus Public Land Management Act

1 of 2009 (Public Law 111–11; 123
2 Stat. 1075).

3 (ii) ORDER OF CONVEYANCES.—Any
4 non-Federal land required to be conveyed
5 to the Secretary under clause (i) shall be
6 conveyed until the value of the Federal
7 land and non-Federal land is equalized.

8 (B) SURPLUS OF NON-FEDERAL LAND.—If
9 the value of the non-Federal land exceeds the
10 value of the Federal land, the value of the Fed-
11 eral land and the non-Federal land shall be
12 equalized—

13 (i) by the Secretary making a cash
14 equalization payment to the State, in ac-
15 cordance with section 206(b) of the Fed-
16 eral Land Policy and Management Act of
17 1976 (43 U.S.C. 1716(b)); or

18 (ii) by removing non-Federal land
19 from the exchange.

20 (j) GRAZING PERMITS.—

21 (1) IN GENERAL.—If the Federal land or non-
22 Federal land exchanged under this part is subject to
23 a lease, permit, or contract for the grazing of domes-
24 tic livestock in effect on the date of acquisition, the
25 Secretary and the State shall allow the grazing to

1 continue for the remainder of the term of the lease,
2 permit, or contract, subject to the related terms and
3 conditions of user agreements, including permitted
4 stocking rates, grazing fee levels, access rights, and
5 ownership and use of range improvements.

6 (2) RENEWAL.—To the extent allowed by Fed-
7 eral or State law, on expiration of any grazing lease,
8 permit, or contract described in paragraph (1), the
9 holder of the lease, permit, or contract shall be enti-
10 tled to a preference right to renew the lease, permit,
11 or contract.

12 (3) CANCELLATION.—

13 (A) IN GENERAL.—Nothing in this part
14 prevents the Secretary or the State from can-
15 celing or modifying a grazing permit, lease, or
16 contract if the Federal land or non-Federal
17 land subject to the permit, lease, or contract is
18 sold, conveyed, transferred, or leased for non-
19 grazing purposes by the Secretary or the State.

20 (B) LIMITATION.—Except to the extent
21 reasonably necessary to accommodate surface
22 operations in support of mineral development,
23 the Secretary or the State shall not cancel or
24 modify a grazing permit, lease, or contract be-
25 cause the land subject to the permit, lease, or

1 contract has been leased for mineral develop-
2 ment.

3 (4) **BASE PROPERTIES.**—If non-Federal land
4 conveyed by the State under this part is used by a
5 grazing permittee or lessee to meet the base prop-
6 erty requirements for a Federal grazing permit or
7 lease, the land shall continue to qualify as a base
8 property for—

9 (A) the remaining term of the lease or per-
10 mit; and

11 (B) the term of any renewal or extension
12 of the lease or permit.

13 (k) **WITHDRAWAL OF FEDERAL LAND FROM MIN-**
14 **ERAL ENTRY PRIOR TO EXCHANGE.**—Subject to valid ex-
15 isting rights, the Federal land to be conveyed to the State
16 under this part is withdrawn from mineral location, entry,
17 and patent under the mining laws pending conveyance of
18 the Federal land to the State.

19 **SEC. 2843. STATUS AND MANAGEMENT OF NON-FEDERAL**
20 **LAND ACQUIRED BY THE UNITED STATES.**

21 (a) **IN GENERAL.**—On conveyance to the United
22 States under this part, the non-Federal land shall be man-
23 aged by the Secretary in accordance with the Federal
24 Land Policy and Management Act of 1976 (43 U.S.C.
25 1701 et seq.) and applicable land use plans.

1 (b) NON-FEDERAL LAND WITHIN CEDAR MOUN-
2 TAINS WILDERNESS.—On conveyance to the Secretary
3 under this part, the non-Federal land located within the
4 Cedar Mountains Wilderness shall, in accordance with sec-
5 tion 206(c) of the Federal Land Policy Act of 1976 (43
6 U.S.C. 1716(c)), be added to, and administered as part
7 of, the Cedar Mountains Wilderness.

8 (c) NON-FEDERAL LAND WITHIN WILDERNESS
9 AREAS OR NATIONAL CONSERVATION AREAS.—On con-
10 veyance to the Secretary under this part, non-Federal land
11 located in a national wilderness area or national conserva-
12 tion area shall be managed in accordance with the applica-
13 ble provisions of subtitle O of title I of the Omnibus Public
14 Land Management Act of 2009 (Public Law 111–11).

15 **SEC. 2844. HAZARDOUS MATERIALS.**

16 (a) COSTS.—Except as provided in subsection (b), the
17 costs of remedial actions relating to hazardous materials
18 on land acquired under this part shall be paid by those
19 entities responsible for the costs under applicable law.

20 (b) REMEDIATION OF PRIOR TESTING AND TRAINING
21 ACTIVITY.—The Secretary of the Air Force shall bear all
22 costs of evaluation, management, and remediation caused
23 by the previous testing of military weapons systems and
24 the training of military forces on non-Federal land to be
25 conveyed to the United States under this part.

Subtitle E—Other Matters

1 **Subtitle E—Other Matters**
2 **SEC. 2851. CERTIFICATION OF OPTIMAL LOCATION FOR**
3 **4TH AND 5TH GENERATION COMBAT AIR-**
4 **CRAFT BASING AND FOR ROTATION OF**
5 **FORCES AT NAVAL AIR STATION EL CENTRO**
6 **OR MARINE CORPS AIR STATION KANEOHE**
7 **BAY.**

8 (a) NEXT GENERATION FACILITY CERTIFICATION.—
9 No amounts may be expended for the construction of
10 hangars, housing, maintenance or related facilities to sup-
11 port any current or future F/A–18 or F–35 squadrons at
12 Naval Air Station Lemoore, California, as authorized by
13 section 2201, until the Secretary of Defense certifies to
14 the congressional defense committees that the Secretary
15 has determined, based on an analysis of United States
16 operational requirements, that Naval Air Station Lemoore
17 remains the optimal location for F/A–18 or F–35 squad-
18 rons. The certification shall include an explanation of the
19 basis for the certification.

20 (b) EL CENTRO AND KANEOHE BAY UTILIZATION.—

21 (1) DETERMINATION.—Not later than one year
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense, in coordination with the Chief of
24 Naval Operations, shall submit to the congressional
25 defense committees a determination of the oper-

1 ational viability of the use of Naval Air Facility El
2 Centro, California, or Marine Corps Air Station
3 Kaneohe Bay, Hawaii, for the rotational presence
4 of—

5 (A) fighter aircraft for air-to-air training;

6 or

7 (B) naval forces.

8 (2) BASIS OF DETERMINATION.—The submis-
9 sion to the congressional defense committees under
10 paragraph (1) shall include an explanation of the
11 basis for the determination.

12 (3) PLAN.—If the Secretary of Defense deter-
13 mines that Naval Air Facility El Centro or Marine
14 Corps Air Station Kaneohe Bay is a viable option
15 for one or more of the uses specified in paragraph
16 (1), the Secretary shall, not later than April 1,
17 2018, submit to the congressional defense commit-
18 tees a plan for such uses that includes the following
19 elements:

20 (A) The types and number of naval forces
21 or air-to-air training fighter aircraft considered
22 for rotational purposes.

23 (B) The duration and frequency of such
24 assignment.

1 (C) A description of any additional infra-
2 structure investment required to support such
3 assignment.

4 (D) An assessment of the impact to per-
5 manent manpower levels necessary to support
6 such assignment.

7 **SEC. 2852. REPLENISHMENT OF SIERRA VISTA SUBWATER-**
8 **SHED REGIONAL AQUIFER, ARIZONA.**

9 The Secretary of the Army or the Secretary of the
10 Interior may enter into agreements with the Cochise Con-
11 servation Recharge Network, Arizona, in support of water
12 conservation, recharge, and reuse efforts for the regional
13 aquifer identified under Section 321(g) of the National
14 Defense Authorization Act for Fiscal Year 2004 (Public
15 Law 108–136; 117 Stat. 1439).

16 **TITLE XXIX—OVERSEAS CONTIN-**
17 **GENY OPERATIONS MILI-**
18 **TARY CONSTRUCTION**

19 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
20 **ACQUISITION PROJECTS.**

21 The Secretary of the Navy may acquire real property
22 and carry out the military construction projects for the
23 installations outside the United States, and in the
24 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.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
11 **TION.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
13 are hereby authorized to be appropriated to the Depart-
14 ment of Energy for fiscal year 2017 for the activities of
15 the National Nuclear Security Administration in carrying
16 out programs as specified in the funding table in section
17 4701.

18 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
19 From funds referred to in subsection (a) that are available
20 for carrying out plant projects, the Secretary of Energy
21 may carry out new plant projects for the National Nuclear
22 Security Administration as follows:

23 Project 17–D–401, Saltstone Disposal Unit
24 Number 7, Savannah River Site, Aiken, South Caro-
25 lina, \$125,443,000.

1 Project 17–D–630, Expand Electrical Distribu-
2 tion System, Lawrence Livermore National Labora-
3 tory, Livermore, California, \$25,000,000.

4 Project 17–D–640, U1a Complex Enhance-
5 ments Project, Nevada National Security Site, Mer-
6 cury, Nevada, \$11,500,000.

7 Project 17–D–911, BL Fire System Upgrade,
8 Bettis Atomic Power Laboratory, West Mifflin,
9 Pennsylvania, \$1,400,000.

10 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

11 Funds are hereby authorized to be appropriated to
12 the Department of Energy for fiscal year 2017 for defense
13 environmental cleanup activities in carrying out programs
14 as specified in the funding table in section 4701.

15 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

16 Funds are hereby authorized to be appropriated to
17 the Department of Energy for fiscal year 2017 for other
18 defense activities in carrying out programs as specified in
19 the funding table in section 4701.

20 **SEC. 3104. NUCLEAR ENERGY.**

21 Funds are hereby authorized to be appropriated to
22 the Department of Energy for fiscal year 2017 for nuclear
23 energy as specified in the funding table in section 4701.

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3111. COMMON FINANCIAL SYSTEMS FOR THE NU-**
5 **CLEAR SECURITY ENTERPRISE.**

6 (a) IN GENERAL.—By not later than three years
7 after the date of the enactment of this Act, the Adminis-
8 trator for Nuclear Security shall complete the implementa-
9 tion of a common financial system for the nuclear security
10 enterprise.

11 (b) ELEMENTS.—The common financial system im-
12 plemented pursuant to subsection (a) shall include the fol-
13 lowing:

14 (1) Common data reporting requirements for
15 work performed using funds for the National Nu-
16 clear Security Administration, including reporting of
17 financial data by standardized labor categories, labor
18 hours, functional elements, and cost elements.

19 (2) A common work breakdown structure for
20 the Administration that aligns contractor work
21 breakdown structures with the budget structure of
22 the Administration.

23 (3) Definitions and methodologies for identi-
24 fying costs for programs of records and base capa-
25 bilities within the Administration.

1 (4) A capability to use the Defense Cost Anal-
2 ysis Resource Center of the Office of Cost Assess-
3 ment and Program Evaluation of the Department of
4 Defense using historical costing data by the Admin-
5 istration.

6 (c) REPORTS.—

7 (1) IN GENERAL.—Not later than March 1,
8 2017, and each year thereafter, the Administrator
9 shall submit to the congressional defense committees
10 a report on progress of the Administration toward
11 implementing a common financial system for the nu-
12 clear security enterprise as required by subsection
13 (a).

14 (2) REPORT.—Each report under this sub-
15 section shall include the following:

16 (A) A summary of activities, accomplish-
17 ments, and challenges in connection with the
18 implementation of a common financial system
19 for the nuclear security enterprise during the
20 year preceding the year in which such report is
21 submitted.

22 (B) A summary of planned activities in
23 connection with the implementation of a com-
24 mon financial system for the nuclear security

1 enterprise in the year in which such report is
2 submitted.

3 (C) A description of any anticipated modi-
4 fications to the schedule for implementing a
5 common financial system for the nuclear secu-
6 rity enterprise, including an update on possible
7 risks or challenges in connection with the imple-
8 mentation.

9 (3) TERMINATION.—No report is required
10 under this subsection after the completion of the im-
11 plementation of a common financial system for the
12 nuclear security enterprise.

13 (d) NUCLEAR SECURITY ENTERPRISE DEFINED.—In
14 this section, the term “nuclear security enterprise” has
15 the meaning given that term in section 4002 of the Atomic
16 Energy Defense Act (50 U.S.C. 2501).

17 **SEC. 3112. INDUSTRY BEST PRACTICES IN OPERATIONS AT**
18 **NATIONAL NUCLEAR SECURITY ADMINISTRA-**
19 **TION FACILITIES AND SITES.**

20 (a) COMMITTEE ON INDUSTRY BEST PRACTICES IN
21 OPERATIONS.—The Administrator for Nuclear Security
22 shall establish within the National Nuclear Security Ad-
23 ministration a committee (in this section referred to as
24 the “committee”) to identify and oversee the implementa-
25 tion of best practices of industry in the operations of the

1 facilities and sites of the Administration for the purpose
2 of—

3 (1) lowering costs and administrative burdens;

4 while

5 (2) also both—

6 (A) maintaining or reducing risks; and

7 (B) preserving and protecting health, safe-
8 ty, and security.

9 (b) MEMBERSHIP.—The committee shall be com-
10 posed of personnel of the Administration assigned by the
11 Administrator to the committee as follows:

12 (1) The Principal Deputy Administrator for
13 Nuclear Security, who shall serve as chair of the
14 committee.

15 (2) Government personnel representing the
16 headquarters of the Administration.

17 (3) Government personnel representing offices
18 of facilities and sites of the Administration.

19 (4) Contractor personnel representing facilities
20 and sites of the Administration, including the fol-
21 lowing:

22 (A) Laboratories.

23 (B) Production plants.

24 (C) Such other facilities and sites as the
25 Administrator considers appropriate.

1 (5) Such other personnel as the Administrator
2 considers appropriate.

3 (c) DUTIES.—The duties of the committee shall in-
4 clude the following:

5 (1) To identify and oversee the implementation
6 of best practices of industry in the operations of the
7 facilities and sites of the Administration for the pur-
8 pose described in subsection (a).

9 (2) To conduct surveys of the facilities and
10 sites of the Administration in order to assess the
11 adoption, implementation, and use by such facilities
12 and sites of best practices of industry described in
13 subsection (a).

14 (3) To carry out such other activities consistent
15 with the duties of the committee under this sub-
16 section as the Administration may specify for pur-
17 poses of this section.

18 (d) ANNUAL REPORT.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the date on which the budget of the President for
21 a fiscal year after fiscal year 2017 is submitted to
22 Congress pursuant to section 1105(a) of title 31,
23 United States Code, the Administrator shall submit
24 to the congressional defense committees a report on

1 the activities of the committee under this section
2 during the preceding calendar year.

3 (2) ELEMENTS.—Each report under this sub-
4 section shall include, for the calendar year covered
5 by such report, the following:

6 (A) A description of the activities of the
7 committee.

8 (B) The results of the surveys undertaken
9 pursuant to subsection (c)(2).

10 (C) As a result of the surveys, rec-
11 ommendations for modifications to the scope or
12 applicability of regulations and orders of the
13 Department of Energy to particular facilities
14 and sites of the Administration in order to im-
15 plement best practices of industry in the oper-
16 ation of such facilities and sites, including—

17 (i) a list of the facilities and sites at
18 which such regulations and orders could be
19 so modified; and

20 (ii) for each such facility and site, the
21 manner in which such the scope or applica-
22 bility of such regulations and orders could
23 be so modified.

24 (D) An assessment of the progress of the
25 Administration in implementing best practices

1 of industry in the operations of the facilities
2 and sites of the Administration.

3 (E) An estimate of the costs to be saved
4 as a result of the best practices of industry im-
5 plemented by the Administration at the facili-
6 ties and sites of the Administration, set forth
7 by fiscal year.

8 (e) TERMINATION.—The committee shall terminate
9 after the submittal under subsection (d) of the report re-
10 quired by that subsection that covers 2026.

11 **SEC. 3113. LIMITATION ON ACCELERATION OF DISMANTLE-**
12 **MENT OF RETIRED NUCLEAR WEAPONS.**

13 (a) LIMITATION.—Except as provided in subsections
14 (b) and (c), none of the funds authorized to be appro-
15 priated by this Act or otherwise made available for any
16 of fiscal years 2017 through 2021 for the National Nu-
17 clear Security Administration may be obligated or ex-
18 pended to accelerate the dismantlement of the nuclear
19 weapons of the United States to a rate faster than the
20 rate mandated by the total projected dismantlement
21 schedule included in table 2–7 of the annex to the stock-
22 pile stewardship and management plan for fiscal year
23 2016 submitted to Congress in March 2015 under section
24 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523).

1 (b) EXCEPTION FOR COMPLIANCE WITH CERTAIN
2 COMMITMENTS.—

3 (1) CERTIFICATION.—The limitation under sub-
4 section (a) shall not apply with respect to a fiscal
5 year if the President submits to the appropriate con-
6 gressional committees a certification that the Presi-
7 dent has—

8 (A) requested, in the budget of the Presi-
9 dent for that fiscal year submitted to Congress
10 under section 1105(a) of title 31, United States
11 Code, sufficient amounts to fulfill for that fiscal
12 year all commitments related to nuclear mod-
13 ernization funding, capabilities, and schedules
14 that the President made to the Senate during
15 the consideration by the Senate of the resolu-
16 tion of advice and consent to ratification of the
17 New START Treaty, as described in—

18 (i) the document entitled, “Message
19 from the President on the New START
20 Treaty”, dated February 2, 2011; and

21 (ii) the fiscal year 2012 update to the
22 report required by section 1251 of the Na-
23 tional Defense Authorization Act for Fiscal
24 Year 2010 (Public Law 111–84; 123 Stat.

1 2549), submitted to Congress in February
2 2011; and

3 (B) except as provided in paragraph (2),
4 fulfilled all such commitments.

5 (2) EXCEPTION.—If, for any fiscal year covered
6 by the limitation under subsection (a), an appropri-
7 ations Act is enacted that appropriates amounts that
8 are insufficient for the President to fulfill the com-
9 mitments described in paragraph (1)(A), the Presi-
10 dent may certify under paragraph (1)(B) that the
11 President has fulfilled such commitments to the ex-
12 tent possible with available funds.

13 (c) EXCEPTION FOR CERTAIN STOCKPILE MANAGE-
14 MENT AND LIFE EXTENSION COMPONENTS.—The limita-
15 tion under subsection (a) shall not apply if the President
16 submits to the appropriate congressional committees a
17 written certification that the funds described in subsection
18 (a) are required for activities necessary to obtain critical
19 components that could not reasonably be acquired else-
20 where for use in life extension, weapon alteration, or weap-
21 on modification programs as described in the stockpile
22 stewardship and management plan for fiscal year 2016
23 submitted to Congress in March 2015 under section 4203
24 of the Atomic Energy Defense Act (50 U.S.C. 2523).

25 (d) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the congressional defense committees;

5 (B) the Committee on Foreign Relations
6 and the Select Committee on Intelligence of the
7 Senate; and

8 (C) the Committee on Foreign Affairs and
9 the Permanent Select Committee on Intelligence
10 of the House of Representatives.

11 (2) NEW START TREATY.—The term “New
12 START Treaty” means the Treaty between the
13 United States of America and the Russian Federa-
14 tion on Measures for the Further Reduction and
15 Limitation of Strategic Offensive Arms, signed on
16 April 8, 2010, and entered into force on February
17 5, 2011.

18 **SEC. 3114. CONTRACT FOR MIXED-OXIDE FUEL FABRICA-**
19 **TION FACILITY CONSTRUCTION PROJECT.**

20 (a) IN GENERAL.—Not later than 30 days after the
21 date of the enactment of this Act, the Secretary of Energy
22 shall enter into an arrangement pursuant to sections 1535
23 and 1536 of title 31, United States Code, with the Chief
24 of Engineers to act as an owner’s agent with respect to
25 the following:

1 (1) Assessing the contractual, technical, and
2 managerial risks for the Department of Energy and
3 the contractor responsible for the mixed-oxide fuel
4 fabrication facility at the Savannah River Site,
5 Aiken, South Carolina, as of such date of enactment.

6 (2) Assessing what elements of the contract in
7 effect on such date of enactment between the De-
8 partment of Energy and that contractor can be
9 changed to—

10 (A) a fixed price provision;

11 (B) a fixed price incentive fee provision; or

12 (C) another contractual mechanism de-
13 signed to minimize risk to the Department of
14 Energy while reducing cost.

15 (3) Assessing the options under paragraph (2),
16 including milestones, cost, schedules, and any dam-
17 age fees for those options.

18 (4) Making recommendations on changes to the
19 contract, based on the assessments described in
20 paragraphs (1), (2), and (3), to reduce risk and cost
21 to the Department of Energy while preserving a fair
22 and reasonable contract.

23 (5) For each element of the contract that the
24 Chief of Engineers does not recommend be changed
25 pursuant to paragraph (4), an assessment of the

1 risks and costs associated with that element and a
2 description of why that element is not appropriate
3 for the provision types described in paragraph (2).

4 (b) CONSULTATIONS.—In acting as an owner’s agent
5 under subsection (a), the Chief of Engineers shall consult
6 with the Secretary of Energy, the contractor described in
7 subsection (a)(1), and other knowledgeable parties, as ap-
8 propriate.

9 (c) REPORT OF OWNER’S AGENT.—Not later than 30
10 days after entering into the arrangement under subsection
11 (a), the Chief of Engineers shall submit to the Secretary
12 of Energy a report on the matters assessed under that
13 subsection.

14 (d) SUBMISSIONS BY DEPARTMENT OF ENERGY.—
15 Not later than 60 days after receiving the report required
16 by subsection (c), the Secretary of Energy shall transmit
17 to the congressional defense committees and the Comp-
18 troller General of the United States—

19 (1) the report;

20 (2) any comments of the Secretary with respect
21 to the report;

22 (3) a determination of whether the contractor
23 described in subsection (a)(1) will or will not agree
24 to the revisions to the contract recommended by the

1 Chief of Engineers and offered by the Secretary to
 2 the contractor; and

3 (4) if the contractor will not agree to such revi-
 4 sions, a description of the reasons given for not
 5 agreeing to such revisions.

6 (e) ASSESSMENT BY GOVERNMENT ACCOUNTABILITY
 7 OFFICE.—Not later than 30 days after receiving the re-
 8 port and other matters under subsection (d), the Comp-
 9 troller General of the United States shall submit to the
 10 congressional defense committees an assessment of the ac-
 11 tions taken by the Secretary of Energy under this section.

12 **SEC. 3115. UNAVAILABILITY FOR GENERAL AND ADMINIS-**
 13 **TRATIVE OVERHEAD COSTS OF AMOUNTS**
 14 **SPECIFIED FOR CERTAIN LABORATORIES**
 15 **FOR LABORATORY-DIRECTED RESEARCH**
 16 **AND DEVELOPMENT.**

17 (a) IN GENERAL.—Section 4811(c) of the Atomic
 18 Energy Defense Act (50 U.S.C. 2791(c)) is amended—

19 (1) by striking “(c) FUNDING.—Of the funds”
 20 and inserting the following:

21 “(c) FUNDING.—

22 “(1) IN GENERAL.—Of the funds”; and

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

1 “(2) UNAVAILABILITY FOR CERTAIN COSTS.—
2 The amount specified for such laboratories pursuant
3 to paragraph (1) may not be used to cover the costs
4 of such laboratories for general and administrative
5 overhead.”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall take effect on the first day of the first
8 fiscal year beginning after the date of the enactment of
9 this Act.

10 **SEC. 3116. INCREASE IN CERTAIN LIMITATIONS APPLICA-**
11 **BLE TO FUNDS FOR CONCEPTUAL AND CON-**
12 **STRUCTION DESIGN OF THE DEPARTMENT**
13 **OF ENERGY.**

14 (a) REQUESTS FOR CONCEPTUAL DESIGN FUNDS.—
15 Subsection (a)(2) of section 4706 of the Atomic Energy
16 Defense Act (50 U.S.C. 2746) is amended by striking
17 “\$3,000,000” and inserting “\$5,000,000”.

18 (b) CONSTRUCTION DESIGN.—Subsection (b) of such
19 section is amended by striking “\$1,000,000” each place
20 it appears and inserting “\$2,000,000”.

1 **Subtitle C—Plans and Reports**

2 **SEC. 3121. ESTIMATE OF TOTAL LIFE CYCLE COST OF TANK**
3 **WASTE CLEANUP AT HANFORD RESERVA-**
4 **TION.**

5 (a) **IN GENERAL.**—Not later than one year after the
6 date of the enactment of this Act, the Secretary of Energy
7 shall submit to the congressional defense committees a
8 rough estimate of the total life cycle cost of the cleanup
9 of tank waste at Hanford Reservation, Richland, Wash-
10 ington.

11 (b) **ELEMENTS.**—The total life cycle cost estimate re-
12 quired by subsection (a) shall include the following:

13 (1) Cost estimates for the following:

14 (A) The Waste Treatment and Immobiliza-
15 tion Plant, assuming full startup and commis-
16 sioning in 2036.

17 (B) Operations of the Waste Treatment
18 and Immobilization Plant, for two scenarios, as-
19 suming operations continue to 2047 and assum-
20 ing operations continue to 2057.

21 (C) Tank waste management and treat-
22 ment operations for two scenarios, assuming
23 operations continue through 2047 and assum-
24 ing operations continue through 2057.

1 (2) Cost estimates associated with the fol-
2 lowing:

3 (A) Anticipated increases in the volume of
4 tank waste.

5 (B) A second, supplemental low-activity
6 waste treatment facility.

7 (C) The effects of extending the schedule
8 for cleanup of tank waste at Hanford Reserva-
9 tion from 2047 to 2057.

10 (D) High-level waste canister temporary
11 storage, transportation, and permanent dis-
12 posal.

13 (E) Any additional facilities that may be
14 needed to treat tank waste at Hanford Reserva-
15 tion.

16 (c) COST ESTIMATING BEST PRACTICES.—The total
17 life cycle cost estimate required by subsection (a) shall be
18 developed in accordance with the cost estimating best
19 practices of the Government Accountability Office.

20 (d) SUBMISSION OF ADDITIONAL INDEPENDENT
21 COST ESTIMATES.—The Secretary shall submit to the
22 congressional defense committees, with the total life cycle
23 cost estimate required by subsection (a), any other inde-
24 pendent cost estimates for the Waste Treatment and Im-
25 mobilization Plant or related facilities conducted before

1 the date on which the total life cycle cost estimate is re-
2 quired to be submitted under subsection (a).

3 **SEC. 3122. ANALYSIS OF APPROACHES FOR SUPPLEMENTAL**
4 **TREATMENT OF LOW-ACTIVITY WASTE AT**
5 **HANFORD NUCLEAR RESERVATION.**

6 (a) IN GENERAL.—Not later than 60 days after the
7 date of the enactment of this Act, the Secretary of Energy
8 shall enter into an arrangement with a federally funded
9 research and development center to conduct an analysis
10 of approaches for treating the portion of low-activity waste
11 at the Hanford Nuclear Reservation, Richland, Wash-
12 ington, that, as of such date of enactment, is intended for
13 supplemental treatment.

14 (b) ELEMENTS.—The analysis required by subsection
15 (a) shall include the following:

16 (1) An analysis of, at a minimum, the following
17 approaches for treating the low-activity waste de-
18 scribed in subsection (a):

19 (A) Further processing of the low-activity
20 waste to remove long-lived radioactive constitu-
21 ents, particularly technetium-99 and iodine-129,
22 for immobilization with high-level waste.

23 (B) Vitrification, grouting, and steam re-
24 forming, and other alternative approaches iden-
25 tified by the Department of Energy for immo-

1 bilizing the low-activity waste, in whole or after
2 further processing or reclassification.

3 (2) An analysis of the following:

4 (A) The risks of the approaches described
5 in paragraph (1) relating to treatment and final
6 disposition.

7 (B) The benefits and costs of such ap-
8 proaches.

9 (C) Anticipated schedules for such ap-
10 proaches, including the time needed to complete
11 necessary construction and to begin treatment
12 operations.

13 (D) The compliance of such approaches
14 with applicable technical standards associated
15 with and contained in regulations prescribed
16 pursuant to the Comprehensive Environmental
17 Response, Compensation, and Liability Act of
18 1980 (42 U.S.C. 9601 et seq.), the Solid Waste
19 Disposal Act (42 U.S.C. 6901 et seq.) (com-
20 monly referred to as the “Resource Conserva-
21 tion and Recovery Act”), the Federal Water
22 Pollution Control Act (33 U.S.C. 1251 et seq.)
23 (commonly referred to as the “Clean Water
24 Act”), and the Clean Air Act (42 U.S.C. 7401
25 et seq.).

1 (E) Any obstacles that would inhibit the
2 ability of the Department of Energy to pursue
3 such approaches.

4 (c) ANALYTICAL APPROACH.—The analysis required
5 by subsection (a) shall be conducted using state-of-the art
6 risk assessment practices such as probabilistic risk assess-
7 ment.

8 (d) REVIEW OF ANALYSIS.—

9 (1) IN GENERAL.—Concurrent with entering
10 into an arrangement with a federally funded re-
11 search and development center under subsection (a),
12 the Secretary shall enter into an arrangement with
13 the National Academies of Sciences, Engineering,
14 and Medicine to conduct a review of the analysis
15 conducted by the federally funded research and de-
16 velopment center.

17 (2) METHOD OF REVIEW.—The review required
18 by paragraph (1) shall be conducted concurrent with
19 the analysis required by subsection (a), and in a
20 manner that is parallel to that analysis, so that the
21 results of the review may be used to improve the
22 quality of the analysis.

23 (e) SUBMISSION TO CONGRESS.—

24 (1) BRIEFINGS ON PROGRESS.—Not later than
25 180 days after the date of the enactment of this Act,

1 and every 180 days thereafter, the Secretary shall
2 provide to the congressional defense committees a
3 briefing on the progress being made on the analysis
4 required by subsection (a) and the review required
5 by subsection (d).

6 (2) COMPLETED ANALYSIS AND REVIEW.—Not
7 later than two years after the date of the enactment
8 of this Act, the Secretary shall submit to the con-
9 gressional defense committees the analysis required
10 by subsection (a), the review of the analysis required
11 by subsection (d), and any comments of the Sec-
12 retary on the analysis or review.

13 **SEC. 3123. ANALYSES OF OPTIONS FOR DISPOSAL OF HIGH-**
14 **LEVEL RADIOACTIVE WASTE.**

15 (a) IN GENERAL.—Not later than 60 days after the
16 date of the enactment of this Act, the Secretary of Energy
17 shall enter into an arrangement with a federally funded
18 research and development center to conduct comprehen-
19 sive analyses of the costs, schedules, benefits, and risks
20 of the options for the disposal of high-level radioactive
21 waste managed by the Department of Energy referenced
22 in the report of the Department, dated October 2014, on
23 the disposal of high-level radioactive waste and spent nu-
24 clear fuel managed by the Department.

1 (b) ELEMENTS.—The analyses required by sub-
2 section (a) shall include the following:

3 (1) An analysis of, at a minimum, the following
4 options for the disposal of high-level radioactive
5 waste managed by the Department of Energy:

6 (A) A single common repository for com-
7 mercial and defense high-level radioactive
8 waste.

9 (B) Various options for separate reposi-
10 tories for commercial and defense high-level ra-
11 dioactive waste.

12 (2) An estimate of the total system life cycle
13 cost and schedule for each of the options described
14 in subparagraphs (A) and (B) of paragraph (1)
15 that—

16 (A) includes estimates for each phase of
17 work on each such option, including site selec-
18 tion and characterization, licensing activities,
19 design and construction of the repositories, op-
20 eration of the repositories, transportation of
21 waste, and closure and monitoring; and

22 (B) is developed in accordance with the
23 cost and schedule best practices of the Govern-
24 ment Accountability Office.

1 (3) An assessment of the benefits and risks as-
2 sociated with each of the options described in sub-
3 paragraphs (A) and (B) of paragraph (1) that—

4 (A) uses sensitivity analysis and other
5 techniques, as appropriate, to determine the po-
6 tential effects of those benefit and risks on the
7 cost and schedule estimates required by para-
8 graph (2); and

9 (B) includes benefit-cost or cost-effective-
10 ness analyses following the guidelines estab-
11 lished by the Office of Management and Budget
12 in Circular A-94.

13 (c) SUBMISSION OF ANALYSES.—Not later than one
14 year after the date of the enactment of this Act, the Sec-
15 retary shall submit to the congressional defense commit-
16 tees and the Comptroller General of the United States the
17 analyses required by subsection (a).

18 (d) REVIEW BY GOVERNMENT ACCOUNTABILITY OF-
19 FICE.—Not later than 60 days after receiving the analyses
20 pursuant to subsection (c), the Comptroller General shall
21 submit to the congressional defense committees a review
22 of the design, methodology, and conclusions of the anal-
23 yses.

24 (e) LIMITATION ON USE OF FUNDS.—Except to the
25 extent necessary to execute the arrangement required by

1 subsection (a), the Secretary may not obligate or expend
2 any amounts authorized to be appropriated by this Act
3 for fiscal year 2017 for the Department of Energy for the
4 development of a repository for only defense waste until
5 the Comptroller General submits the review required by
6 subsection (d) to the congressional defense committees.

7 **SEC. 3124. ELIMINATION OF DUPLICATION IN REVIEWS BY**
8 **COMPTROLLER GENERAL OF THE UNITED**
9 **STATES.**

10 Section 3255 of the National Nuclear Security Ad-
11 ministration Act (50 U.S.C. 2455) is amended—

12 (1) by redesignating subsection (b) as sub-
13 section (c); and

14 (2) by inserting after subsection (a) the fol-
15 lowing new subsection (b):

16 “(b) TEMPORARY SUSPENSION.—The requirements
17 of subsection (a) shall not apply with respect to the nu-
18 clear security budget materials submitted for fiscal year
19 2018 or 2019.”.

20 **SEC. 3125. REPEAL OF REQUIREMENT FOR COMPTROLLER**
21 **GENERAL OF THE UNITED STATES REPORT**
22 **ON THE PROGRAM ON SCIENTIFIC ENGAGE-**
23 **MENT FOR NONPROLIFERATION.**

24 Section 3122 of the National Defense Authorization
25 Act for Fiscal Year 2013 (Public Law 112–239; 126 Stat.

1 2176), as amended by section 3125 of the National De-
 2 fense Authorization Act for Fiscal Year 2014 (Public Law
 3 113–66; 127 Stat. 1063), is further amended—

4 (1) in subsection (b)(1), by striking “, and to
 5 the Comptroller General of the United States,”; and

6 (2) by striking subsection (e).

7 **TITLE XXXII—DEFENSE NU-**
 8 **CLEAR FACILITIES SAFETY**
 9 **BOARD**

10 **SEC. 3201. AUTHORIZATION.**

11 There are authorized to be appropriated for fiscal
 12 year 2017, \$31,000,000 for the operation of the Defense
 13 Nuclear Facilities Safety Board under chapter 21 of the
 14 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

15 **TITLE XXXIII—FEDERAL AVIA-**
 16 **TION ADMINISTRATION**
 17 **THIRD CLASS MEDICAL RE-**
 18 **FORM AND GENERAL AVIA-**
 19 **TION PILOT PROTECTIONS**

20 **SEC. 3301. SHORT TITLE.**

21 This subtitle may be cited as the “Pilot’s Bill of
 22 Rights 2”.

1 **SEC. 3302. MEDICAL CERTIFICATION OF CERTAIN SMALL**
2 **AIRCRAFT PILOTS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Administrator of
5 the Federal Aviation Administration shall issue or revise
6 regulations to ensure that an individual may operate as
7 pilot in command of a covered aircraft if—

8 (1) the individual possesses a valid driver's li-
9 cense issued by a State, territory, or possession of
10 the United States and complies with all medical re-
11 quirements or restrictions associated with that li-
12 cense;

13 (2) the individual holds a medical certificate
14 issued by the Federal Aviation Administration on
15 the date of the enactment of this Act, held such a
16 certificate at any point during the 10-year period
17 preceding such date of the enactment, or obtains
18 such a certificate after such date of enactment;

19 (3) the most recent medical certificate issued by
20 the Federal Aviation Administration to the indi-
21 vidual—

22 (A) indicates whether the certificate is
23 first, second, or third class;

24 (B) may include authorization for special
25 issuance;

26 (C) may be expired;

1 (D) cannot have been revoked or sus-
2 pended; and

3 (E) cannot have been withdrawn;

4 (4) the most recent application for airman med-
5 ical certification submitted to the Federal Aviation
6 Administration by the individual cannot have been
7 completed and denied;

8 (5) the individual has completed a medical edu-
9 cation course described in subsection (c) during the
10 24 calendar months before acting as pilot in com-
11 mand of a covered aircraft and demonstrates proof
12 of completion of the course;

13 (6) the individual, when serving as a pilot in
14 command, is under the care and treatment of a phy-
15 sician if the individual has been diagnosed with any
16 medical condition that may impact the ability of the
17 individual to fly;

18 (7) the individual has received a comprehensive
19 medical examination from a State-licensed physician
20 during the previous 48 months and—

21 (A) prior to the examination, the indi-
22 vidual—

23 (i) completed the individual's section
24 of the checklist described in subsection (b);

25 and

1 (ii) provided the completed checklist
2 to the physician performing the examina-
3 tion; and

4 (B) the physician conducted the com-
5 prehensive medical examination in accordance
6 with the checklist described in subsection (b),
7 checking each item specified during the exam-
8 ination and addressing, as medically appro-
9 priate, every medical condition listed, and any
10 medications the individual is taking; and

11 (8) the individual is operating in accordance
12 with the following conditions:

13 (A) The covered aircraft is carrying not
14 more than 5 passengers.

15 (B) The individual is operating the covered
16 aircraft under visual flight rules or instrument
17 flight rules.

18 (C) The flight, including each portion of
19 that flight, is not carried out—

20 (i) for compensation or hire, including
21 that no passenger or property on the flight
22 is being carried for compensation or hire;

23 (ii) at an altitude that is more than
24 18,000 feet above mean sea level;

1 (iii) outside the United States, unless
2 authorized by the country in which the
3 flight is conducted; or

4 (iv) at an indicated air speed exceed-
5 ing 250 knots.

6 (b) COMPREHENSIVE MEDICAL EXAMINATION.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Ad-
9 ministrator shall develop a checklist for an indi-
10 vidual to complete and provide to the physician per-
11 forming the comprehensive medical examination re-
12 quired in subsection (a)(7).

13 (2) REQUIREMENTS.—The checklist shall con-
14 tain—

15 (A) a section, for the individual to com-
16 plete that contains—

17 (i) boxes 3 through 13 and boxes 16
18 through 19 of the Federal Aviation Admin-
19 istration Form 8500–8 (3–99);

20 (ii) a signature line for the individual
21 to affirm that—

22 (I) the answers provided by the
23 individual on that checklist, including
24 the individual's answers regarding

1 medical history, are true and com-
2 plete;

3 (II) the individual understands
4 that he or she is prohibited under
5 Federal Aviation Administration regu-
6 lations from acting as pilot in com-
7 mand, or any other capacity as a re-
8 quired flight crew member, if he or
9 she knows or has reason to know of
10 any medical deficiency or medically
11 disqualifying condition that would
12 make the individual unable to operate
13 the aircraft in a safe manner; and

14 (III) the individual is aware of
15 the regulations pertaining to the pro-
16 hibition on operations during medical
17 deficiency and has no medically dis-
18 qualifying conditions in accordance
19 with applicable law;

20 (B) a section with instructions for the indi-
21 vidual to provide the completed checklist to the
22 physician performing the comprehensive medical
23 examination required in subsection (a)(7); and

24 (C) a section, for the physician to com-
25 plete, that instructs the physician—

- 1 (i) to perform a clinical examination
2 of—
- 3 (I) head, face, neck, and scalp;
4 (II) nose, sinuses, mouth, and
5 throat;
6 (III) ears, general (internal and
7 external canals), and eardrums (per-
8 foration);
9 (IV) eyes (general),
10 ophthalmoscopic, pupils (equality and
11 reaction), and ocular motility (associ-
12 ated parallel movement, nystagmus);
13 (V) lungs and chest (not includ-
14 ing breast examination);
15 (VI) heart (precordial activity,
16 rhythm, sounds, and murmurs);
17 (VII) vascular system (pulse, am-
18 plitude, and character, and arms, legs,
19 and others);
20 (VIII) abdomen and viscera (in-
21 cluding hernia);
22 (IX) anus (not including digital
23 examination);
24 (X) skin;

- 1 (XI) G–U system (not including
2 pelvic examination);
- 3 (XII) upper and lower extrem-
4 ities (strength and range of motion);
- 5 (XIII) spine and other musculo-
6 skeletal;
- 7 (XIV) identifying body marks,
8 scars, and tattoos (size and location);
- 9 (XV) lymphatics;
- 10 (XVI) neurologic (tendon re-
11 flexes, equilibrium, senses, cranial
12 nerves, and coordination, etc.);
- 13 (XVII) psychiatric (appearance,
14 behavior, mood, communication, and
15 memory);
- 16 (XVIII) general systemic;
- 17 (XIX) hearing;
- 18 (XX) vision (distant, near, and
19 intermediate vision, field of vision,
20 color vision, and ocular alignment);
- 21 (XXI) blood pressure and pulse;
22 and
- 23 (XXII) anything else the physi-
24 cian, in his or her medical judgment,
25 considers necessary;

1 (ii) to exercise medical discretion to
2 address, as medically appropriate, any
3 medical conditions identified, and to exer-
4 cise medical discretion in determining
5 whether any medical tests are warranted
6 as part of the comprehensive medical ex-
7 amination;

8 (iii) to discuss all drugs the individual
9 reports taking (prescription and non-
10 prescription) and their potential to inter-
11 fere with the safe operation of an aircraft
12 or motor vehicle;

13 (iv) to sign the checklist, stating: “I
14 certify that I discussed all items on this
15 checklist with the individual during my ex-
16 amination, discussed any medications the
17 individual is taking that could interfere
18 with their ability to safely operate an air-
19 craft or motor vehicle, and performed an
20 examination that included all of the items
21 on this checklist. I certify that I am not
22 aware of any medical condition that, as
23 presently treated, could interfere with the
24 individual’s ability to safely operate an air-
25 craft.”; and

1 (v) to provide the date the comprehen-
2 sive medical examination was completed,
3 and the physician's full name, address,
4 telephone number, and State medical li-
5 cense number.

6 (3) LOGBOOK.—The completed checklist shall
7 be retained in the individual's logbook and made
8 available on request.

9 (c) MEDICAL EDUCATION COURSE REQUIRE-
10 MENTS.—The medical education course described in this
11 subsection shall—

12 (1) be available on the Internet free of charge;

13 (2) be developed and periodically updated in co-
14 ordination with representatives of relevant nonprofit
15 and not-for-profit general aviation stakeholder
16 groups;

17 (3) educate pilots on conducting medical self-as-
18 sessments;

19 (4) advise pilots on identifying warning signs of
20 potential serious medical conditions;

21 (5) identify risk mitigation strategies for med-
22 ical conditions;

23 (6) increase awareness of the impacts of poten-
24 tially impairing over-the-counter and prescription
25 drug medications;

1 (7) encourage regular medical examinations and
2 consultations with primary care physicians;

3 (8) inform pilots of the regulations pertaining
4 to the prohibition on operations during medical defi-
5 ciency and medically disqualifying conditions;

6 (9) provide the checklist developed by the Fed-
7 eral Aviation Administration in accordance with sub-
8 section (b); and

9 (10) upon successful completion of the course,
10 electronically provide to the individual and transmit
11 to the Federal Aviation Administration—

12 (A) a certification of completion of the
13 medical education course, which shall be printed
14 and retained in the individual's logbook and
15 made available upon request, and shall contain
16 the individual's name, address, and airman cer-
17 tificate number;

18 (B) subject to subsection (d), a release au-
19 thorizing the National Driver Register through
20 a designated State Department of Motor Vehi-
21 cles to furnish to the Federal Aviation Adminis-
22 tration information pertaining to the individ-
23 ual's driving record;

24 (C) a certification by the individual that
25 the individual is under the care and treatment

1 of a physician if the individual has been diag-
2 nosed with any medical condition that may im-
3 pact the ability of the individual to fly, as re-
4 quired under (a)(6);

5 (D) a form that includes—

6 (i) the name, address, telephone num-
7 ber, and airman certificate number of the
8 individual;

9 (ii) the name, address, telephone num-
10 ber, and State medical license number of
11 the physician performing the comprehen-
12 sive medical examination required in sub-
13 section (a)(7);

14 (iii) the date of the comprehensive
15 medical examination required in subsection
16 (a)(7); and

17 (iv) a certification by the individual
18 that the checklist described in subsection
19 (b) was followed and signed by the physi-
20 cian in the comprehensive medical exam-
21 ination required in subsection (a)(7); and

22 (E) a statement, which shall be printed,
23 and signed by the individual certifying that the
24 individual understands the existing prohibition
25 on operations during medical deficiency by stat-

1 ing: “I understand that I cannot act as pilot in
2 command, or any other capacity as a required
3 flight crew member, if I know or have reason to
4 know of any medical condition that would make
5 me unable to operate the aircraft in a safe
6 manner.”.

7 (d) NATIONAL DRIVER REGISTER.—The authoriza-
8 tion under subsection (c)(10)(B) shall be an authorization
9 for a single access to the information contained in the Na-
10 tional Driver Register.

11 (e) SPECIAL ISSUANCE PROCESS.—

12 (1) IN GENERAL.—An individual who has quali-
13 fied for the third-class medical certificate exemption
14 under subsection (a) and is seeking to serve as a
15 pilot in command of a covered aircraft shall be re-
16 quired to have completed the process for obtaining
17 an Authorization for Special Issuance of a Medical
18 Certificate for each of the following:

19 (A) A mental health disorder, limited to an
20 established medical history or clinical diagnosis
21 of—

22 (i) personality disorder that is severe
23 enough to have repeatedly manifested itself
24 by overt acts;

1 (ii) psychosis, defined as a case in
2 which an individual—

3 (I) has manifested delusions, hal-
4 lucinations, grossly bizarre or disorga-
5 nized behavior, or other commonly ac-
6 cepted symptoms of psychosis; or

7 (II) may reasonably be expected
8 to manifest delusions, hallucinations,
9 grossly bizarre or disorganized behav-
10 ior, or other commonly accepted
11 symptoms of psychosis;

12 (iii) bipolar disorder; or

13 (iv) substance dependence within the
14 previous 2 years, as defined in section
15 67.307(a)(4) of title 14, Code of Federal
16 Regulations.

17 (B) A neurological disorder, limited to an
18 established medical history or clinical diagnosis
19 of any of the following:

20 (i) Epilepsy.

21 (ii) Disturbance of consciousness with-
22 out satisfactory medical explanation of the
23 cause.

1 (iii) A transient loss of control of
2 nervous system functions without satisfac-
3 tory medical explanation of the cause.

4 (C) A cardiovascular condition, limited to a
5 one-time special issuance for each diagnosis of
6 the following:

7 (i) Myocardial infraction.

8 (ii) Coronary heart disease that has
9 required treatment.

10 (iii) Cardiac valve replacement.

11 (iv) Heart replacement.

12 (2) SPECIAL RULE FOR CARDIOVASCULAR CON-
13 DITIONS.—In the case of an individual with a car-
14 diovascular condition, the process for obtaining an
15 Authorization for Special Issuance of a Medical Cer-
16 tificate shall be satisfied with the successful comple-
17 tion of an appropriate clinical evaluation without a
18 mandatory wait period.

19 (3) SPECIAL RULE FOR MENTAL HEALTH CON-
20 DITIONS.—

21 (A) In the case of an individual with a
22 clinically diagnosed mental health condition, the
23 third-class medical certificate exemption under
24 subsection (a) shall not apply if—

1 (i) in the judgment of the individual's
2 State-licensed medical specialist, the condi-
3 tion—

4 (I) renders the individual unable
5 to safely perform the duties or exer-
6 cise the airman privileges described in
7 subsection (a)(8); or

8 (II) may reasonably be expected
9 to make the individual unable to per-
10 form the duties or exercise the privi-
11 leges described in subsection (a)(8); or

12 (ii) the individual's driver's license is
13 revoked by the issuing agency as a result
14 of a clinically diagnosed mental health con-
15 dition.

16 (B) Subject to subparagraph (A), an indi-
17 vidual clinically diagnosed with a mental health
18 condition shall certify every 2 years, in conjunc-
19 tion with the certification under subsection
20 (c)(10)(C), that the individual is under the care
21 of a State-licensed medical specialist for that
22 mental health condition.

23 (4) SPECIAL RULE FOR NEUROLOGICAL CONDI-
24 TIONS.—

1 (A) In the case of an individual with a
2 clinically diagnosed neurological condition, the
3 third-class medical certificate exemption under
4 subsection (a) shall not apply if—

5 (i) in the judgment of the individual's
6 State-licensed medical specialist, the condi-
7 tion—

8 (I) renders the individual unable
9 to safely perform the duties or exer-
10 cise the airman privileges described in
11 subsection (a)(8); or

12 (II) may reasonably be expected
13 to make the individual unable to per-
14 form the duties or exercise the privi-
15 leges described in subsection (a)(8); or

16 (ii) the individual's driver's license is
17 revoked by the issuing agency as a result
18 of a clinically diagnosed neurological condi-
19 tion.

20 (B) Subject to subparagraph (A), an indi-
21 vidual clinically diagnosed with a neurological
22 condition shall certify every 2 years, in conjunc-
23 tion with the certification under subsection
24 (c)(10)(C), that the individual is under the care

1 of a State-licensed medical specialist for that
2 neurological condition.

3 (f) IDENTIFICATION OF ADDITIONAL MEDICAL CON-
4 DITIONS FOR THE CACI PROGRAM.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Ad-
7 ministrator shall review and identify additional med-
8 ical conditions that could be added to the program
9 known as the Conditions AMEs Can Issue (CACI)
10 program.

11 (2) CONSULTATIONS.—In carrying out para-
12 graph (1), the Administrator shall consult with avia-
13 tion, medical, and union stakeholders.

14 (3) REPORT REQUIRED.—Not later than 180
15 days after the date of the enactment of this Act, the
16 Administrator shall submit to the Committee on
17 Commerce, Science, and Transportation of the Sen-
18 ate and the Committee on Transportation and Infra-
19 structure of the House of Representatives a report
20 listing the medical conditions that have been added
21 to the CACI program under paragraph (1).

22 (g) EXPEDITED AUTHORIZATION FOR SPECIAL
23 ISSUANCE OF A MEDICAL CERTIFICATE.—

24 (1) IN GENERAL.—The Administrator shall im-
25 plement procedures to expedite the process for ob-

1 taining an Authorization for Special Issuance of a
2 Medical Certificate under section 67.401 of title 14,
3 Code of Federal Regulations.

4 (2) CONSULTATIONS.—In carrying out para-
5 graph (1), the Administrator shall consult with avia-
6 tion, medical, and union stakeholders.

7 (3) REPORT REQUIRED.—Not later than 1 year
8 after the date of the enactment of this Act, the Ad-
9 ministrator shall submit to the Committee on Com-
10 merce, Science, and Transportation of the Senate
11 and the Committee on Transportation and Infra-
12 structure of the House of Representatives a report
13 describing how the procedures implemented under
14 paragraph (1) will streamline the process for obtain-
15 ing an Authorization for Special Issuance of a Med-
16 ical Certificate and reduce the amount of time need-
17 ed to review and decide special issuance cases.

18 (h) REPORT REQUIRED.—Not later than 5 years
19 after the date of the enactment of this Act, the Adminis-
20 trator, in coordination with the National Transportation
21 Safety Board, shall submit to the Committee on Com-
22 merce, Science, and Transportation of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report that describes the effect
25 of the regulations issued or revised under subsection (a)

1 and includes statistics with respect to changes in small
2 aircraft activity and safety incidents.

3 (i) PROHIBITION ON ENFORCEMENT ACTIONS.—Be-
4 ginning on the date that is 1 year after the date of the
5 enactment of this Act, the Administrator may not take
6 an enforcement action for not holding a valid third-class
7 medical certificate against a pilot of a covered aircraft for
8 a flight, through a good faith effort, if the pilot and the
9 flight meet the applicable requirements under subsection
10 (a), except paragraph (5) of that subsection, unless the
11 Administrator has published final regulations in the Fed-
12 eral Register under that subsection.

13 (j) COVERED AIRCRAFT DEFINED.—In this section,
14 the term “covered aircraft” means an aircraft that—

15 (1) is authorized under Federal law to carry not
16 more than 6 occupants; and

17 (2) has a maximum certificated takeoff weight
18 of not more than 6,000 pounds.

19 (k) OPERATIONS COVERED.—The provisions and re-
20 quirements covered in this section do not apply to pilots
21 who elect to operate under the medical requirements under
22 subsection (b) or subsection (c) of section 61.23 of title
23 14, Code of Federal Regulations.

24 (l) AUTHORITY TO REQUIRE ADDITIONAL INFORMA-
25 TION.—

1 (1) IN GENERAL.—If the Administrator receives
2 credible or urgent information, including from the
3 National Driver Register or the Administrator’s
4 Safety Hotline, that reflects on an individual’s abil-
5 ity to safely operate a covered aircraft under the
6 third-class medical certificate exemption in sub-
7 section (a), the Administrator may require the indi-
8 vidual to provide additional information or history so
9 that the Administrator may determine whether the
10 individual is safe to continue operating a covered
11 aircraft.

12 (2) USE OF INFORMATION.—The Administrator
13 may use credible or urgent information received
14 under paragraph (1) to request an individual to pro-
15 vide additional information or to take actions under
16 section 44709(b) of title 49, United States Code.

17 **SEC. 3303. EXPANSION OF PILOT’S BILL OF RIGHTS.**

18 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
19 CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of
20 Rights (Public Law 112–153; 49 U.S.C. 44703 note) is
21 amended by striking “or imposing a punitive civil action
22 or an emergency order of revocation under subsections (d)
23 and (e) of section 44709 of such title” and inserting “sus-
24 pending or revoking an airman certificate under section
25 44709(d) of such title, or imposing an emergency order

1 of revocation under subsections (d) and (e) of section
2 44709 of such title”.

3 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
4 OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights
5 (Public Law 112–153; 49 U.S.C. 44703 note) is amend-
6 ed—

7 (1) by amending paragraph (1) to read as fol-
8 lows:

9 “(1) IN GENERAL.—In an appeal filed under
10 subsection (d) in a United States district court with
11 respect to a denial, suspension, or revocation of an
12 airman certificate by the Administrator—

13 “(A) the district court shall review the de-
14 nial, suspension, or revocation de novo, includ-
15 ing by—

16 “(i) conducting a full independent re-
17 view of the complete administrative record
18 of the denial, suspension, or revocation;

19 “(ii) permitting additional discovery
20 and the taking of additional evidence; and

21 “(iii) making the findings of fact and
22 conclusions of law required by Rule 52 of
23 the Federal Rules of Civil Procedure with-
24 out being bound to any findings of fact of

1 the Administrator or the National Trans-
2 portation Safety Board.”;

3 (2) by redesignating paragraph (2) as para-
4 graph (3); and

5 (3) by inserting after paragraph (1) the fol-
6 lowing:

7 “(2) BURDEN OF PROOF.—In an appeal filed
8 under subsection (d) in a United States district
9 court after an exhaustion of administrative remedies,
10 the burden of proof shall be as follows:

11 “(A) In an appeal of the denial of an ap-
12 plication for the issuance or renewal of an air-
13 man certificate under section 44703 of title 49,
14 United States Code, the burden of proof shall
15 be upon the applicant denied an airman certifi-
16 cate by the Administrator.

17 “(B) In an appeal of an order issued by
18 the Administrator under section 44709 of title
19 49, United States Code, the burden of proof
20 shall be upon the Administrator.”; and

21 (4) by adding at the end the following:

22 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
23 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
24 this subsection or subsection (a)(1) of section 554 of
25 title 5, United States Code, section 554 of such title

1 shall apply to adjudications of the Administrator
2 and the National Transportation Safety Board to
3 the same extent as that section applied to such adju-
4 dications before the date of the enactment of the Pi-
5 lot’s Bill of Rights 2.”.

6 (c) NOTIFICATION OF INVESTIGATION.—Subsection
7 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
8 112–153; 49 U.S.C. 44703 note) is amended—

9 (1) in paragraph (2)(A), by inserting “and the
10 specific activity on which the investigation is based”
11 after “nature of the investigation”;

12 (2) in paragraph (3), by striking “timely”; and

13 (3) in paragraph (5), by striking “section
14 44709(c)(2)” and inserting “section 44709(e)(2)”.

15 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
16 2 of the Pilot’s Bill of Rights (Public Law 112–153; 49
17 U.S.C. 44703 note) is further amended by inserting after
18 subsection (e) the following:

19 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

20 “(1) IN GENERAL.—

21 “(A) EMERGENCY ORDERS.—In any pro-
22 ceeding conducted under part 821 of title 49,
23 Code of Federal Regulations, relating to the
24 amendment, modification, suspension, or rev-
25 ocation of an airman certificate, in which the

1 Administrator issues an emergency order under
2 subsections (d) and (e) of section 44709, sec-
3 tion 44710, or section 46105(c) of title 49,
4 United States Code, or another order that takes
5 effect immediately, the Administrator shall pro-
6 vide to the individual holding the airman certifi-
7 cate the releasable portion of the investigative
8 report at the time the Administrator issues the
9 order. If the complete Report of Investigation is
10 not available at the time the Emergency Order
11 is issued, the Administrator shall issue all por-
12 tions of the report that are available at the time
13 and shall provide the full report within 5 days
14 of its completion.

15 “(B) OTHER ORDERS.—In any non-emer-
16 gency proceeding conducted under part 821 of
17 title 49, Code of Federal Regulations, relating
18 to the amendment, modification, suspension, or
19 revocation of an airman certificate, in which the
20 Administrator notifies the certificate holder of a
21 proposed certificate action under subsections
22 (b) and (c) of section 44709 or section 44710
23 of title 49, United States Code, the Adminis-
24 trator shall, upon the written request of the
25 covered certificate holder and at any time after

1 that notification, provide to the covered certifi-
2 cate holder the releasable portion of the inves-
3 tigative report.

4 “(2) MOTION FOR DISMISSAL.—If the Adminis-
5 trator does not provide the releasable portions of the
6 investigative report to the individual holding the air-
7 man certificate subject to the proceeding referred to
8 in paragraph (1) by the time required by that para-
9 graph, the individual may move to dismiss the com-
10 plaint of the Administrator or for other relief and,
11 unless the Administrator establishes good cause for
12 the failure to provide the investigative report or for
13 a lack of timeliness, the administrative law judge
14 shall order such relief as the judge considers appro-
15 priate.

16 “(3) RELEASABLE PORTION OF INVESTIGATIVE
17 REPORT.—For purposes of paragraph (1), the re-
18 leasable portion of an investigative report is all in-
19 formation in the report, except for the following:

20 “(A) Information that is privileged.

21 “(B) Information that constitutes work
22 product or reflects internal deliberative process.

23 “(C) Information that would disclose the
24 identity of a confidential source.

1 “(D) Information the disclosure of which is
2 prohibited by any other provision of law.

3 “(E) Information that is not relevant to
4 the subject matter of the proceeding.

5 “(F) Information the Administrator can
6 demonstrate is withheld for good cause.

7 “(G) Sensitive security information, as de-
8 fined in section 15.5 of title 49, Code of Fed-
9 eral Regulations (or any corresponding similar
10 ruling or regulation).

11 “(4) RULE OF CONSTRUCTION.—Nothing in
12 this subsection shall be construed to prevent the Ad-
13 ministrator from releasing to an individual subject
14 to an investigation described in subsection (b)(1)—

15 “(A) information in addition to the infor-
16 mation included in the releasable portion of the
17 investigative report; or

18 “(B) a copy of the investigative report be-
19 fore the Administrator issues a complaint.”.

20 **SEC. 3304. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
21 **CATE HOLDERS.**

22 (a) IN GENERAL.—Section 44709(a) of title 49,
23 United States Code, is amended—

24 (1) by striking “The Administrator” and insert-
25 ing the following:

1 “(1) IN GENERAL.—The Administrator”;

2 (2) by striking “reexamine” and inserting “, ex-

3 cept as provided in paragraph (2), reexamine”; and

4 (3) by adding at the end the following:

5 “(2) LIMITATION ON THE REEXAMINATION OF
6 AIRMAN CERTIFICATES.—

7 “(A) IN GENERAL.—The Administrator
8 may not reexamine an airman holding a stu-
9 dent, sport, recreational, or private pilot certifi-
10 cate issued under section 44703 of this title if
11 the reexamination is ordered as a result of an
12 event involving the fault of the Federal Aviation
13 Administration or its designee, unless the Ad-
14 ministrator has reasonable grounds—

15 “(i) to establish that the airman may
16 not be qualified to exercise the privileges of
17 a particular certificate or rating, based
18 upon an act or omission committed by the
19 airman while exercising those privileges,
20 after the certificate or rating was issued by
21 the Federal Aviation Administration or its
22 designee; or

23 “(ii) to demonstrate that the airman
24 obtained the certificate or the rating
25 through fraudulent means or through an

1 examination that was substantially and de-
2 monstrably inadequate to establish the air-
3 man's qualifications.

4 “(B) NOTIFICATION REQUIREMENTS.—Be-
5 fore taking any action to reexamine an airman
6 under subparagraph (A), the Administrator
7 shall provide to the airman—

8 “(i) a reasonable basis, described in
9 detail, for requesting the reexamination;
10 and

11 “(ii) any information gathered by the
12 Federal Aviation Administration, that the
13 Administrator determines is appropriate to
14 provide, such as the scope and nature of
15 the requested reexamination, that formed
16 the basis for that justification.”.

17 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
18 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
19 INATION.—Section 44709(b) of title 49, United States
20 Code, is amended—

21 (1) in paragraph (1), by redesignating subpara-
22 graphs (A) and (B) as clauses (i) and (ii), respec-
23 tively, and indenting appropriately;

1 (2) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B), respectively, and indent-
3 ing appropriately;

4 (3) in the matter preceding subparagraph (A),
5 as redesignated, by striking “The Administrator”
6 and inserting the following:

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), the Administrator”;

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

10 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
11 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
12 AFTER REEXAMINATION.—

13 “(A) IN GENERAL.—The Administrator
14 may not issue an order to amend, modify, sus-
15 pend, or revoke an airman certificate held by a
16 student, sport, recreational, or private pilot and
17 issued under section 44703 of this title after a
18 reexamination of the airman holding the certifi-
19 cate unless the Administrator determines that
20 the airman—

21 “(i) lacks the technical skills and com-
22 petency, or care, judgment, and responsi-
23 bility, necessary to hold and safely exercise
24 the privileges of the certificate; or

1 “(ii) materially contributed to the
2 issuance of the certificate by fraudulent
3 means.

4 “(B) STANDARD OF REVIEW.—Any order
5 of the Administrator under this paragraph shall
6 be subject to the standard of review provided
7 for under section 2 of the Pilot’s Bill of Rights
8 (49 U.S.C. 44703 note).”.

9 (c) CONFORMING AMENDMENTS.—Section
10 44709(d)(1) of title 49, United States Code, is amended—

11 (1) in subparagraph (A), by striking “sub-
12 section (b)(1)(A)” and inserting “subsection
13 (b)(1)(A)(i)”; and

14 (2) in subparagraph (B), by striking “sub-
15 section (b)(1)(B)” and inserting “subsection
16 (b)(1)(A)(ii)”.

17 **SEC. 3305. EXPEDITING UPDATES TO NOTAM PROGRAM.**

18 (a) IN GENERAL.—Beginning on the date that is 180
19 days after the date of the enactment of this Act, the Ad-
20 ministrators of the Federal Aviation Administration may
21 not take any enforcement action against any individual for
22 a violation of a NOTAM (as defined in section 3 of the
23 Pilot’s Bill of Rights (Public Law 112–153; 126 Stat.
24 1162; 49 U.S.C. 44701 note)) until the Administrator
25 submits a certification that the Administrator has com-

1 plied with the requirements of section 3 of the Pilot’s Bill
2 of Rights, as amended by this section, to—

3 (1) the Committee on Commerce, Science, and
4 Transportation of the Senate; and

5 (2) the Committee on Transportation and In-
6 frastructure of the House of Representatives.

7 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
8 Rights (Public Law 112–153; 49 U.S.C. 44701 note) is
9 amended—

10 (1) in subsection (a)(2)—

11 (A) in the matter preceding subparagraph

12 (A)—

13 (i) by striking “this Act” and insert-
14 ing “the Pilot’s Bill of Rights 2”; and

15 (ii) by striking “begin” and inserting
16 “complete the implementation of”;

17 (B) by amending subparagraph (B) to read
18 as follows:

19 “(B) to continue developing and modern-
20 izing the NOTAM repository, in a public cen-
21 tral location, to maintain and archive all
22 NOTAMs, including the original content and
23 form of the notices, the original date of publica-
24 tion, and any amendments to such notices with
25 the date of each amendment, in a manner that

1 is Internet-accessible, machine-readable, and
2 searchable;”;

3 (C) in subparagraph (C), by striking the
4 period at the end and inserting “; and”; and

5 (D) by adding at the end the following:

6 “(D) to specify the times during which
7 temporary flight restrictions are in effect and
8 the duration of a designation of special use air-
9 space in a specific area.”; and

10 (2) by amending subsection (d) to read as fol-
11 lows:

12 “(d) DESIGNATION OF REPOSITORY AS SOLE
13 SOURCE FOR NOTAMS.—

14 “(1) IN GENERAL.—The Administrator—

15 “(A) shall consider the repository for
16 NOTAMS under subsection (a)(2)(B) to be the
17 sole location for airmen to check for NOTAMS;
18 and

19 “(B) may not consider a NOTAM to be
20 announced or published until the NOTAM is in-
21 cluded in the repository for NOTAMS under
22 subsection (a)(2)(B).

23 “(2) PROHIBITION ON TAKING ACTION FOR VIO-
24 LATIONS OF NOTAMS NOT IN REPOSITORY.—

1 “(A) IN GENERAL.—Except as provided in
 2 subparagraph (B), beginning on the date that
 3 the repository under subsection (a)(2)(B) is
 4 final and published, the Administrator may not
 5 take any enforcement action against an airman
 6 for a violation of a NOTAM during a flight if—

7 “(i) that NOTAM is not available
 8 through the repository before the com-
 9 mencement of the flight; and

10 “(ii) that NOTAM is not reasonably
 11 accessible and identifiable to the airman.

12 “(B) EXCEPTION FOR NATIONAL SECUR-
 13 RITY.—Subparagraph (A) shall not apply in the
 14 case of an enforcement action for a violation of
 15 a NOTAM that directly relates to national se-
 16 curity.”.

17 **SEC. 3306. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

18 (a) IN GENERAL.—Subchapter I of chapter 471 of
 19 title 49, United States Code, is amended by inserting after
 20 section 47124 the following:

21 **“§ 47124a. Accessibility of certain flight data**

22 “(a) DEFINITIONS.—In this section:

23 “(1) ADMINISTRATION.—The term ‘Administra-
 24 tion’ means the Federal Aviation Administration.

1 “(2) ADMINISTRATOR.—The term ‘Adminis-
2 trator’ means the Administrator of the Federal Avia-
3 tion Administration.

4 “(3) APPLICABLE INDIVIDUAL.—The term ‘ap-
5 plicable individual’ means an individual who is the
6 subject of an investigation initiated by the Adminis-
7 trator related to a covered flight record.

8 “(4) CONTRACT TOWER.—The term ‘contract
9 tower’ means an air traffic control tower providing
10 air traffic control services pursuant to a contract
11 with the Administration under the contract air traf-
12 fic control tower program under section
13 47124(b)(3).

14 “(5) COVERED FLIGHT RECORD.—The term
15 ‘covered flight record’ means any air traffic data (as
16 defined in section 2(b)(4)(B) of the Pilot’s Bill of
17 Rights (Public Law 112–153; 49 U.S.C. 44703
18 note)), created, maintained, or controlled by any
19 program of the Administration, including any pro-
20 gram of the Administration carried out by employees
21 or contractors of the Administration, such as con-
22 tract towers, flight service stations, and controller
23 training programs.

24 “(b) PROVISION OF COVERED FLIGHT RECORD TO
25 ADMINISTRATION.—

1 “(1) REQUESTS.—Whenever the Administration
2 receives a written request for a covered flight record
3 from an applicable individual and the covered flight
4 record is not in the possession of the Administration,
5 the Administrator shall request the covered flight
6 record from the contract tower or other contractor
7 of the Administration in possession of the covered
8 flight record.

9 “(2) PROVISION OF RECORDS.—Any covered
10 flight record created, maintained, or controlled by a
11 contract tower or another contractor of the Adminis-
12 tration that maintains covered flight records shall be
13 provided to the Administration if the Administration
14 requests the record pursuant to paragraph (1).

15 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
16 TION.—If the Administrator has issued, or subse-
17 quently issues, a Notice of Proposed Certificate Ac-
18 tion relying on evidence contained in the covered
19 flight record and the individual who is the subject of
20 an investigation has requested the record, the Ad-
21 ministrator shall promptly produce the record and
22 extend the time the individual has to respond to the
23 Notice of Proposed Certificate Action until the cov-
24 ered flight record is provided.

25 “(c) IMPLEMENTATION.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of the Pilot’s Bill of
3 Rights 2, the Administrator shall promulgate regula-
4 tions or guidance to ensure compliance with this sec-
5 tion.

6 “(2) COMPLIANCE BY CONTRACTORS.—

7 “(A) Compliance with this section by a
8 contract tower or other contractor of the Ad-
9 ministration that maintains covered flight
10 records shall be included as a material term in
11 any contract between the Administration and
12 the contract tower or contractor entered into or
13 renewed on or after the date of the enactment
14 of the Pilot’s Bill of Rights 2.

15 “(B) Subparagraph (A) shall not apply to
16 any contract or agreement in effect on the date
17 of the enactment of the Pilot’s Bill of Rights 2
18 unless the contract or agreement is renegoti-
19 ated, renewed, or modified after that date.”.

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

21 The table of contents for chapter 471 is amended by in-
22 serting after the item relating to section 47124 the fol-
23 lowing:

“47124a. Accessibility of certain flight data.”.

1 **SEC. 3307. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
2 **CERTAIN NOTICES.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Administrator of the Federal Avia-
5 tion Administration shall revise section 13.11 of title 14,
6 Code of Federal Regulations, to authorize legal counsel of
7 the Federal Aviation Administration to close enforcement
8 actions covered by that section with a warning notice, let-
9 ter of correction, or other administrative action.

10 **TITLE XXXV—MARITIME**
11 **ADMINISTRATION**

12 **SEC. 3501. MARITIME ADMINISTRATION.**

13 Section 109 of title 49, United States Code, is
14 amended to read as follows:

15 **“§ 109. Maritime Administration**

16 “(a) ORGANIZATION AND MISSION.—The Maritime
17 Administration is an administration in the Department of
18 Transportation. The mission of the Maritime Administra-
19 tion is to foster, promote, and develop the merchant mari-
20 time industry of the United States.

21 “(b) MARITIME ADMINISTRATOR.—The head of the
22 Maritime Administration is the Maritime Administrator,
23 who is appointed by the President by and with the advice
24 and consent of the Senate. The Administrator shall report
25 directly to the Secretary of Transportation and carry out
26 the duties prescribed by the Secretary.

1 “(c) DEPUTY MARITIME ADMINISTRATOR.—The
2 Maritime Administration shall have a Deputy Maritime
3 Administrator, who is appointed in the competitive service
4 by the Secretary, after consultation with the Adminis-
5 trator. The Deputy Administrator shall carry out the du-
6 ties prescribed by the Administrator. The Deputy Admin-
7 istrator shall be Acting Administrator during the absence
8 or disability of the Administrator and, unless the Sec-
9 retary designates another individual, during a vacancy in
10 the office of Administrator.

11 “(d) DUTIES AND POWERS VESTED IN SEC-
12 RETARY.—All duties and powers of the Maritime Adminis-
13 tration are vested in the Secretary.

14 “(e) REGIONAL OFFICES.—The Maritime Adminis-
15 tration shall have regional offices for the Atlantic, Gulf,
16 Great Lakes, and Pacific port ranges, and may have other
17 regional offices as necessary. The Secretary shall appoint
18 a qualified individual as Director of each regional office.
19 The Secretary shall carry out appropriate activities and
20 programs of the Maritime Administration through the re-
21 gional offices.

22 “(f) INTERAGENCY AND INDUSTRY RELATIONS.—
23 The Secretary shall establish and maintain liaison with
24 other agencies, and with representative trade organiza-
25 tions throughout the United States, concerned with the

1 transportation of commodities by water in the export and
2 import foreign commerce of the United States, for the pur-
3 pose of securing preference to vessels of the United States
4 for the transportation of those commodities.

5 “(g) DETAILING OFFICERS FROM ARMED FORCES.—
6 To assist the Secretary in carrying out duties and powers
7 relating to the Maritime Administration, not more than
8 five officers of the armed forces may be detailed to the
9 Secretary at any one time, in addition to details author-
10 ized by any other law. During the period of a detail, the
11 Secretary shall pay the officer an amount that, when
12 added to the officer’s pay and allowances as an officer in
13 the armed forces, makes the officer’s total pay and allow-
14 ances equal to the amount that would be paid to an indi-
15 vidual performing work the Secretary considers to be of
16 similar importance, difficulty, and responsibility as that
17 performed by the officer during the detail.

18 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND
19 AUDITS.—

20 “(1) CONTRACTS AND COOPERATIVE AGREE-
21 MENTS.—In the same manner that a private cor-
22 poration may make a contract within the scope of its
23 authority under its charter, the Secretary may make
24 contracts and cooperative agreements for the United
25 States Government and disburse amounts to—

1 “(A) carry out the Secretary’s duties and
2 powers under this section, subtitle V of title 46,
3 and all other Maritime Administration pro-
4 grams; and

5 “(B) protect, preserve, and improve collat-
6 eral held by the Secretary to secure indebted-
7 ness.

8 “(2) AUDITS.—The financial transactions of
9 the Secretary under paragraph (1) shall be audited
10 by the Comptroller General. The Comptroller Gen-
11 eral shall allow credit for an expenditure shown to
12 be necessary because of the nature of the business
13 activities authorized by this section or subtitle V of
14 title 46. At least once a year, the Comptroller Gen-
15 eral shall report to Congress any departure by the
16 Secretary from this section or subtitle V of title 46.

17 “(i) GRANT ADMINISTRATIVE EXPENSES.—Except as
18 otherwise provided by law, the administrative and related
19 expenses for the administration of any grant programs by
20 the Maritime Administrator may not exceed 3 percent.

21 “(j) AUTHORIZATION OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—Except as otherwise pro-
23 vided in this subsection, there are authorized to be
24 appropriated such amounts as may be necessary to

1 carry out the duties and powers of the Secretary re-
2 lating to the Maritime Administration.

3 “(2) LIMITATIONS.—Only those amounts spe-
4 cifically authorized by law may be appropriated for
5 the use of the Maritime Administration for—

6 “(A) acquisition, construction, or recon-
7 struction of vessels;

8 “(B) construction-differential subsidies in-
9 cident to the construction, reconstruction, or re-
10 conditioning of vessels;

11 “(C) costs of national defense features;

12 “(D) payments of obligations incurred for
13 operating-differential subsidies;

14 “(E) expenses necessary for research and
15 development activities, including reimbursement
16 of the Vessel Operations Revolving Fund for
17 losses resulting from expenses of experimental
18 vessel operations;

19 “(F) the Vessel Operations Revolving
20 Fund;

21 “(G) National Defense Reserve Fleet ex-
22 penses;

23 “(H) expenses necessary to carry out part
24 B of subtitle V of title 46; and

1 “(I) other operations and training expenses
2 related to the development of waterborne trans-
3 portation systems, the use of waterborne trans-
4 portation systems, and general administration.

5 “(3) TRAINING VESSELS.—Amounts may not be
6 appropriated for the purchase or construction of
7 training vessels for State maritime academies unless
8 the Secretary has approved a plan for sharing train-
9 ing vessels between State maritime academies.”.

10 **SEC. 3502. NATIONAL SECURITY FLOATING DRY DOCKS.**

11 Section 55122(a)(1)(C) of title 46, United States
12 Code, is amended by striking “the date of the enactment
13 of the Carl Levin and Howard P. ‘Buck’ McKeon National
14 Defense Authorization Act for Fiscal Year 2015” and in-
15 serting “December 19, 2017”.

16 **DIVISION D—FUNDING TABLES**

17 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**
18 **BLES.**

19 (a) IN GENERAL.—Whenever a funding table in this
20 division specifies a dollar amount authorized for a project,
21 program, or activity, the obligation and expenditure of the
22 specified dollar amount for the project, program, or activ-
23 ity is hereby authorized, subject to the availability of ap-
24 propriations.

1 (b) MERIT-BASED DECISIONS.—A decision to com-
2 mit, obligate, or expend funds with or to a specific entity
3 on the basis of a dollar amount authorized pursuant to
4 subsection (a) shall—

5 (1) be based on merit-based selection proce-
6 dures in accordance with the requirements of sec-
7 tions 2304(k) and 2374 of title 10, United States
8 Code, or on competitive procedures; and

9 (2) comply with other applicable provisions of
10 law.

11 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
12 MING AUTHORITY.—An amount specified in the funding
13 tables in this division may be transferred or repro-
14 grammed under a transfer or reprogramming authority
15 provided by another provision of this Act or by other law.
16 The transfer or reprogramming of an amount specified in
17 such funding tables shall not count against a ceiling on
18 such transfers or reprogrammings under section 1001 or
19 section 1522 of this Act or any other provision of law,
20 unless such transfer or reprogramming would move funds
21 between appropriation accounts.

22 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
23 section applies to any classified annex that accompanies
24 this Act.

1 (e) ORAL WRITTEN COMMUNICATIONS.—No oral or
2 written communication concerning any amount specified
3 in the funding tables in this division shall supersede the
4 requirements of this section.

1 **TITLE XLI—PROCUREMENT**2 **SEC. 4101. PROCUREMENT.**3 (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	NON-TACTICAL 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: LHMCB 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

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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 ECUS	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

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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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

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

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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	INDUSTRIAL PREPAREDNESS/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 GAFILLER SATELLITES(SPACE)	86,272	86,272
6	GPS III SPACE SEGMENT	34,059	34,059
7	GLOBAL POSITIONING (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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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		

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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	CCTVAUDIOVISUAL 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

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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

1 **SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY**

2 **OPERATIONS.**

3 (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

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **OPMENT, TEST, AND EVALUA-**
 3 **TION**

4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 5 **TION.**

6 (a) **RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 7 **TION.—**

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 MISSILE 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

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
103	0604820A	RADAR DEVELOPMENT	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEB)	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 (PPS-A) Unjustified growth	155,584	135,584 [-20,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV)	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RE- SPONSE 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 (NIP)	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 PRO- GRAMS.	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 HEAD-QUARTERS	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 EXPEDITONARY 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.	163,775	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	0603634N	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	0604634N	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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Line	Program Element	Item	FY 2017 Request	Senate Authorized
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 (GATOR)	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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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	999999999	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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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 EQUIP- MENT) (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 SUP- PORT	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	ENTERPRISE 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 CON- TROL 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 MOD- ERNIZATION 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 NET- WORK (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 (ATCAL).	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 TECH- NOLOGY 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 request		[-4,900]
		PBES unjustified request		[-1,900]
250	999999999	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	0601110D8SZ	BASIC RESEARCH INITIATIVES	36,654	36,654
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	57,791	57,791
5	0601120D8SZ	NATIONAL DEFENSE EDUCATION PROGRAM	69,345	69,345
6	0601228D8SZ	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	0602000D8SZ	JOINT MUNITIONS TECHNOLOGY	17,745	17,745
9	0602115E	BIOMEDICAL TECHNOLOGY	115,213	115,213
10	0602230D8SZ	DEFENSE TECHNOLOGY INNOVATION	30,000	30,000
11	0602234D8SZ	LINCOLN LABORATORY RESEARCH PROGRAM	48,269	48,269
12	0602251D8SZ	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	0602668D8SZ	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	0602751D8SZ	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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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 CHSR	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—AD- VANCED 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 TECH- NOLOGY 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 DEVELOP- MENT.	3,190,666	3,194,666
ADVANCED COMPONENT DEVELOPMENT AND PRO- TOTYPES				
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 SERV- ICES.	2,136	2,136
72	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,491	52,491
73	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEG- MENT.	206,834	206,834
74	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEG- MENT.	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. Post Intercept Assessment Acceleration	439,617	449,617
83	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUP- PORT.	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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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 SEG- MENT 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 MDCOURSE 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 DEM- ONSTRATION.	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 CAPABILI- TIES.	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 DEM- ONSTRATION.	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 DEVELOP- MENT (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 ORGANI- ZATION (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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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 (OHAIS)	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]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

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	99999999999	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	06051180TE	OPERATIONAL TEST AND EVALUATION	78,047	78,047
2	06051310TE	LIVE FIRE TEST AND EVALUATION	48,316	48,316
3	06058140TE	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		
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

1 SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
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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

1 **TITLE XLIII—OPERATION AND**
2 **MAINTENANCE**

3 **SEC. 4301. OPERATION AND MAINTENANCE.**

4 (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 & MOD- ERNIZATION	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 & MOD- ERNIZATION	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]
	TWW depot maintenance unfunded requirement		[12,300]
100	BASE OPERATIONS SUPPORT	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION	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 RE- SERVE	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 & MOD- ERNIZATION	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 & MOD-ERNIZATION	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 & MOD-ERNIZATION	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 & MOD-ERNIZATION	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 & MOD-ERNIZATION	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 ACTI- TIES		
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 RE- SERVE	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 & MOD- ERNIZATION	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 ACTIVI- TIES		
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 RE- CRUITING	365,349	365,349
	SUBTOTAL TRAINING AND RECRUITING	589,708	599,708
	ADMINISTRATION AND SERVICEWIDE ACTIVI- TIES		
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 Co- operation 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 En- hancement Fund		[-270,200]
	Transfer Ministry of Defense Advisors to to Security Coopera- tion 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 initiative 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, DE- FENSE	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

1 SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS

2 CONTINGENCY OPERATIONS.

3 (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 LE- VANT FUND			
COUNTER ISLAMIC STATE IN IRAQ AND THE LE- VANT 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 RE-SERVE	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 & MOD-ERNIZATION	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	SERVICEMAN COMMUNICATIONS	165,348	165,348
410	OTHER SERVICEMAN 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		
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

1 **TITLE XLIV—MILITARY**
2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

4 (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

1 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**2 **GENCY OPERATIONS.**3 (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

4 **TITLE XLV—OTHER**
5 **AUTHORIZATIONS**6 **SEC. 4501. OTHER AUTHORIZATIONS.**7 (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 ACTIVI- TIES			
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 ACTIVI- TIES, 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 EXPLORATORY 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 SYS- TEM	2,413	2,413
200	PROC DOD HEALTHCARE MANAGEMENT SYSTEM MOD- ERNIZATION	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 Demonstra- tion 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 Initiative 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

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
2 **TINGENCY OPERATIONS.**

3 (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 ACTIVI-			
TIES			
010	DEFENSEWIDE ACTIVITIES	215,333	215,333
	SUBTOTAL DRUG INTERDICTION AND COUNTER		
	DRUG ACTIVITIES	215,333	215,333
	TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVI-		
	TIES, 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

1 **TITLE XLVI—MILITARY**
 2 **CONSTRUCTION**

3 **SEC. 4601. MILITARY CONSTRUCTION.**

4 (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, Iner 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, Iner 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 Awaacs 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 Jadcoc 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	Canon 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
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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	Fairechild 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 Iner 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	Medeen Addition/Alteration Iner 1	50,000	50,000
MIL CON, DEF-WIDE	Fort Meade	NSAW Recapitalize Building #2 Iner 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-Rrme	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 Mileon	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				
MILCON, ARNG	Hawaii Hilo	Combined Support Maintenance Shop	31,000	31,000
MILCON, ARNG	Iowa Davenport	National Guard Readiness Center	23,000	23,000
MILCON, ARNG	Kansas Fort Leavenworth	National Guard Readiness Center	29,000	29,000
MILCON, ARNG	New Hampshire Hooksett	National Guard Vehicle Maintenance Shop	11,000	11,000
MILCON, ARNG	Rochester	National Guard Vehicle Maintenance Shop	8,900	8,900
MILCON, ARNG	Oklahoma Ardmore	National Guard Readiness Center	22,000	22,000
MILCON, ARNG	Pennsylvania York	National Guard Readiness Center	9,300	9,300
MILCON, ARNG	Rhode Island East Greenwich	National Guard/Reserve Center Building (JFHQ).	20,000	20,000
MILCON, ARNG	Utah Camp Williams	National Guard Readiness Center	37,000	37,000
MILCON, ARNG	Worldwide Unspecified Locations	Unspecified Minor Construction	12,001	12,001
MILCON, ARNG	Unspecified Worldwide Locations	Planning and Design	8,729	8,729
MILCON, ARNG	Wyoming Laramie	National Guard Readiness Center	21,000	21,000
SUBTOTAL MILCON, ARNG			232,930	232,930
MILCON, ANG				
MILCON, ANG	Connecticut Bradley IAP	Construct Small Air Terminal	6,300	6,300
MILCON, ANG	Florida Jacksonville IAP	Replace Fire Crash/Rescue Station	9,000	9,000
MILCON, ANG	Hawaii Joint Base Pearl Harbor-Hickam	F-22 Composite Repair Facility	11,000	11,000
MILCON, ANG	Iowa Sioux Gateway Airport	Construct Consolidated Support Functions	12,600	12,600
MILCON, ANG	Minnesota Duluth IAP	Load Crew Training/Weapon Shops	7,600	7,600
MILCON, ANG	New Hampshire Pease International Trade Port	KC-46A Install Fuselage Trainer Bldg 251	1,500	1,500

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(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 ANG	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 Duetbank	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 Ape/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 Privatization 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
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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

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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	Iceland 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	Worldwide Unspecified 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		
MILCON, AIR FORCE	Lithuania Siauliai	ERI: Munitions Storage	3,000	3,000		
MILCON, AIR FORCE	Poland 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		
MILCON, AIR FORCE	Romania 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		
MILCON, AIR FORCE	Worldwide Unspecified 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						
MIL CON, DEF-WIDE	Worldwide Unspecified 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		

1 **TITLE XLVII—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **PROGRAMS**

4 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 5 **PROGRAMS.**

6 (a) **DEPARTMENT OF ENERGY NATIONAL SECURITY**
 7 **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 site-wide 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 materials 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

1 **DIVISION E—UNIFORM CODE OF**
2 **MILITARY JUSTICE REFORM**

3 **SEC. 5001. SHORT TITLE.**

4 This division may be cited as the “Military Justice
5 Act of 2016”.

6 **TITLE LI—GENERAL**
7 **PROVISIONS**

8 **SEC. 5101. DEFINITIONS.**

9 (a) **MILITARY JUDGE.**—Paragraph (10) of section
10 801 of title 10, United States Code (article 1 of the Uni-
11 form Code of Military Justice), is amended to read as fol-
12 lows:

13 “(10) The term ‘military judge’ means a judge
14 advocate designated under section 826(c) of this title

1 (article 26(c)) who is detailed under section 826(a)
2 or section 830a of this title (article 26(a) or 30a).”.

3 (b) JUDGE ADVOCATE.—Paragraph (13) of such sec-
4 tion (article) is amended—

5 (1) in subparagraph (A), by striking “the Army
6 or the Navy” and inserting “the Army, the Navy, or
7 the Air Force”; and

8 (2) in subparagraph (B), by striking “the Air
9 Force or”.

10 **SEC. 5102. CLARIFICATION OF PERSONS SUBJECT TO UCMJ**

11 **WHILE ON INACTIVE-DUTY TRAINING.**

12 Paragraph (3) of section 802(a) of title 10, United
13 States Code (article 2(a) of the Uniform Code of Military
14 Justice), is amended to read as follows:

15 “(3)(A) While on inactive-duty training and
16 during any of the periods specified in subparagraph
17 (B)—

18 “(i) members of a reserve component; and

19 “(ii) members of the Army National Guard
20 of the United States or the Air National Guard
21 of the United States, but only when in Federal
22 service.

23 “(B) The periods referred to in subparagraph
24 (A) are the following:

1 “(i) Travel to and from the inactive-duty
2 training site of the member, pursuant to orders
3 or regulations.

4 “(ii) Intervals between consecutive periods
5 of inactive-duty training on the same day, pur-
6 suant to orders or regulations.

7 “(iii) Intervals between inactive-duty train-
8 ing on consecutive days, pursuant to orders or
9 regulations.”.

10 **SEC. 5103. STAFF JUDGE ADVOCATE DISQUALIFICATION**

11 **DUE TO PRIOR INVOLVEMENT IN CASE.**

12 Subsection (c) of section 806 of title 10, United
13 States Code (article 6 of the Uniform Code of Military
14 Justice), is amended to read as follows:

15 “(c)(1) No person who, with respect to a case, serves
16 in a capacity specified in paragraph (2) may later serve
17 as a staff judge advocate or legal officer to any reviewing
18 or convening authority upon the same case.

19 “(2) The capacities referred to in paragraph (1) are,
20 with respect to the case involved, any of the following:

21 “(A) Preliminary hearing officer, court member,
22 military judge, military magistrate, or appellate
23 judge.

24 “(B) Counsel who have acted in the same case
25 or appeared in any proceeding before a military

1 judge, military magistrate, preliminary hearing offi-
2 cer, or appellate court.”.

3 **SEC. 5104. CONFORMING AMENDMENT RELATING TO MILI-**
4 **TARY MAGISTRATES.**

5 The first sentence of section 806a(a) of title 10,
6 United States Code (article 6a(a) of the Uniform Code
7 of Military Justice), is amended by striking “military
8 judge” and all that follows through the end of the sentence
9 and inserting “military appellate judge, military judge, or
10 military magistrate to perform the duties of the position
11 involved.”.

12 **SEC. 5105. RIGHTS OF VICTIM.**

13 (a) DESIGNATION OF REPRESENTATIVE.—Subsection
14 (c) of section 806b of title 10, United States Code (article
15 6b of the Uniform Code of Military Justice), is amended
16 in the first sentence by striking “the military judge” and
17 all that follows through the end of the sentence and insert-
18 ing the following: “the legal guardians of the victim or
19 the representatives of the victim’s estate, family members,
20 or any other person designated as suitable by the military
21 judge, may assume the rights of the victim under this sec-
22 tion.”.

23 (b) RULE OF CONSTRUCTION.—Subsection (d) of
24 such section (article) is amended—

1 (1) in paragraph (1), by striking “or” at the
2 end;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; or”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(3) to impair the exercise of discretion under
8 sections 830 and 834 of this title (articles 30 and
9 34).”.

10 (c) INTERVIEW OF VICTIM.—Such section (article) is
11 amended by adding at the end the following new sub-
12 section:

13 “(f) COUNSEL FOR ACCUSED INTERVIEW OF VICTIM
14 OF ALLEGED OFFENSE.—(1) Upon notice by counsel for
15 the Government to counsel for the accused of the name
16 of an alleged victim of an offense under this chapter who
17 counsel for the Government intends to call as a witness
18 at a proceeding under this chapter, counsel for the accused
19 shall make any request to interview the victim through the
20 Special Victims’ Counsel or other counsel for the victim,
21 if applicable.

22 “(2) If requested by an alleged victim who is subject
23 to a request for interview under paragraph (1), any inter-
24 view of the victim by counsel for the accused shall take
25 place only in the presence of the counsel for the Govern-

1 ment, a counsel for the victim, or, if applicable, a victim
2 advocate.”.

3 **TITLE LII—APPREHENSION AND**
4 **RESTRAINT**

5 **SEC. 5121. RESTRAINT OF PERSONS CHARGED.**

6 Section 810 of title 10, United States Code (article
7 10 of the Uniform Code of Military Justice), is amended
8 to read as follows:

9 **“§ 810. Art. 10. Restraint of persons charged**

10 “(a) IN GENERAL.—(1) Subject to paragraph (2),
11 any person subject to this chapter who is charged with
12 an offense under this chapter may be ordered into arrest
13 or confinement as the circumstances require.

14 “(2) When a person subject to this chapter is charged
15 only with an offense that is normally tried by summary
16 court-martial, the person ordinarily shall not be ordered
17 into confinement.

18 “(b) NOTIFICATION TO ACCUSED AND RELATED
19 PROCEDURES.—(1) When a person subject to this chapter
20 is ordered into arrest or confinement before trial, imme-
21 diate steps shall be taken—

22 “(A) to inform the person of the specific offense
23 of which the person is accused; and

24 “(B) to try the person or to dismiss the charges
25 and release the person.

1 “(2) To facilitate compliance with paragraph (1), the
 2 President shall prescribe regulations setting forth proce-
 3 dures relating to referral for trial, including procedures
 4 for prompt forwarding of the charges and specifications
 5 and, if applicable, the preliminary hearing report sub-
 6 mitted under section 832 of this title (article 32).”.

7 **SEC. 5122. MODIFICATION OF PROHIBITION OF CONFINEMENT OF MEMBERS OF THE ARMED FORCES WITH ENEMY PRISONERS AND CERTAIN OTHERS.**

8
 9
 10
 11 Section 812 of title 10, United States Code (article
 12 12 of the Uniform Code of Military Justice), is amended
 13 to read as follows:

14 **“§ 812. Art. 12. Prohibition of confinement of mem-
 15 bers of the armed forces with enemy pris-
 16 oners and certain others**

17 “No member of the armed forces may be placed in
 18 confinement in immediate association with—

19 “(1) enemy prisoners; or

20 “(2) other individuals—

21 “(A) who are detained under the law of
 22 war and are foreign nationals; and

23 “(B) who are not members of the armed
 24 forces.”.

1 **TITLE LIII—NON-JUDICIAL**
 2 **PUNISHMENT**

3 **SEC. 5141. MODIFICATION OF CONFINEMENT AS NON-JUDI-**
 4 **CIAL PUNISHMENT.**

5 Section 815 of title 10, United States Code (article
 6 15 of the Uniform Code of Military Justice), is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (2)(A), by striking “on
 9 bread and water or diminished rations”; and

10 (B) in the undesignated matter after para-
 11 graph (2), by striking “on bread and water or
 12 diminished rations” in the sentence beginning
 13 “No two or more”; and

14 (2) in subsection (d), by striking “on bread and
 15 water or diminished rations” in paragraphs (2) and
 16 (3).

17 **TITLE LIV—COURT-MARTIAL**
 18 **JURISDICTION**

19 **SEC. 5161. COURTS-MARTIAL CLASSIFIED.**

20 Section 816 of title 10, United States Code (article
 21 16 of the Uniform Code of Military Justice), is amended
 22 to read as follows:

23 **“§ 816. Art 16. Courts-martial classified**

24 “(a) IN GENERAL.—The three kinds of courts-mar-
 25 tial in each of the armed forces are the following:

1 “(1) General courts-martial, as described in
2 subsection (b).

3 “(2) Special courts-martial, as described in sub-
4 section (c).

5 “(3) Summary courts-martial, as described in
6 subsection (d).

7 “(b) GENERAL COURTS-MARTIAL.—General courts-
8 martial are of the following three types:

9 “(1) A general court-martial consisting of a
10 military judge and eight members, subject to sec-
11 tions 825(d)(3) and 829 of this title (articles
12 25(d)(3) and 29).

13 “(2) In a capital case, a general court-martial
14 consisting of a military judge and the number of
15 members determined under section 825a of this title
16 (article 25a), subject to sections 825(d)(3) and 829
17 of this title (articles 25(d)(3) and 29).

18 “(3) A general court-martial consisting of a
19 military judge alone, if, before the court is assem-
20 bled, the accused, knowing the identity of the mili-
21 tary judge and after consultation with defense coun-
22 sel, requests, orally on the record or in writing, a
23 court composed of a military judge alone and the
24 military judge approves the request.

1 “(c) SPECIAL COURTS-MARTIAL.—Special courts-
2 martial are of the following two types:

3 “(1) A special court-martial, consisting of a
4 military judge and four members, subject to sections
5 825(d)(3) and 829 of this title (articles 25(d)(3) and
6 29).

7 “(2) A special court-martial consisting of a
8 military judge alone—

9 “(A) if the case is so referred by the con-
10 vening authority, subject to section 819 of this
11 title (article 19) and such limitations as the
12 President may prescribe by regulation; or

13 “(B) if the case is referred under para-
14 graph (1) and, before the court is assembled,
15 the accused, knowing the identity of the mili-
16 tary judge and after consultation with defense
17 counsel, requests, orally on the record or in
18 writing, a court composed of a military judge
19 alone and the military judge approves the re-
20 quest.

21 “(d) SUMMARY COURT-MARTIAL.—A summary court-
22 martial consists of one commissioned officer.”.

23 **SEC. 5162. JURISDICTION OF GENERAL COURTS-MARTIAL.**

24 Section 818 of title 10, United States Code (article
25 18 of the Uniform Code of Military Justice), is amended—

1 (1) in subsection (b), by striking “section
2 816(1)(B) of this title (article 16(1)(B))” and in-
3 serting “section 816(b)(3) of this title (article
4 16(b)(3))”; and

5 (2) by striking subsection (c) and inserting the
6 following new subsection (c):

7 “(c) Consistent with sections 819 and 820 of this title
8 (articles 19 and 20), only general courts-martial have ju-
9 risdiction over the following offenses:

10 “(1) A violation of subsection (a) or (b) of sec-
11 tion 920 of this title (article 120).

12 “(2) A violation of subsection (a) or (b) of sec-
13 tion 920b of this title (article 120b).

14 “(3) An attempt to commit an offense specified
15 in paragraph (1) or (2) that is punishable under sec-
16 tion 880 of this title (article 80).”.

17 **SEC. 5163. JURISDICTION OF SPECIAL COURTS-MARTIAL.**

18 Section 819 of title 10, United States Code (article
19 19 of the Uniform Code of Military Justice), is amended—

20 (1) by striking “Subject to” in the first sen-
21 tence and inserting the following:

22 “(a) IN GENERAL.—Subject to”;

23 (2) by striking “A bad-conduct discharge” and
24 all that follows through the end; and

1 “(b) NON-CRIMINAL FORUM.—A summary court-
 2 martial is a non-criminal forum. A finding of guilty at a
 3 summary court-martial does not constitute a criminal con-
 4 viction.”.

5 **TITLE LV—COMPOSITION OF**
 6 **COURTS-MARTIAL**

7 **SEC. 5181. TECHNICAL AMENDMENT RELATING TO PER-**
 8 **SONS AUTHORIZED TO CONVENE GENERAL**
 9 **COURTS-MARTIAL.**

10 Section 822(a)(6) of title 10, United States Code (ar-
 11 ticle 22(a)(6) of the Uniform Code of Military Justice),
 12 is amended by striking “in chief”.

13 **SEC. 5182. WHO MAY SERVE ON COURTS-MARTIAL AND RE-**
 14 **LATED MATTERS.**

15 (a) WHO MAY SERVE ON COURTS-MARTIAL.—Sub-
 16 section (c) of section 825 of title 10, United States Code
 17 (article 25 of the Uniform Code of Military Justice), is
 18 amended to read as follows:

19 “(c)(1) Any enlisted member on active duty is eligible
 20 to serve on a general or special court-martial for the trial
 21 of any other enlisted member.

22 “(2) Before a court-martial with a military judge and
 23 members is assembled for trial, an enlisted member who
 24 is an accused may personally request, orally on the record
 25 or in writing, that—

1 “(A) the membership of the court-martial be
2 comprised entirely of officers; or

3 “(B) enlisted members comprise at least one-
4 third of the membership of the court-martial, re-
5 gardless of whether enlisted members have been de-
6 tailed to the court-martial.

7 “(3) Except as provided in paragraph (4), after such
8 a request, the accused may not be tried by a general or
9 special court-martial if the membership of the court-mar-
10 tial is inconsistent with the request.

11 “(4) If, because of physical conditions or military ex-
12 igencies, a sufficient number of eligible officers or enlisted
13 members, as the case may be, are not available to carry
14 out paragraph (2), the trial may nevertheless be held. In
15 that event, the convening authority shall make a detailed
16 written statement of the reasons for nonavailability. The
17 statement shall be appended to the record.”.

18 (b) **DETAIL OF MEMBERS.**—Subsection (d) of such
19 section (article) is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(3) The convening authority shall detail not less
22 than the number of members necessary to impanel the
23 court-martial under section 829 of this title (article 29).”.

1 **SEC. 5183. NUMBER OF COURT-MARTIAL MEMBERS IN CAP-**
2 **ITAL CASES.**

3 Section 825a of title 10, United States Code (article
4 25a of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 825a. Art. 25a. Number of court-martial members**
7 **in capital cases**

8 “(a) IN GENERAL.—In a case in which the accused
9 may be sentenced to death, the number of members shall
10 be 12.

11 “(b) CASE NO LONGER CAPITAL.—Subject to section
12 829 of this title (article 29)—

13 “(1) if a case is referred for trial as a capital
14 case and, before the members are impaneled, the ac-
15 cused may no longer be sentenced to death, the
16 number of members shall be eight; and

17 “(2) if a case is referred for trial as a capital
18 case and, after the members are impaneled, the ac-
19 cused may no longer be sentenced to death, the
20 number of members shall remain 12.”.

21 **SEC. 5184. DETAILING, QUALIFICATIONS, AND OTHER MAT-**
22 **TERS RELATING TO MILITARY JUDGES.**

23 (a) DETAIL TO SPECIAL COURTS-MARTIAL.—Sub-
24 section (a) of section 826 of title 10, United States Code
25 (article 26 of the Uniform Code of Military Justice), is
26 amended—

1 (1) in the first sentence, by inserting after
2 “each general” the following: “and special”; and
3 (2) by striking the second sentence.

4 (b) QUALIFICATIONS.—Subsection (b) of such section
5 (article) is amended by striking “qualified for duty” and
6 inserting “qualified, by reason of education, training, ex-
7 perience, and judicial temperament, for duty”.

8 (c) DETAIL AND ASSIGNMENT.—Subsection (c) of
9 such section (article) is amended to read as follows:

10 “(c)(1) In accordance with regulations prescribed
11 under subsection (a), a military judge of a general or spe-
12 cial court-martial shall be designated for detail by the
13 Judge Advocate General of the armed force of which the
14 military judge is a member.

15 “(2) Neither the convening authority nor any member
16 of the staff of the convening authority shall prepare or
17 review any report concerning the effectiveness, fitness, or
18 efficiency of the military judge so detailed, which relates
19 to the military judge’s performance of duty as a military
20 judge.

21 “(3) A commissioned officer who is certified to be
22 qualified for duty as a military judge of a general court-
23 martial—

24 “(A) may perform such duties only when the of-
25 ficer is assigned and directly responsible to the

1 Judge Advocate General of the armed force of which
2 the military judge is a member; and

3 “(B) may perform duties of a judicial or non-
4 judicial nature other than those relating to the offi-
5 cer’s primary duty as a military judge of a general
6 court-martial when such duties are assigned to the
7 officer by or with the approval of that Judge Advo-
8 cate General.

9 “(4) In accordance with regulations prescribed by the
10 President, assignments of military judges under this sec-
11 tion (article) shall be for appropriate minimum periods,
12 subject to such exceptions as may be authorized in the
13 regulations.”.

14 (d) **DETAIL TO A DIFFERENT ARMED FORCE.**—Such
15 section (article) is further amended by adding at the end
16 the following new subsection:

17 “(f) A military judge may be detailed under sub-
18 section (a) to a court-martial or a proceeding under sec-
19 tion 830a of this title (article 30a) that is convened in
20 a different armed force, when so permitted by the Judge
21 Advocate General of the armed force of which the military
22 judge is a member.”.

23 (e) **CHIEF TRIAL JUDGES.**—Such section (article), as
24 amended by subsection (d), is further amended by adding
25 at the end the following new subsection:

1 “(g) In accordance with regulations prescribed by the
2 President, each Judge Advocate General shall designate
3 a chief trial judge from among the members of the applica-
4 ble trial judiciary.”.

5 **SEC. 5185. QUALIFICATIONS OF TRIAL COUNSEL AND DE-**
6 **FENSE COUNSEL.**

7 Section 827 of title 10, United States Code (article
8 27 of the Uniform Code of Military Justice), is amended—

9 (1) in the first sentence of paragraph (2) of
10 subsection (a), by striking “No person” and all that
11 follows through “trial counsel,” the first place it ap-
12 pears and inserting “No person who, with respect to
13 a case, has served as a preliminary hearing officer,
14 court member, military judge, military magistrate,
15 or appellate judge, may later serve as trial counsel,”;

16 (2) in the first sentence of subsection (b), by
17 striking “Trial counsel or defense counsel” and in-
18 serting “Trial counsel, defense counsel, or assistant
19 defense counsel”; and

20 (3) by striking subsection (c) and inserting the
21 following new subsections:

22 “(c)(1) Defense counsel and assistant defense counsel
23 detailed for a special court-martial shall have the quali-
24 fications set forth in subsection (b).

1 “(2) Trial counsel and assistant trial counsel detailed
2 for a special court-martial and assistant trial counsel de-
3 tailed for a general court-martial must be determined to
4 be competent to perform such duties by the Judge Advo-
5 cate General, under such rules as the President may pre-
6 scribe.

7 “(d) To the greatest extent practicable, in any capital
8 case, at least one defense counsel shall, as determined by
9 the Judge Advocate General, be learned in the law applica-
10 ble to such cases. If necessary, this counsel may be a civil-
11 ian and, if so, may be compensated in accordance with
12 regulations prescribed by the Secretary of Defense.”.

13 **SEC. 5186. ASSEMBLY AND IMPANELING OF MEMBERS AND**
14 **RELATED MATTERS.**

15 Section 829 of title 10, United States Code (article
16 29 of the Uniform Code of Military Justice), is amended
17 to read as follows:

18 **“§ 829. Art 29. Assembly and impaneling of members;**
19 **detail of new members and military**
20 **judges**

21 “(a) ASSEMBLY.—The military judge shall announce
22 the assembly of a general or special court-martial with
23 members. After such a court-martial is assembled, no
24 member may be absent, unless the member is excused—

25 “(1) as a result of a challenge;

1 “(2) under subsection (b)(1)(B); or

2 “(3) by order of the military judge or the con-
3 vening authority for disability or other good cause.

4 “(b) IMPANELING.—(1) Under rules prescribed by
5 the President, the military judge of a general or special
6 court-martial with members shall—

7 “(A) after determination of challenges, impanel
8 the court-martial; and

9 “(B) excuse the members who, having been as-
10 sembled, are not impaneled.

11 “(2) In a general court-martial, the military judge
12 shall impanel—

13 “(A) 12 members in a capital case; and

14 “(B) eight members in a noncapital case.

15 “(3) In a special court-martial, the military judge
16 shall impanel four members.

17 “(c) ALTERNATE MEMBERS.—In addition to mem-
18 bers under subsection (b), the military judge shall impanel
19 alternate members, if the convening authority authorizes
20 alternate members.

21 “(d) DETAIL OF NEW MEMBERS.—(1) If, after mem-
22 bers are impaneled, the membership of the court-martial
23 is reduced to—

24 “(A) fewer than 12 members with respect to a
25 general court-martial in a capital case;

1 “(B) fewer than six members with respect to a
2 general court-martial in a noncapital case; or

3 “(C) fewer than four members with respect to
4 a special court-martial;

5 the trial may not proceed unless the convening authority
6 details new members and, from among the members so
7 detailed, the military judge impanels new members suffi-
8 cient in number to provide the membership specified in
9 paragraph (2).

10 “(2) The membership referred to in paragraph (1)
11 is as follows:

12 “(A) 12 members with respect to a general
13 court-martial in a capital case.

14 “(B) At least six but not more than eight mem-
15 bers with respect to a general court-martial in a
16 noncapital case.

17 “(C) Four members with respect to a special
18 court-martial.

19 “(e) **DETAIL OF NEW MILITARY JUDGE.**—If the mili-
20 tary judge is unable to proceed with the trial because of
21 disability or otherwise, a new military judge shall be de-
22 tailed to the court-martial.

23 “(f) **EVIDENCE.**—(1) In the case of new members
24 under subsection (d), the trial may proceed with the new
25 members present after the evidence previously introduced

1 is read or, in the case of audiotape, videotape, or similar
2 recording, is played, in the presence of the new members,
3 the military judge, the accused, and counsel for both sides.

4 “(2) In the case of a new military judge under sub-
5 section (e), the trial shall proceed as if no evidence had
6 been introduced, unless the evidence previously introduced
7 is read or, in the case of audiotape, videotape, or similar
8 recording, is played, in the presence of the new military
9 judge, the accused, and counsel for both sides.”.

10 **SEC. 5187. MILITARY MAGISTRATES.**

11 Subchapter V of chapter 47 of title 10, United States
12 Code, is amended by inserting after section 826 (article
13 26 of the Uniform Code of Military Justice) the following
14 new section (article):

15 **“§ 826a. Art. 26a. Military magistrates**

16 “(a) QUALIFICATIONS.—A military magistrate shall
17 be a commissioned officer of the armed forces who—

18 “(1) is a member of the bar of a Federal court
19 or a member of the bar of the highest court of a
20 State; and

21 “(2) is certified to be qualified, by reason of
22 education, training, experience, and judicial tem-
23 perament, for duty as a military magistrate by the
24 Judge Advocate General of the armed force of which
25 the officer is a member.

1 “(b) DUTIES.—In accordance with regulations pre-
 2 scribed by the Secretary concerned, in addition to duties
 3 when designated under section 819 or 830a of this title
 4 (article 19 or 30a), a military magistrate may be assigned
 5 to perform other duties of a nonjudicial nature.”.

6 **TITLE LVI—PRE-TRIAL**
 7 **PROCEDURE**

8 **SEC. 5201. CHARGES AND SPECIFICATIONS.**

9 Section 830 of title 10, United States Code (article
 10 30 of the Uniform Code of Military Justice), is amended
 11 to read as follows:

12 **“§ 830. Art 30. Charges and specifications**

13 “(a) IN GENERAL.—Charges and specifications—

14 “(1) may be preferred only by a person subject
 15 to this chapter; and

16 “(2) shall be preferred by presentment in writ-
 17 ing, signed under oath before a commissioned officer
 18 of the armed forces who is authorized to administer
 19 oaths.

20 “(b) REQUIRED CONTENT.—The writing under sub-
 21 section (a) shall state that—

22 “(1) the signer has personal knowledge of, or
 23 has investigated, the matters set forth in the charges
 24 and specifications; and

1 “(B) include procedures for the review of such
2 rulings;

3 “(C) include appropriate limitations to ensure
4 that proceedings under this section extend only to
5 matters that would be subject to consideration by a
6 military judge in a general or special court-martial;
7 and

8 “(D) provide such limitations on the relief that
9 may be ordered under this section as the President
10 considers appropriate.

11 “(3) If any matter in a proceeding under paragraph
12 (1) becomes a subject at issue with respect to charges that
13 have been referred to a general or special court-martial,
14 the matter shall be transferred to the military judge de-
15 tailed to the court-martial.

16 “(b) **DETAIL OF MILITARY JUDGE.**—The Secretary
17 concerned shall prescribe regulations providing for the
18 manner in which military judges are detailed to pro-
19 ceedings under subsection (a)(1).

20 “(c) **DISCRETION TO DESIGNATE MAGISTRATE TO**
21 **PRESIDE.**—In accordance with regulations prescribed by
22 the Secretary concerned, a military judge detailed to a
23 proceeding under subsection (a)(1) may designate a mili-
24 tary magistrate to preside over the proceeding.”.

1 **SEC. 5203. PRELIMINARY HEARING REQUIRED BEFORE RE-**
2 **FERRAL TO GENERAL COURT-MARTIAL.**

3 (a) IN GENERAL.—Section 832 of title 10, United
4 States Code (article 32 of the Uniform Code of Military
5 Justice), is amended by striking the section heading and
6 subsections (a), (b), and (c) and inserting the following:

7 **“§ 832. Art. 32. Preliminary hearing required before**
8 **referral to general court-martial**

9 “(a) IN GENERAL.—(1)(A) Except as provided in
10 subparagraph (B), a preliminary hearing shall be held be-
11 fore referral of charges and specifications for trial by gen-
12 eral court-martial. The preliminary hearing shall be con-
13 ducted by an impartial hearing officer, detailed by the con-
14 vening authority in accordance with subsection (b).

15 “(B) Under regulations prescribed by the President,
16 a preliminary hearing need not be held if the accused sub-
17 mits a written waiver to the convening authority and the
18 convening authority determines that a hearing is not re-
19 quired.

20 “(2) The issues for determination at a preliminary
21 hearing are limited to the following:

22 “(A) Whether or not the specification alleges an
23 offense under this chapter.

24 “(B) Whether or not there is probable cause to
25 believe that the accused committed the offense
26 charged.

1 “(C) Whether or not the convening authority
2 has court-martial jurisdiction over the accused and
3 over the offense.

4 “(b) HEARING OFFICER.—(1) A preliminary hearing
5 under this section shall be conducted by an impartial hear-
6 ing officer, who—

7 “(A) whenever practicable, shall be a judge ad-
8 vocate who is certified under section 827(b)(2) of
9 this title (article 27(b)(2)); or

10 “(B) when it is not practicable to appoint a
11 judge advocate because of exceptional circumstances,
12 is not a judge advocate so certified.

13 “(2) In the case of a hearing officer under paragraph
14 (1)(B), a judge advocate who is certified under section
15 827(b)(2) of this title (article 27(b)(2)) shall be available
16 to provide legal advice to the hearing officer.

17 “(3) Whenever practicable, the hearing officer shall
18 be equal in grade or senior in grade to military counsel
19 who are detailed to represent the accused or the Govern-
20 ment at the preliminary hearing.

21 “(c) REPORT TO CONVENING AUTHORITY.—After a
22 preliminary hearing under this section, the hearing officer
23 shall submit to the convening authority a written report
24 (accompanied by a recording of the preliminary hearing
25 under subsection (e)) that includes the following:

1 “(1) For each specification, a statement of the
2 reasoning and conclusions of the hearing officer with
3 respect to determinations under subsection (a)(2),
4 including a summary of relevant witness testimony
5 and documentary evidence presented at the hearing
6 and any observations of the hearing officer con-
7 cerning the testimony of witnesses and the avail-
8 ability and admissibility of evidence at trial.

9 “(2) Recommendations for any necessary modi-
10 fications to the form of the charges or specifications.

11 “(3) An analysis of any additional information
12 submitted after the hearing by the parties or by a
13 victim of an offense, that, under such rules as the
14 President may prescribe, is relevant to disposition
15 under sections 830 and 834 of this title (articles 30
16 and 34).

17 “(4) A statement of action taken on evidence
18 adduced with respect to uncharged offenses, as de-
19 scribed in subsection (f).”.

20 (b) SUNDRY AMENDMENTS.—Subsection (d) of such
21 section (article) is amended—

22 (1) in paragraph (1), by striking “subsection
23 (a)” in the first sentence and inserting “this sec-
24 tion”;

1 (2) in paragraph (2), by striking “in defense”
2 and all that follows through the end and inserting
3 “that is relevant to the issues for determination
4 under subsection (a)(2).”;

5 (3) in paragraph (3), by adding at the end the
6 following new sentence: “A declination under this
7 paragraph shall not serve as the sole basis for order-
8 ing a deposition under section 849 of this title (arti-
9 cle 49).”; and

10 (4) in paragraph (4), by striking “the limited
11 purposes of the hearing, as provided in subsection
12 (a)(2)” and inserting “determinations under sub-
13 section (a)(2)”.

14 (c) REFERENCE TO MCM.—Subsection (e) of such
15 section (article) is amended by striking “as prescribed by
16 the Manual for Courts-Martial” in the second sentence
17 and inserting “under such rules as the President may pre-
18 scribe”.

19 (d) EFFECT OF VIOLATION.—Subsection (g) of such
20 section (article) is amended by adding at the end the fol-
21 lowing new sentence: “A defect in a report under sub-
22 section (e) is not a basis for relief if the report is in sub-
23 stantial compliance with that subsection.”.

1 (e) CONFORMING AMENDMENTS.—The following pro-
2 visions are each amended by striking “investigating offi-
3 cer” and inserting “preliminary hearing officer”:

4 (1) Section 806b(a)(3) of title 10, United
5 States Code (article 6b(a)(3) of the Uniform Code of
6 Military Justice).

7 (2) Section 825(d)(2) of such title (article
8 25(d)(2) of the Uniform Code of Military Justice).

9 (3) Section 826(d) of such title (article 26(d) of
10 the Uniform Code of Military Justice).

11 **SEC. 5204. DISPOSITION GUIDANCE.**

12 Section 833 of title 10, United States Code (article
13 33 of the Uniform Code of Military Justice), is amended
14 to read as follows:

15 **“§ 833. Art 33. Disposition guidance**

16 “The President shall direct the Secretary of Defense
17 to issue, in consultation with the Secretary of Homeland
18 Security, non-binding guidance regarding factors that
19 commanders, convening authorities, staff judge advocates,
20 and judge advocates should take into account when exer-
21 cising their duties with respect to disposition of charges
22 and specifications in the interest of justice and discipline
23 under sections 830 and 834 of this title (articles 30 and
24 34). Such guidance shall take into account, with appro-
25 priate consideration of military requirements, the prin-

1 ciples contained in official guidance of the Attorney Gen-
 2 eral to attorneys for the Government with respect to dis-
 3 position of Federal criminal cases in accordance with the
 4 principle of fair and evenhanded administration of Federal
 5 criminal law.”.

6 **SEC. 5205. ADVICE TO CONVENING AUTHORITY BEFORE RE-**
 7 **FERRAL FOR TRIAL.**

8 Section 834 of title 10, United States Code (article
 9 34 of the Uniform Code of Military Justice), is amended
 10 to read as follows:

11 **“§ 834. Art. 34. Advice to convening authority before**
 12 **referral for trial**

13 “(a) GENERAL COURT-MARTIAL.—

14 “(1) STAFF JUDGE ADVOCATE ADVICE RE-
 15 QUIRED BEFORE REFERRAL.—Before referral of
 16 charges and specifications to a general court-martial
 17 for trial, the convening authority shall submit the
 18 matter to the staff judge advocate for advice, which
 19 the staff judge advocate shall provide to the con-
 20 vening authority in writing. The convening authority
 21 may not refer a specification under a charge to a
 22 general court-martial unless the staff judge advocate
 23 advises the convening authority in writing that—

24 “(A) the specification alleges an offense
 25 under this chapter;

1 “(B) there is probable cause to believe that
2 the accused committed the offense charged; and

3 “(C) a court-martial would have jurisdic-
4 tion over the accused and the offense.

5 “(2) STAFF JUDGE ADVOCATE RECOMMENDA-
6 TION AS TO DISPOSITION.—Together with the writ-
7 ten advice provided under paragraph (1), the staff
8 judge advocate shall provide a written recommenda-
9 tion to the convening authority as to the disposition
10 that should be made of the specification in the inter-
11 est of justice and discipline.

12 “(3) STAFF JUDGE ADVOCATE ADVICE AND
13 RECOMMENDATION TO ACCOMPANY REFERRAL.—
14 When a convening authority makes a referral for
15 trial by general court-martial, the written advice of
16 the staff judge advocate under paragraph (1) and
17 the written recommendation of the staff judge advo-
18 cate under paragraph (2) with respect to each speci-
19 fication shall accompany the referral.

20 “(b) SPECIAL COURT-MARTIAL; CONVENING AU-
21 THORITY CONSULTATION WITH JUDGE ADVOCATE.—Be-
22 fore referral of charges and specifications to a special
23 court-martial for trial, the convening authority shall con-
24 sult a judge advocate on relevant legal issues.

1 “(c) GENERAL AND SPECIAL COURTS-MARTIAL; COR-
 2 RECTION OF CHARGES AND SPECIFICATIONS BEFORE RE-
 3 FERRAL.—Before referral for trial by general court-mar-
 4 tial or special court-martial, changes may be made to
 5 charges and specifications—

6 “(1) to correct errors in form; and

7 “(2) when applicable, to conform to the sub-
 8 stance of the evidence contained in a report under
 9 section 832(c) of this title (article 32(c)).

10 “(d) REFERRAL DEFINED.—In this section, the term
 11 ‘referral’ means the order of a convening authority that
 12 charges and specifications against an accused be tried by
 13 a specified court-martial.”.

14 **SEC. 5206. SERVICE OF CHARGES AND COMMENCEMENT OF**
 15 **TRIAL.**

16 Section 835 of title 10, United States Code (article
 17 35 of the Uniform Code of Military Justice), is amended
 18 to read as follows:

19 **“§ 835. Art. 35. Service of charges; commencement of**
 20 **trial**

21 “(a) IN GENERAL.—Trial counsel detailed for a
 22 court-martial under section 827 of this title (article 27)
 23 shall cause to be served upon the accused a copy of the
 24 charges and specifications referred for trial.

1 “(b) COMMENCEMENT OF TRIAL.—(1) Subject to
2 paragraphs (2) and (3), no trial or other proceeding of
3 a general court-martial or a special court-martial (includ-
4 ing any session under section 839(a) of this title (article
5 39(a)) may be held over the objection of the accused—

6 “(A) with respect to a general court-martial,
7 from the time of service through the fifth day after
8 the date of service; or

9 “(B) with respect to a special court-martial,
10 from the time of service through the third day after
11 the date of service.

12 “(2) An objection under paragraph (1) may be raised
13 only at the first session of the trial or other proceeding
14 and only if the first session occurs before the end of the
15 applicable period under paragraph (1)(A) or (1)(B). If the
16 first session occurs before the end of the applicable period,
17 the military judge shall, at that session, inquire as to
18 whether the defense objects under this subsection.

19 “(3) This subsection shall not apply in time of war.”.

20 **TITLE LVII—TRIAL PROCEDURE**

21 **SEC. 5221. DUTIES OF ASSISTANT DEFENSE COUNSEL.**

22 Section 838(e) of title 10, United States Code (article
23 38(e) of the Uniform Code of Military Justice), is amend-
24 ed by striking “, under the direction” and all that follows
25 through “(article 27),”.

1 **SEC. 5222. SESSIONS.**

2 Section 839 of title 10, United States Code (article
3 39 of the Uniform Code of Military Justice), is amended—

4 (1) in subsection (a)—

5 (A) by redesignating paragraph (4) as
6 paragraph (5); and

7 (B) by striking paragraph (3) and insert-
8 ing the following new paragraphs:

9 “(3) holding the arraignment and receiving the
10 pleas of the accused;

11 “(4) conducting a sentencing proceeding and
12 sentencing the accused; and”; and

13 (2) in the second sentence of subsection (c), by
14 striking “, in cases in which a military judge has
15 been detailed to the court,”.

16 **SEC. 5223. TECHNICAL AMENDMENT RELATING TO CON-**
17 **TINUANCES.**

18 Section 840 of title 10, United States Code (article
19 40 of the Uniform Code of Military Justice), is amended
20 by striking “court-martial without a military judge” and
21 inserting “summary court-martial”.

22 **SEC. 5224. CONFORMING AMENDMENTS RELATING TO**
23 **CHALLENGES.**

24 Section 841 of title 10, United States Code (article
25 41 of the Uniform Code of Military Justice), is amended—

1 (1) in subsection (a)(1), in the second sentence,
2 by striking “, or, if none, the court,”;

3 (2) in subsection (a)(2), in the first sentence,
4 by striking “minimum”; and

5 (3) in subsection (b)(2), by striking “min-
6 imum”.

7 **SEC. 5225. STATUTE OF LIMITATIONS.**

8 (a) INCREASE IN PERIOD FOR CHILD ABUSE OF-
9 FENSES.—Subsection (b)(2)(A) of section 843 of title 10,
10 United States Code (article 43 of the Uniform Code of
11 Military Justice), is amended by striking “five years” and
12 inserting “ten years”.

13 (b) INCREASE IN PERIOD FOR FRAUDULENT ENLIST-
14 MENT OR APPOINTMENT OFFENSES.—Such section (arti-
15 cle) is further amended by adding at the end the following
16 new subsection:

17 “(h) FRAUDULENT ENLISTMENT OR APPOINT-
18 MENT.—A person charged with fraudulent enlistment or
19 fraudulent appointment under section 904a(1) of this title
20 (article 104a(1)) may be tried by court-martial if the
21 sworn charges and specifications are received by an officer
22 exercising summary court-martial jurisdiction with respect
23 to that person, as follows:

1 “(1) In the case of an enlisted member, during
2 the period of the enlistment or five years, whichever
3 provides a longer period.

4 “(2) In the case of an officer, during the period
5 of the appointment or five years, whichever provides
6 a longer period.”.

7 (c) DNA EVIDENCE.—Such section (article), as
8 amended by subsection (b) of this section, is further
9 amended by adding at the end the following new sub-
10 section:

11 “(i) DNA EVIDENCE.—If DNA testing implicates an
12 identified person in the commission of an offense punish-
13 able by confinement for more than one year, no statute
14 of limitations that would otherwise preclude prosecution
15 of the offense shall preclude such prosecution until a pe-
16 riod of time following the implication of the person by
17 DNA testing has elapsed that is equal to the otherwise
18 applicable limitation period.”.

19 (d) CONFORMING AMENDMENTS.—Subsection
20 (b)(2)(B) of such section (article) is amended by striking
21 clauses (i) through (v) and inserting the following new
22 clauses:

23 “(i) Any offense in violation of section 920,
24 920a, 920b, 920c, or 930 of this title (article 120,

1 120a, 120b, 120c, or 130), unless the offense is cov-
2 ered by subsection (a).

3 “(ii) Maiming in violation of section 928a of
4 this title (article 128a).

5 “(iii) Aggravated assault, assault consummated
6 by a battery, or assault with intent to commit speci-
7 fied offenses in violation of section 928 of this title
8 (article 128).

9 “(iv) Kidnapping in violation of section 925 of
10 this title (article 125).”.

11 (e) SUBSECTION HEADING AMENDMENTS FOR STY-
12 LISTIC CONSISTENCY.—Such section (article) is further
13 amended—

14 (1) in subsection (a), by inserting “NO LIMITA-
15 TION FOR CERTAIN OFFENSES.—” after “(a)”;

16 (2) in subsection (b), by inserting “FIVE-YEAR
17 LIMITATION FOR TRIAL BY COURT-MARTIAL.—”
18 after “(b)”;

19 (3) in subsection (c), by inserting “TOLLING
20 FOR ABSENCE WITHOUT LEAVE OR FLIGHT FROM
21 JUSTICE.—” after “(c)”;

22 (4) in subsection (d), by inserting “TOLLING
23 FOR ABSENCE FROM US OR MILITARY JURISDIC-
24 TION.—” after “(d)”;

1 (5) in subsection (e), by inserting “**EXTENSION**
 2 **FOR OFFENSES IN TIME OF WAR DETRIMENTAL TO**
 3 **PROSECUTION OF WAR.—**” after “(e)”;

4 (6) in subsection (f), by inserting “**EXTENSION**
 5 **FOR OTHER OFFENSES IN TIME OF WAR.—**” after
 6 “(f)”; and

7 (7) in subsection (g), by inserting “**DEFECTIVE**
 8 **OR INSUFFICIENT CHARGES.—**” after “(g)”.

9 (e) **APPLICATION.**—The amendments made by sub-
 10 sections (a), (b), (c), and (d) shall apply to the prosecution
 11 of any offense committed before, on, or after the date of
 12 the enactment of this subsection if the applicable limita-
 13 tion period has not yet expired.

14 **SEC. 5226. FORMER JEOPARDY.**

15 Subsection (c) of section 844 of title 10, United
 16 States Code (article 44 of the Uniform Code of Military
 17 Justice), is amended to read as follows:

18 “(c)(1) A court-martial with a military judge alone
 19 is a trial in the sense of this section (article) if, without
 20 fault of the accused—

21 “(A) after introduction of evidence; and

22 “(B) before announcement of findings under
 23 section 853 of this title (article 53);

1 the case is dismissed or terminated by the convening au-
 2 thority or on motion of the prosecution for failure of avail-
 3 able evidence or witnesses.

4 “(2) A court-martial with a military judge and mem-
 5 bers is a trial in the sense of this section (article) if, with-
 6 out fault of the accused—

7 “(A) after the members, having taken an oath
 8 as members under section 842 of this title (article
 9 42) and after completion of challenges under section
 10 841 of this title (article 41), are impaneled; and

11 “(B) before announcement of findings under
 12 section 853 of this title (article 53);

13 the case is dismissed or terminated by the convening au-
 14 thority or on motion of the prosecution for failure of avail-
 15 able evidence or witnesses.”.

16 **SEC. 5227. PLEAS OF THE ACCUSED.**

17 (a) PLEAS OF GUILTY.—Subsection (b) of section
 18 845 of title 10, United States Code (article 45 of the Uni-
 19 form Code of Military Justice), is amended—

20 (1) in the first sentence, by striking “may be
 21 adjudged” and inserting “is mandatory”; and

22 (2) in the second sentence—

23 (A) by striking “or by a court-martial
 24 without a military judge”; and

1 (B) by striking “, if permitted by regula-
2 tions of the Secretary concerned,”.

3 (b) HARMLESS ERROR.—Such section (article) is fur-
4 ther amended by adding at the end the following new sub-
5 section:

6 “(c) HARMLESS ERROR.—A variance from the re-
7 quirements of this article is harmless error if the variance
8 does not materially prejudice the substantial rights of the
9 accused.”.

10 (c) SUBSECTION HEADING AMENDMENTS FOR STY-
11 LISTIC CONSISTENCY.—Such section (article) is further
12 amended—

13 (1) in subsection (a), by inserting “IRREGULAR
14 AND SIMILAR PLEAS.—” after “(a)”; and

15 (2) in subsection (b), by inserting “PLEAS OF
16 GUILTY.—” after “(b)”.

17 **SEC. 5228. SUBPOENA AND OTHER PROCESS.**

18 (a) AMENDMENTS TO UCMJ ARTICLE.—

19 (1) IN GENERAL.—Subsection (a) of section
20 846 of title 10, United States Code (article 46 of the
21 Uniform Code of Military Justice), is amended by
22 striking “The counsel for the Government, the coun-
23 sel for the accused,” and inserting “In a case re-
24 ferred for trial by court-martial, the trial counsel,
25 the defense counsel,”.

1 (2) SUBPOENA AND OTHER PROCESS GEN-
2 ERALLY.—Subsection (b) of such section (article) is
3 amended to read as follows:

4 “(b) SUBPOENA AND OTHER PROCESS GEN-
5 ERALLY.—Any subpoena or other process issued under
6 this section (article)—

7 “(1) shall be similar to that which courts of the
8 United States having criminal jurisdiction may
9 issue;

10 “(2) shall be executed in accordance with regu-
11 lations prescribed by the President; and

12 “(3) shall run to any part of the United States
13 and to the Commonwealths and possessions of the
14 United States.”.

15 (3) SUBPOENA AND OTHER PROCESS FOR WIT-
16 NESSES.—Subsection (c) of such section (article) is
17 amended to read as follows:

18 “(c) SUBPOENA AND OTHER PROCESS FOR WIT-
19 NESSES.—A subpoena or other process may be issued to
20 compel a witness to appear and testify—

21 “(1) before a court-martial, military commis-
22 sion, or court of inquiry;

23 “(2) at a deposition under section 849 of this
24 title (article 49); or

1 “(3) as otherwise authorized under this chap-
2 ter.”.

3 (4) OTHER MATTERS.—Such section (article) is
4 further amended by adding at the end the following
5 new subsections:

6 “(d) SUBPOENA AND OTHER PROCESS FOR EVI-
7 DENCE.—

8 “(1) IN GENERAL.—A subpoena or other proc-
9 ess may be issued to compel the production of evi-
10 dence—

11 “(A) for a court-martial, military commis-
12 sion, or court of inquiry;

13 “(B) for a deposition under section 849 of
14 this title (article 49);

15 “(C) for an investigation of an offense
16 under this chapter; or

17 “(D) as otherwise authorized under this
18 chapter.

19 “(2) INVESTIGATIVE SUBPOENA.—An investiga-
20 tive subpoena under paragraph (1)(C) may be issued
21 before referral of charges to a court-martial only if
22 a general court-martial convening authority has au-
23 thorized counsel for the Government to issue such a
24 subpoena.

1 “(3) WARRANT OR ORDER FOR WIRE OR ELEC-
2 TRONIC COMMUNICATIONS.—With respect to an in-
3 vestigation of an offense under this chapter, a mili-
4 tary judge detailed in accordance with section 826 or
5 830a of this title (article 26 or 30a) may issue war-
6 rants or court orders for the contents of, and
7 records concerning, wire or electronic communica-
8 tions in the same manner as such warrants and or-
9 ders may be issued by a district court of the United
10 States under chapter 121 of title 18, subject to such
11 limitations as the President may prescribe by regula-
12 tion.

13 “(e) REQUEST FOR RELIEF FROM SUBPOENA OR
14 OTHER PROCESS.—If a person requests relief from a sub-
15 poena or other process under this section (article) on
16 grounds that compliance is unreasonable or oppressive or
17 is prohibited by law, a military judge detailed in accord-
18 ance with section 826 or 830a of this title (article 26 or
19 30a) shall review the request and shall—

20 “(1) order that the subpoena or other process
21 be modified or withdrawn, as appropriate; or

22 “(2) order the person to comply with the sub-
23 poena or other process.”.

24 (5) SECTION HEADING.—The heading of such
25 section (article) is amended to read as follows:

1 **“§ 846. Art. 46. Opportunity to obtain witnesses and**
2 **other evidence in trials by court-martial”.**

3 (b) CONFORMING AMENDMENTS TO TITLE 18,
4 UNITED STATES CODE.—

5 (1) Section 2703 of title 18, United States
6 Code, is amended—

7 (A) in the first sentence of subsection (a);

8 (B) in subsection (b)(1)(A); and

9 (C) in subsection (c)(1)(A);

10 by inserting after “warrant procedures” the fol-
11 lowing: “and, in the case of a court-martial or other
12 proceeding under chapter 47 of title 10 (the Uni-
13 form Code of Military Justice), issued under section
14 846 of that title, in accordance with regulations pre-
15 scribed by the President”.

16 (D) Section 2711(3) of title 18, United
17 States Code, is amended—

18 (i) in subparagraph (A), by striking
19 “or” at the end;

20 (ii) in subparagraph (B), by striking
21 “and” at the end and inserting “or”; and

22 (iii) by adding at the end the fol-
23 lowing new subparagraph:

24 “(C) a court-martial or other proceeding
25 under chapter 47 of title 10 (the Uniform Code

1 of Military Justice) to which a military judge
2 has been detailed; and”.

3 **SEC. 5229. REFUSAL OF PERSON NOT SUBJECT TO UCMJ TO**
4 **APPEAR, TESTIFY, OR PRODUCE EVIDENCE.**

5 (a) IN GENERAL.—Subsection (a) of section 847 of
6 title 10, United States Code (article 47 of the Uniform
7 Code of Military Justice), is amended to read as follows:

8 “(a) IN GENERAL.—(1) Any person described in
9 paragraph (2) who—

10 “(A) willfully neglects or refuses to appear; or

11 “(B) willfully refuses to qualify as a witness or
12 to testify or to produce any evidence which that per-
13 son is required to produce;

14 is guilty of an offense against the United States.

15 “(2) The persons referred to in paragraph (1) are
16 the following:

17 “(A) Any person not subject to this chapter
18 who—

19 “(i) is issued a subpoena or other process
20 described in subsection (c) of section 846 of
21 this title (article 46); and

22 “(ii) is provided a means for reimburse-
23 ment from the Government for fees and mileage
24 at the rates allowed to witnesses attending the
25 courts of the United States or, in the case of

1 extraordinary hardship, is advanced such fees
2 and mileage.

3 “(B) Any person not subject to this chapter
4 who is issued a subpoena or other process described
5 in subsection (d) of section 846 of this title (article
6 46).”.

7 (b) SECTION HEADING.—The heading of such section
8 (article) is amended to read as follows:

9 **“§ 847. Art. 47. Refusal of person not subject to chap-**
10 **ter to appear, testify, or produce evi-**
11 **dence”.**

12 **SEC. 5230. CONTEMPT.**

13 (a) AUTHORITY TO PUNISH.—Subsection (a) of sec-
14 tion 848 of title 10, United States Code (article 48 of the
15 Uniform Code of Military Justice), is amended to read as
16 follows:

17 “(a) AUTHORITY TO PUNISH.—(1) With respect to
18 any proceeding under this chapter, a judicial officer speci-
19 fied in paragraph (2) may punish for contempt any person
20 who—

21 “(A) uses any menacing word, sign, or gesture
22 in the presence of the judicial officer during the pro-
23 ceeding;

24 “(B) disturbs the proceeding by any riot or dis-
25 order; or

1 “(C) willfully disobeys a lawful writ, process,
2 order, rule, decree, or command issued with respect
3 to the proceeding.

4 “(2) A judicial officer referred to in paragraph (1)
5 is any of the following:

6 “(A) Any judge of the Court of Appeals for the
7 Armed Forces and any judge of a Court of Criminal
8 Appeals under section 866 of this title (article 66).

9 “(B) Any military judge detailed to a court-
10 martial, a provost court, a military commission, or
11 any other proceeding under this chapter.

12 “(C) Any military magistrate designated to pre-
13 side under section 819 or 830a of this title (article
14 19 or 30a).

15 “(D) Any commissioned officer detailed as a
16 summary court-martial.

17 “(E) The president of a court of inquiry.”.

18 (b) REVIEW.—Such section (article) is further
19 amended—

20 (1) by redesignating subsection (c) as sub-
21 section (d); and

22 (2) by inserting after subsection (b) the fol-
23 lowing new subsection (c):

24 “(c) REVIEW.—A punishment under this section—

1 “(1) if imposed by a military judge or military
2 magistrate, may be reviewed by the Court of Crimi-
3 nal Appeals in accordance with the uniform rules of
4 procedure for the Courts of Criminal Appeals under
5 section 866(i) of this title (article 66(i));

6 “(2) if imposed by a judge of the Court of Ap-
7 peals for the Armed Forces or a judge of a Court
8 of Criminal Appeals, shall constitute a judgment of
9 the court, subject to review under the applicable pro-
10 visions of section 867 or 867a of this title (article
11 67 or 67a); and

12 “(3) if imposed by a summary court-martial or
13 court of inquiry, shall be subject to review by the
14 convening authority in accordance with rules pre-
15 scribed by the President.”.

16 (c) SECTION HEADING.—The heading of such section
17 (article) is amended to read as follows:

18 **“§ 848. Art. 48. Contempt”.**

19 **SEC. 5231. DEPOSITIONS.**

20 Section 849 of title 10, United States Code (article
21 49 of the Uniform Code of Military Justice), is amended
22 to read as follows:

1 **“§ 849. Art. 49. Depositions**

2 “(a) IN GENERAL.—(1) Subject to paragraph (2), a
3 convening authority or a military judge may order deposi-
4 tions at the request of any party.

5 “(2) A deposition may be ordered under paragraph
6 (1) only if the requesting party demonstrates that, due
7 to exceptional circumstances, it is in the interest of justice
8 that the testimony of a prospective witness be preserved
9 for use at a court-martial, military commission, court of
10 inquiry, or other military court or board.

11 “(3) A party who requests a deposition under this
12 section shall give to every other party reasonable written
13 notice of the time and place for the deposition.

14 “(4) A deposition under this section shall be taken
15 before, and authenticated by, an impartial officer, as fol-
16 lows:

17 “(A) Whenever practicable, by an impartial
18 judge advocate certified under section 827(b) of this
19 title (article 27(b)).

20 “(B) In exceptional circumstances, by an im-
21 partial military or civil officer authorized to admin-
22 ister oaths by (i) the laws of the United States or
23 (ii) the laws of the place where the deposition is
24 taken.

25 “(b) REPRESENTATION BY COUNSEL.—Representa-
26 tion of the parties with respect to a deposition shall be

1 by counsel detailed in the same manner as trial counsel
 2 and defense counsel are detailed under section 827 of this
 3 title (article 27). In addition, the accused shall have the
 4 right to be represented by civilian or military counsel in
 5 the same manner as such counsel are provided for in sec-
 6 tion 838(b) of this title (article 38(b)).

7 “(c) ADMISSIBILITY AND USE AS EVIDENCE.—A dep-
 8 osition order under subsection (a) does not control the ad-
 9 missibility of the deposition in a court-martial or other
 10 proceeding under this chapter. Except as provided by sub-
 11 section (d), a party may use all or part of a deposition
 12 as provided by the rules of evidence.

13 “(d) CAPITAL CASES.—Testimony by deposition may
 14 be presented in capital cases only by the defense.”.

15 **SEC. 5232. ADMISSIBILITY OF SWORN TESTIMONY BY**
 16 **AUDIOTAPE OR VIDEOTAPE FROM RECORDS**
 17 **OF COURTS OF INQUIRY.**

18 (a) IN GENERAL.—Section 850 of title 10, United
 19 States Code (article 50 of the Uniform Code of Military
 20 Justice), is amended by adding at the end the following
 21 new subsection:

22 “(d) AUDIOTAPE OR VIDEOTAPE.—Sworn testimony
 23 that—

24 “(1) is recorded by audiotape, videotape, or
 25 similar method; and

1 amended by striking “, or the president of a court-martial
2 without a military judge,”.

3 **SEC. 5234. VOTING AND RULINGS.**

4 Section 851 of title 10, United States Code (article
5 51 of the Uniform Code of Military Justice), is amended—

6 (1) in subsection (a), by striking “, and by
7 members of a court-martial without a military judge
8 upon questions of challenge,” in the first sentence;

9 (2) in subsection (b)—

10 (A) in the first sentence, by striking “and,
11 except for questions of challenge, the president
12 of a court-martial without a military judge”;
13 and

14 (B) in the second sentence, by striking “,
15 or by the president” and all that follows
16 through the end of the subsection and inserting
17 “is final and constitutes the ruling of the court,
18 except that the military judge may change a
19 ruling at any time during trial.”; and

20 (3) in subsection (c), by striking “or the presi-
21 dent of a court-martial without a military judge” in
22 the matter before paragraph (1).

1 **SEC. 5235. VOTES REQUIRED FOR CONVICTION, SEN-**
2 **TENCING, AND OTHER MATTERS.**

3 Section 852 of title 10, United States Code (article
4 52 of the Uniform Code of Military Justice), is amended
5 to read as follows:

6 **“§ 852. Art. 52. Votes required for conviction, sen-**
7 **tencing, and other matters**

8 “(a) IN GENERAL.—No person may be convicted of
9 an offense in a general or special court-martial, other
10 than—

11 “(1) after a plea of guilty under section 845(b)
12 of this title (article 45(b));

13 “(2) by a military judge in a court-martial with
14 a military judge alone, under section 816 of this title
15 (article 16); or

16 “(3) in a court-martial with members under
17 section 816 of this title (article 16), by the concur-
18 rence of at least three-fourths of the members
19 present when the vote is taken.

20 “(b) LEVEL OF CONCURRENCE REQUIRED.—

21 “(1) IN GENERAL.—Except as provided in sub-
22 section (a) and in paragraph (2), all matters to be
23 decided by members of a general or special court-
24 martial shall be determined by a majority vote, but
25 a reconsideration of a finding of guilty or reconsider-
26 ation of a sentence, with a view toward decreasing

1 the sentence, may be made by any lesser vote which
 2 indicates that the reconsideration is not opposed by
 3 the number of votes required for that finding or sen-
 4 tence.

5 “(2) SENTENCING.—A sentence of death re-
 6 quires (A) a unanimous finding of guilty of an of-
 7 fense in this chapter expressly made punishable by
 8 death and (B) a unanimous determination by the
 9 members that the sentence for that offense shall in-
 10 clude death. All other sentences imposed by mem-
 11 bers shall be determined by the concurrence of at
 12 least three-fourths of the members present when the
 13 vote is taken.”.

14 **SEC. 5236. FINDINGS AND SENTENCING.**

15 Section 853 of title 10, United States Code (article
 16 53 of the Uniform Code of Military Justice), is amended
 17 to read as follows:

18 **“§ 853. Art. 53. Findings and sentencing**

19 “(a) ANNOUNCEMENT.—A court-martial shall an-
 20 nounce its findings and sentence to the parties as soon
 21 as determined.

22 “(b) SENTENCING GENERALLY.—(1) Except as pro-
 23 vided in subsection (c) for capital offenses, if the accused
 24 is convicted of an offense in a trial by general or special
 25 court-martial, the military judge shall sentence the ac-

1 cused. The sentence determined by the military judge con-
 2 stitutes the sentence of the court-martial.

3 “(2) If the accused is convicted of an offense in a
 4 trial by summary court-martial, the court-martial shall
 5 sentence the accused.

6 “(c) SENTENCING FOR CAPITAL OFFENSES.—(1) In
 7 a capital case, if the accused is convicted of an offense
 8 for which the court-martial may sentence the accused to
 9 death—

10 “(A) the members shall determine whether the
 11 sentence for that offense shall be death, life in pris-
 12 on without eligibility for parole, or a lesser punish-
 13 ment determined by the military judge; and

14 “(B) the military judge shall sentence the ac-
 15 cused for that offense in accordance with the deter-
 16 mination of the members under subparagraph (A).

17 “(2) In accordance with regulations prescribed by the
 18 President, the military judge may include in any sentence
 19 to death or life in prison without eligibility for parole other
 20 lesser punishments authorized under this chapter.”.

21 **SEC. 5237. PLEA AGREEMENTS.**

22 Subchapter VII of chapter 47 of title 10, United
 23 States Code, is amended by inserting after section 853
 24 (article 53 of the Uniform Code of Military Justice) the
 25 following new section:

1 **“§ 853a. Art. 53a. Plea agreements**

2 “(a) IN GENERAL.—(1) At any time before the an-
3 nouncement of findings under section 853 of this title (ar-
4 ticle 53), the convening authority and the accused may
5 enter into a plea agreement with respect to such matters
6 as—

7 “(A) the manner in which the convening au-
8 thority will dispose of one or more charges and spec-
9 ifications; and

10 “(B) limitations on the sentence that may be
11 adjudged for one or more charges and specifications.

12 “(2) The military judge of a general or special court-
13 martial may not participate in discussions between the
14 parties concerning prospective terms and conditions of a
15 plea agreement.

16 “(b) ACCEPTANCE OF PLEA AGREEMENT.—Subject
17 to subsection (c), the military judge of a general or special
18 court-martial shall accept a plea agreement submitted by
19 the parties, except that—

20 “(1) in the case of an offense with a sentencing
21 parameter under section 856 of this title (article
22 56), the military judge may reject a plea agreement
23 that proposes a sentence that is outside the sen-
24 tencing parameter if the military judge determines
25 that the proposed sentence is plainly unreasonable;
26 and

1 “(2) in the case of an offense with no sen-
2 tencing parameter under section 856 of this title
3 (article 56), the military judge may reject a plea
4 agreement that proposes a sentence if the military
5 judge determines that the proposed sentence is
6 plainly unreasonable.

7 “(c) LIMITATION ON ACCEPTANCE OF PLEA AGREE-
8 MENTS.—The military judge of a general or special court-
9 martial shall reject a plea agreement that—

10 “(1) contains a provision that has not been ac-
11 cepted by both parties;

12 “(2) contains a provision that is not understood
13 by the accused;

14 “(3) except as provided in subsection (d), con-
15 tains a provision for a sentence that is less than the
16 mandatory minimum sentence applicable to an of-
17 fense referred to in section 856(b)(2) of this title
18 (article 56(b)(2)); or

19 “(4) is prohibited by law or by regulation pre-
20 scribed by the President.

21 “(d) LIMITED CONDITIONS FOR ACCEPTANCE OF
22 PLEA AGREEMENT FOR SENTENCE BELOW MANDATORY
23 MINIMUM FOR CERTAIN OFFENSES.—With respect to an
24 offense referred to in section 856(b)(2) of this title (article
25 56(b)(2))—

1 “(1) the military judge may accept a plea
2 agreement that provides for a sentence of bad con-
3 duct discharge; and

4 “(2) upon recommendation of the trial counsel,
5 in exchange for substantial assistance by the accused
6 in the investigation or prosecution of another person
7 who has committed an offense, the military judge
8 may accept a plea agreement that provides for a
9 sentence that is less than the mandatory minimum
10 sentence for the offense charged.

11 “(e) BINDING EFFECT OF PLEA AGREEMENT.—
12 Upon acceptance by the military judge of a general or spe-
13 cial court-martial, a plea agreement shall bind the parties
14 and the military judge.”.

15 **SEC. 5238. RECORD OF TRIAL.**

16 Section 854 of title 10, United States Code (article
17 54 of the Uniform Code of Military Justice), is amended—

18 (1) by striking subsection (a) and inserting the
19 following new subsection (a):

20 “(a) GENERAL AND SPECIAL COURTS-MARTIAL.—
21 Each general or special court-martial shall keep a separate
22 record of the proceedings in each case brought before it.
23 The record shall be certified by a court-reporter, except
24 that in the case of death, disability, or absence of a court

1 reporter, the record shall be certified by an official selected
2 as the President may prescribe by regulation.”;

3 (2) in subsection (b)—

4 (A) by striking “(b) Each special and sum-
5 mary court-martial” and inserting “(b) SUM-
6 MARY COURT-MARTIAL.—Each summary court-
7 martial”; and

8 (B) by striking “authenticated” and insert-
9 ing “certified”;

10 (3) by striking subsection (c) and inserting the
11 following new subsection (c):

12 “(c) CONTENTS OF RECORD.—(1) Except as pro-
13 vided in paragraph (2), the record shall contain such mat-
14 ters as the President may prescribe by regulation.

15 “(2) In accordance with regulations prescribed by the
16 President, a complete record of proceedings and testimony
17 shall be prepared in any case of a sentence of death, dis-
18 missal, discharge, confinement for more than six months,
19 or forfeiture of pay for more than six months.”;

20 (4) in subsection (d)—

21 (A) by striking “(d) A copy” and inserting
22 “(d) COPY TO ACCUSED.—A copy”; and

23 (B) by striking “authenticated” and insert-
24 ing “certified”; and

25 (5) in subsection (e)—

1 (A) by striking “(e) In the case” and in-
 2 serting “(e) COPY TO VICTIM.—In the case”;

3 (B) by striking “involving a sexual assault
 4 or other offense covered by section 920 of this
 5 title (article 120)” in the first sentence and in-
 6 serting “upon request,”; and

7 (C) by striking “authenticated” in the sec-
 8 ond sentence and inserting “certified”.

9 **TITLE LVIII—SENTENCES**

10 **SEC. 5261. SENTENCING.**

11 (a) IN GENERAL.—Section 856 of title 10, United
 12 States Code (article 56 of the Uniform Code of Military
 13 Justice), is amended to read as follows:

14 **“§ 856. Art. 56. Sentencing**

15 “(a) SENTENCE MAXIMUMS.—The punishment which
 16 a court-martial may direct for an offense may not exceed
 17 such limits as the President may prescribe for that of-
 18 fense.

19 “(b) SENTENCE MINIMUMS FOR CERTAIN OF-
 20 FENSES.—

21 “(1) IN GENERAL.—Except as provided in sec-
 22 tion 853a(d) of this title (article 53a(d)), punish-
 23 ment for any offense specified in paragraph (2) shall
 24 include dismissal or dishonorable discharge, as appli-
 25 cable.

1 “(2) OFFENSES.—The offenses referred to in
2 paragraph (1) are as follows:

3 “(A) Rape under subsection (a) of section
4 920 of this title (article 120).

5 “(B) Sexual assault under subsection (b)
6 of such section (article).

7 “(C) Rape of a child under subsection (a)
8 of section 920b of this title (article 120b).

9 “(D) Sexual assault of a child under sub-
10 section (b) of such section (article).

11 “(E) An attempt to commit an offense
12 specified in subparagraph (A), (B), (C), or (D)
13 that is punishable under section 880 of this
14 title (article 80).

15 “(c) IMPOSITION OF SENTENCE.—

16 “(1) IN GENERAL.—In sentencing an accused
17 under section 853 of this title (article 53), a court-
18 martial shall impose punishment that is sufficient,
19 but not greater than necessary, to promote justice
20 and to maintain good order and discipline in the
21 armed forces, taking into consideration—

22 “(A) the nature and circumstances of the
23 offense and the history and characteristics of
24 the accused;

25 “(B) the impact of the offense on—

1 “(i) the financial, social, psychological,
2 or medical well-being of any victim of the
3 offense; and

4 “(ii) the mission, discipline, or effi-
5 ciency of the command of the accused and
6 any victim of the offense;

7 “(C) the need for the sentence—

8 “(i) to reflect the seriousness of the
9 offense;

10 “(ii) to promote respect for the law;

11 “(iii) to provide just punishment for
12 the offense;

13 “(iv) to promote adequate deterrence
14 of misconduct;

15 “(v) to protect others from further
16 crimes by the accused;

17 “(vi) to rehabilitate the accused; and

18 “(vii) to provide, in appropriate cases,
19 the opportunity for retraining and return
20 to duty to meet the needs of the service;

21 “(D) the sentences available under this
22 chapter; and

23 “(E) the applicable sentencing parameters
24 or sentencing criteria prescribed under this sec-
25 tion.

1 “(2) APPLICATION OF SENTENCING PARAM-
2 ETERS IN GENERAL AND SPECIAL COURTS-MAR-
3 TIAL.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), in a general or special court-
6 martial in which the accused is convicted of an
7 offense with a sentencing parameter under sub-
8 section (d), the military judge shall sentence the
9 accused for that offense within the applicable
10 parameter.

11 “(B) EXCEPTION.—The military judge
12 may impose a sentence outside a sentencing pa-
13 rameter upon finding specific facts that warrant
14 such a sentence. The military judge shall in-
15 clude in the record a written statement of the
16 factual basis for any sentence under this sub-
17 paragraph.

18 “(3) USE OF SENTENCING CRITERIA IN GEN-
19 ERAL AND SPECIAL COURTS-MARTIAL.—In a general
20 or special court-martial in which the accused is con-
21 victed of an offense with sentencing criteria under
22 subsection (d), the military judge shall consider the
23 applicable sentencing criteria in determining the sen-
24 tence for that offense.

1 “(4) OFFENSE BASED SENTENCING IN GEN-
2 ERAL AND SPECIAL COURTS-MARTIAL.—In announc-
3 ing the sentence under section 853 of this title (arti-
4 cle 53) in a general or special court-martial, the
5 military judge shall, with respect to each offense of
6 which the accused is found guilty, specify the term
7 of confinement, if any, and the amount of the fine,
8 if any. If the accused is sentenced to confinement
9 for more than one offense, the military judge shall
10 specify whether the terms of confinement are to run
11 consecutively or concurrently.

12 “(5) NONAPPLICABILITY TO DEATH PEN-
13 ALTY.—Sentencing parameters and sentencing cri-
14 teria are not applicable to the issue of whether an
15 offense should be punished by death.

16 “(6) SENTENCE OF CONFINEMENT FOR LIFE
17 WITHOUT ELIGIBILITY FOR PAROLE.—

18 “(A) IN GENERAL.—If an offense is sub-
19 ject to a sentence of confinement for life, a
20 court-martial may impose a sentence of confine-
21 ment for life without eligibility for parole.

22 “(B) CONFINEMENT.—An accused who is
23 sentenced to confinement for life without eligi-
24 bility for parole shall be confined for the re-
25 mainder of the accused’s life unless—

1 “(i) the sentence is set aside or other-
2 wise modified as a result of—

3 “(I) action taken by the con-
4 vening authority or the Secretary con-
5 cerned; or

6 “(II) any other action taken dur-
7 ing post-trial procedure and review
8 under any other provision of sub-
9 chapter IX of this chapter;

10 “(ii) the sentence is set aside or other-
11 wise modified as a result of action taken
12 by a Court of Criminal Appeals, the Court
13 of Appeals for the Armed Forces, or the
14 Supreme Court; or

15 “(iii) the accused is pardoned.

16 “(d) ESTABLISHMENT OF SENTENCING PARAMETERS
17 AND SENTENCING CRITERIA.—

18 “(1) IN GENERAL.—The President shall pre-
19 scribe regulations establishing sentencing parameters
20 and sentencing criteria in accordance with this sub-
21 section.

22 “(2) SENTENCING PARAMETERS.—

23 “(A) IN GENERAL.—A sentencing param-
24 eter provides a delineated sentencing range for
25 an offense that is appropriate for a typical vio-

1 lotion of the offense, taking into consider-
2 ation—

3 “(i) the severity of the offense;

4 “(ii) the guideline or offense category
5 that would apply to the offense if the of-
6 fense were tried in a United States district
7 court;

8 “(iii) any military-specific sentencing
9 factors; and

10 “(iv) the need for the sentencing pa-
11 rameter to be sufficiently broad to allow
12 for individualized consideration of the of-
13 fense and the accused.

14 “(B) ELEMENTS AND SCOPE.—Sentencing
15 parameters established under paragraph (1)—

16 “(i) shall include no fewer than seven
17 and no more than twelve offense cat-
18 egories;

19 “(ii) other than for offenses identified
20 under paragraph (5)(B), shall assign each
21 offense under this chapter to an offense
22 category;

23 “(iii) shall delineate the confinement
24 range for each offense category by setting

1 an upper confinement limit and a lower
2 confinement limit; and

3 “(iv) shall be neutral as to the race,
4 sex, national origin, creed, sexual orienta-
5 tion, and socioeconomic status of offenders.

6 “(3) SENTENCING CRITERIA.—Sentencing cri-
7 teria are factors concerning available punishments
8 that may aid the military judge in determining an
9 appropriate sentence when there is no applicable
10 sentencing parameter for a specific offense.

11 “(4) MILITARY SENTENCING PARAMETERS AND
12 CRITERIA BOARD.—

13 “(A) IN GENERAL.—There is established
14 within the Department of Defense a board, to
15 be known as the ‘Military Sentencing Param-
16 eters and Criteria Board’ (in this subsection re-
17 ferred to as ‘Board’).

18 “(B) VOTING MEMBERS.—The Board shall
19 have five voting members, as follows:

20 “(i) The four chief trial judges des-
21 ignated under section 826(g) of this title
22 (article 26(g)), except that, if the chief
23 trial judge of the Coast Guard is not avail-
24 able, the Judge Advocate General of the
25 Coast Guard may designate as a voting

1 member a judge advocate of the Coast
2 Guard with substantial military justice ex-
3 perience.

4 “(ii) A trial judge of the Navy, des-
5 ignated under regulations prescribed by
6 the President, if the chief trial judges des-
7 ignated under section 826(g) of this title
8 (article 26(g)) do not include a trial judge
9 of the Navy.

10 “(iii) A trial judge of the Marine
11 Corps, designated under regulations pre-
12 scribed by the President, if the chief trial
13 judges designated under section 826(g) of
14 this title (article 26(g)) do not include a
15 trial judge of the Marine Corps.

16 “(C) NONVOTING MEMBERS.—The Attor-
17 ney General, the Chief Judge of the Court of
18 Appeals for the Armed Forces, the Chairman of
19 the Joint Chiefs of Staff, and the General
20 Counsel of the Department of Defense shall
21 each designate one nonvoting member of the
22 Board.

23 “(D) CHAIR AND VICE-CHAIR.—The Sec-
24 retary of Defense shall designate one voting

1 member as chair of the Board and one voting
2 member as vice-chair of the Board.

3 “(5) DUTIES OF BOARD.—

4 “(A) IN GENERAL.—As directed by the
5 President, the Board shall submit to the Presi-
6 dent for approval—

7 “(i) sentencing parameters for all of-
8 fenses under this chapter, other than of-
9 fenses that are identified by the Board as
10 unsuitable for sentencing parameters; and

11 “(ii) sentencing criteria to be used by
12 military judges in determining appropriate
13 sentences for offenses that are identified as
14 unsuitable for sentencing parameters.

15 “(B) OFFENSES UNSUITABLE FOR SEN-
16 TENCING PARAMETERS.—For purposes of this
17 paragraph, an offense is unsuitable for sen-
18 tencing parameters if—

19 “(i) the nature of the offense is inde-
20 terminate and unsuitable for categoriza-
21 tion; and

22 “(ii) there is no similar criminal of-
23 fense under the laws of the United States
24 or the laws of the District of Columbia.

1 “(C) SCOPE OF DUTIES.—The Board shall
2 consider the appropriateness of sentencing pa-
3 rameters for punitive discharges, fines, reduc-
4 tions, forfeitures, and other punishments au-
5 thorized under this chapter.

6 “(D) REGULAR REVIEW OF PARAMETERS
7 AND CRITERIA.—The Board shall regularly re-
8 view, and propose revision to, in consideration
9 of comments and data coming to its attention,
10 the sentencing parameters and sentencing cri-
11 teria prescribed under subsection (d)(1).

12 “(E) ASSESSMENT OF EFFECTIVENESS.—
13 The Board shall develop means of measuring
14 the degree to which applicable sentencing,
15 penal, and correctional practices are effective
16 with respect to the sentencing factors and poli-
17 cies set forth in this section.

18 “(F) CONSULTATION.—In fulfilling its du-
19 ties and in exercising its powers, the Board
20 shall consult authorities on, and individual and
21 institutional representatives of, various aspects
22 of the military criminal justice system. The
23 Board shall establish separate advisory groups
24 consisting of individuals with current or recent
25 experience in command and in senior enlisted

1 positions, individuals with experience in the
2 trial of courts-martial, and such other groups
3 as the Board deems appropriate.

4 “(G) PROPOSALS FOR AMENDMENTS TO
5 RULES FOR COURTS-MARTIAL.—The Board
6 shall submit to the President proposed amend-
7 ments to the rules for courts-martial with re-
8 spect to sentencing proceedings and maximum
9 punishments, together with statements explain-
10 ing the basis for the proposed amendments.

11 “(H) PROPOSALS FOR AMENDMENTS TO
12 PARAMETERS AND CRITERIA.—The Board shall
13 submit to the President proposed amendments
14 to the sentencing parameters and sentencing
15 criteria, together with statements explaining the
16 basis for the proposed amendments.

17 “(I) NONBINDING GUIDANCE.—The Board
18 may issue nonbinding policy statements to
19 achieve the Board’s purposes and to guide mili-
20 tary judges in fashioning appropriate sentences,
21 including guidance on factors that may be rel-
22 evant in determining where in a sentencing pa-
23 rameter a specification may fall, or whether a
24 deviation outside of the sentencing range may
25 be warranted.

1 “(J) INAPPLICABILITY OF FACA.—The
2 Federal Advisory Committee Act shall not apply
3 with respect to the Board or any advisory group
4 established by the Board.

5 “(6) VOTING REQUIREMENT.—An affirmative
6 vote of at least three members is required for any
7 action of the Board under this subsection.

8 “(e) REVIEW OF CERTAIN SENTENCES.—

9 “(1) IN GENERAL.—The Judge Advocate Gen-
10 eral concerned may send a case to the Court of
11 Criminal Appeals for review of the sentence on the
12 grounds that—

13 “(A) the sentence violates the law;

14 “(B) in the case of a sentence for an of-
15 fense with a sentencing parameter under this
16 section, the sentence is a result of an incorrect
17 application of the parameter; or

18 “(C) the sentence is plainly unreasonable.

19 “(2) TIMELINESS.—A case submitted for review
20 under this subsection must be filed within 60 days
21 after the date on which the judgment of a court-
22 martial is entered into the record under section 860c
23 of this title (article 60c).”.

1 (b) CONFORMING REPEAL.—Section 856a of title 10,
2 United States Code (article 56a of the Uniform Code of
3 Military Justice), is repealed.

4 (c) IMPLEMENTATION OF SENTENCING PARAMETERS
5 AND CRITERIA.—

6 (1) REGULATIONS.—Not later than four years
7 after the date of the enactment of this Act, the
8 President shall prescribe the regulations for sen-
9 tencing parameters and criteria required by sub-
10 section (d) of section 856 of title 10, United States
11 Code (article 56 of the Uniform Code of Military
12 Justice), as amended by subsection (a) of this sec-
13 tion.

14 (2) INTERIM GUIDANCE.—Not later than two
15 years after the date of the enactment of this Act, the
16 President shall prescribe interim guidance for use in
17 sentencing at courts-martial before the implementa-
18 tion of sentencing parameters and criteria pursuant
19 to the regulations referred to in paragraph (1). Inso-
20 far as the President considers practicable, the in-
21 terim guidance shall be consistent with the purposes
22 and procedures set forth in subsections (c) and (d)
23 of section 856 of title 10, United States Code (arti-
24 cle 56 of the Uniform Code of Military Justice), as
25 so amended, taking into account the interim nature

1 of the guidance. For purposes of sentencing under
2 chapter 47 of title 10, United States Code (the Uni-
3 form Code of Military Justice), the interim guidance
4 shall be treated as sentencing parameters and cri-
5 teria.

6 (3) EFFECTIVE DATES.—The President shall
7 prescribe the effective dates of the regulations re-
8 ferred to in paragraph (1) and of the interim guid-
9 ance referred to in paragraph (2).

10 (d) PROSPECTIVE REPEAL OF SENTENCE MINIMUMS
11 FOR CERTAIN OFFENSES.—Upon the taking effect of the
12 interim guidance prescribed under subsection (c)(2) for of-
13 fenses specified in paragraph (2) of subsection (b) of sec-
14 tion 856 of title 10, United States Code (article 56 of the
15 Uniform Code of Military Justice), as in effect on the day
16 after the date of the enactment of this Act—

17 (1) section 856 of title 10, United States Code
18 (article 56 of the Uniform Code of Military Justice),
19 as amended by subsection (a) of this section, is fur-
20 ther amended—

21 (A) in subsection (a), by striking “(a)
22 SENTENCE MAXIMUMS.—”; and

23 (B) by striking subsection (b); and

24 (2) section 853a of title 10, United States Code
25 (article 53a of the Uniform Code of Military Jus-

1 tice), as added by section 5237 of this Act, is
2 amended by striking subsections (c) and (d) and in-
3 sserting the following new subsection:

4 “(c) **LIMITATION ON ACCEPTANCE OF PLEA AGREE-**
5 **MENTS.**—The military judge shall reject a plea agreement
6 that—

7 “(1) contains a provision that has not been ac-
8 cepted by both parties;

9 “(2) contains a provision that is not understood
10 by the accused; or

11 “(3) is prohibited by law or by regulation pre-
12 scribed by the President.”.

13 (e) **APPLICABILITY OF AUTHORITY FOR REVIEW OF**
14 **CERTAIN SENTENCES.**—A case may be sent to the Court
15 of Criminal Appeals for review of the sentence in accord-
16 ance with subsection (e) of section 856 of title 10, United
17 States Code (article 56 of the Uniform Code of Military
18 Justice), as amended by subsection (a), only if the sen-
19 tence is adjudged on or after the effective date of the in-
20 terim guidance prescribed under subsection (c)(2).

21 **SEC. 5262. EFFECTIVE DATE OF SENTENCES.**

22 (a) **IN GENERAL.**—Section 857 of title 10, United
23 States Code (article 57 of the Uniform Code of Military
24 Justice), is amended to read as follows:

1 **“§ 857. Art. 57. Effective date of sentences**

2 “(a) EXECUTION OF SENTENCES.—A court-martial
3 sentence shall be executed and take effect as follows:

4 “(1) FORFEITURE AND REDUCTION.—A for-
5 feiture of pay or allowances shall be applicable to
6 pay and allowances accruing on and after the date
7 on which the sentence takes effect. Any forfeiture of
8 pay or allowances or reduction in grade that is in-
9 cluded in a sentence of a court-martial takes effect
10 on the earlier of—

11 “(A) the date that is 14 days after the
12 date on which the sentence is adjudged; or

13 “(B) in the case of a summary court-mar-
14 tial, the date on which the sentence is approved
15 by the convening authority.

16 “(2) CONFINEMENT.—Any period of confine-
17 ment included in a sentence of a court-martial be-
18 gins to run from the date the sentence is adjudged
19 by the court-martial, but periods during which the
20 sentence to confinement is suspended or deferred
21 shall be excluded in computing the service of the
22 term of confinement.

23 “(3) APPROVAL OF SENTENCE OF DEATH.—If
24 the sentence of the court-martial extends to death,
25 that part of the sentence providing for death may
26 not be executed until approved by the President. In

1 such a case, the President may commute, remit, or
2 suspend the sentence, or any part thereof, as the
3 President sees fit. That part of the sentence pro-
4 viding for death may not be suspended.

5 “(4) APPROVAL OF DISMISSAL.—If in the case
6 of a commissioned officer, cadet, or midshipman, the
7 sentence of a court-martial extends to dismissal, that
8 part of the sentence providing for dismissal may not
9 be executed until approved by the Secretary con-
10 cerned or such Under Secretary or Assistant Sec-
11 retary as may be designated by the Secretary con-
12 cerned. In such a case, the Secretary, Under Sec-
13 retary, or Assistant Secretary, as the case may be,
14 may commute, remit, or suspend the sentence, or
15 any part of the sentence, as the Secretary sees fit.
16 In time of war or national emergency he or she may
17 commute a sentence of dismissal to reduction to any
18 enlisted grade. A person so reduced may be required
19 to serve for the duration of the war or emergency
20 and six months thereafter.

21 “(5) COMPLETION OF APPELLATE REVIEW.—If
22 a sentence extends to death, dismissal, or a dishon-
23 orable or bad-conduct discharge, that part of the
24 sentence extending to death, dismissal, or a dishon-
25 orable or bad-conduct discharge may be executed, in

1 accordance with service regulations, after completion
2 of appellate review (and, with respect to death or
3 dismissal, approval under paragraph (3) or (4), as
4 appropriate).

5 “(6) OTHER SENTENCES.—Except as otherwise
6 provided in this subsection, a general or special
7 court-martial sentence is effective upon entry of
8 judgment and a summary court-martial sentence is
9 effective when the convening authority acts on the
10 sentence.

11 “(b) DEFERRAL OF SENTENCES.—

12 “(1) IN GENERAL.—On application by an ac-
13 cused, the convening authority or, if the accused is
14 no longer under his or her jurisdiction, the officer
15 exercising general court-martial jurisdiction over the
16 command to which the accused is currently assigned,
17 may, in his or her sole discretion, defer the effective
18 date of a sentence of confinement, reduction, or for-
19 feiture. The deferment shall terminate upon entry of
20 judgment or, in the case of a summary court-mar-
21 tial, when the convening authority acts on the sen-
22 tence. The deferment may be rescinded at any time
23 by the officer who granted it or, if the accused is no
24 longer under his or her jurisdiction, by the officer

1 exercising general court-martial jurisdiction over the
2 command to which the accused is currently assigned.

3 “(2) DEFERRAL OF CERTAIN PERSONS SEN-
4 TENCED TO CONFINEMENT.—In any case in which a
5 court-martial sentences a person referred to in para-
6 graph (3) to confinement, the convening authority
7 may defer the service of the sentence to confinement,
8 without the consent of that person, until after the
9 person has been permanently released to the armed
10 forces by a State or foreign country referred to in
11 that paragraph.

12 “(3) COVERED PERSONS.—Paragraph (2) ap-
13 plies to a person subject to this chapter who—

14 “(A) while in the custody of a State or for-
15 eign country is temporarily returned by that
16 State or foreign country to the armed forces for
17 trial by court-martial; and

18 “(B) after the court-martial, is returned to
19 that State or foreign country under the author-
20 ity of a mutual agreement or treaty, as the case
21 may be.

22 “(4) STATE DEFINED.—In this subsection, the
23 term ‘State’ includes the District of Columbia and
24 any Commonwealth, territory, or possession of the
25 United States.

1 “(5) DEFERRAL WHILE REVIEW PENDING.—In
2 any case in which a court-martial sentences a person
3 to confinement, but in which review of the case
4 under section 867(a)(2) of this title (article
5 67(a)(2)) is pending, the Secretary concerned may
6 defer further service of the sentence to confinement
7 while that review is pending.

8 “(c) APPELLATE REVIEW.—

9 “(1) COMPLETION OF APPELLATE REVIEW.—
10 Appellate review is complete under this section
11 when—

12 “(A) a review under section 865 of this
13 title (article 65) is completed; or

14 “(B) an appeal is filed with a Court of
15 Criminal Appeals or the sentence includes
16 death, and review is completed by a Court of
17 Criminal Appeals and—

18 “(i) the time for the accused to file a
19 petition for review by the Court of Appeals
20 for the Armed Forces has expired and the
21 accused has not filed a timely petition for
22 such review and the case is not otherwise
23 under review by that Court;

24 “(ii) such a petition is rejected by the
25 Court of Appeals for the Armed Forces; or

1 “(iii) review is completed in accord-
2 ance with the judgment of the Court of
3 Appeals for the Armed Forces and—

4 “(I) a petition for a writ of cer-
5 tiorari is not filed within the time lim-
6 its prescribed by the Supreme Court;

7 “(II) such a petition is rejected
8 by the Supreme Court; or

9 “(III) review is otherwise com-
10 pleted in accordance with the judg-
11 ment of the Supreme Court.

12 “(2) COMPLETION AS FINAL JUDGMENT OF LE-
13 GALITY OF PROCEEDINGS.—The completion of appel-
14 late review shall constitute a final judgment as to
15 the legality of the proceedings.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 857a of title 10, United States
18 Code (article 57a of the Uniform Code of Military
19 Justice), is repealed.

20 (2) Section 871 of title 10, United States Code,
21 (article 71 of the Uniform Code of Military Justice),
22 is repealed.

23 (3) The second sentence of subsection (a)(1) of
24 section 858b of title 10, United States Code (article
25 58b of the Uniform Code of Military Justice), is

1 amended by striking “section 857(a) of this title (ar-
2 ticle 57(a))” and inserting “section 857 of this title
3 (article 57)”.

4 **SEC. 5263. SENTENCE OF REDUCTION IN ENLISTED GRADE.**

5 Section 858a of title 10, United States Code (article
6 58a of the Uniform Code of Military Justice), is amend-
7 ed—

8 (1) in subsection (a)—

9 (A) by striking “as approved by the con-
10 vening authority” and inserting “as set forth in
11 the judgment of the court-martial entered into
12 the record under section 860c of this title (arti-
13 cle 60c)”;

14 (B) in the matter after paragraph (3), by
15 striking “of that approval” and inserting “on
16 which the judgment is so entered”; and

17 (2) in subsection (b), by striking “disapproved,
18 or, as finally approved” and inserting “reduced, or,
19 as finally affirmed”.

20 **SEC. 5264. REPEAL OF SENTENCE REDUCTION PROVISION**
21 **WHEN INTERIM GUIDANCE TAKES EFFECT.**

22 Effective on the effective date of the interim guidance
23 prescribed by the President pursuant to section
24 5261(c)(2):

1 (1) Section 858a of title 10, United States
 2 Code (article 58a of the Uniform Code of Military
 3 Justice), is repealed.

4 (2) The table of sections at the beginning of
 5 subchapter VIII of chapter 47 of such title is
 6 amended by striking the item relating to section
 7 858a.

8 **TITLE LIX—POST-TRIAL PROCE-**
 9 **DURE AND REVIEW OF**
 10 **COURTS-MARTIAL**

11 **SEC. 5281. POST-TRIAL PROCESSING IN GENERAL AND SPE-**
 12 **CIAL COURTS-MARTIAL.**

13 Section 860 of title 10, United States Code (article
 14 60 of the Uniform Code of Military Justice), is amended
 15 to read as follows:

16 **“§ 860. Art 60. Post-trial processing in general and**
 17 **special courts-martial**

18 “(a) STATEMENT OF TRIAL RESULTS.—(1) The mili-
 19 tary judge of a general or special court-martial shall enter
 20 into the record of trial a document entitled ‘Statement of
 21 Trial Results’, which shall set forth—

22 “(A) each plea and finding;

23 “(B) the sentence, if any; and

24 “(C) such other information as the President
 25 may prescribe by regulation.

1 “(2) Copies of the Statement of Trial Results shall
 2 be provided promptly to the convening authority, the ac-
 3 cused, and any victim of the offense.

4 “(b) POST-TRIAL MOTIONS.—In accordance with reg-
 5 ulations prescribed by the President, the military judge
 6 in a general or special court-martial shall address all post-
 7 trial motions and other post-trial matters that—

8 “(1) may affect a plea, a finding, the sentence,
 9 the Statement of Trial Results, the record of trial,
 10 or any post-trial action by the convening authority;
 11 and

12 “(2) are subject to resolution by the military
 13 judge before entry of judgment.”.

14 **SEC. 5282. LIMITED AUTHORITY TO ACT ON SENTENCE IN**
 15 **SPECIFIED POST-TRIAL CIRCUMSTANCES.**

16 Subchapter IX of chapter 47 of title 10, United
 17 States Code, is amended by inserting after section 860
 18 (article 60 of the Uniform Code of Military Justice), as
 19 amended by section 5281 of this Act, the following new
 20 section (article):

21 **“§ 860a. Art. 60a. Limited authority to act on sentence**
 22 **in specified post-trial circumstances**

23 “(a) IN GENERAL.—(1) The convening authority of
 24 a general or special court-martial described in paragraph
 25 (2)—

1 “(A) may act on the sentence of the court-mar-
2 tial only as provided in subsection (b), (c), or (d);
3 and

4 “(B) may not act on the findings of the court-
5 martial.

6 “(2) The courts-martial referred to in paragraph (1)
7 are the following:

8 “(A) A general or special court-martial in which
9 the maximum sentence of confinement established
10 under section 856(a) of this title (article 56(a)) for
11 any offense of which the accused is found guilty is
12 more than two years.

13 “(B) A general or special court-martial in which
14 the total of the sentences of confinement imposed,
15 running consecutively, is more than six months.

16 “(C) A general or special court-martial in which
17 the sentence imposed includes a dismissal, dishonor-
18 able discharge, or bad-conduct discharge.

19 “(D) A general or special court-martial in
20 which the accused is found guilty of a violation of
21 subsection (a) or (b) of section 920 of this title (ar-
22 ticle 120), section 920b of this title (article 120b),
23 or such other offense as the Secretary of Defense
24 may specify by regulation.

1 “(3) Except as provided in subsection (d), the con-
2 vening authority may act under this section only before
3 entry of judgment.

4 “(4) Under regulations prescribed by the Secretary
5 concerned, a commissioned officer commanding for the
6 time being, a successor in command, or any person exer-
7 cising general court-martial jurisdiction may act under
8 this section in place of the convening authority.

9 “(b) REDUCTION, COMMUTATION, AND SUSPENSION
10 OF SENTENCES GENERALLY.—(1) Except as provided in
11 subsection (c) or (d), the convening authority may not re-
12 duce, commute, or suspend any of the following sentences:

13 “(A) A sentence of confinement, if the total pe-
14 riod of confinement imposed for all offenses involved,
15 running consecutively, is greater than six months.

16 “(B) A sentence of dismissal, dishonorable dis-
17 charge, or bad-conduct discharge.

18 “(C) A sentence of death.

19 “(2) The convening authority may reduce, commute,
20 or suspend any sentence not specified in paragraph (1).

21 “(c) SUSPENSION OF CERTAIN SENTENCES UPON
22 RECOMMENDATION OF MILITARY JUDGE.—(1) Upon rec-
23 ommendation of the military judge, as included in the
24 Statement of Trial Results, together with an explanation

1 of the facts supporting the recommendation, the convening
2 authority may suspend—

3 “(A) a sentence of confinement, in whole or in
4 part; or

5 “(B) a sentence of dismissal, dishonorable dis-
6 charge, or bad-conduct discharge.

7 “(2) The convening authority may not, under para-
8 graph (1)—

9 “(A) suspend a mandatory minimum sentence;
10 or

11 “(B) suspend a sentence to an extent in excess
12 of the suspension recommended by the military
13 judge.

14 “(d) REDUCTION OF SENTENCE FOR SUBSTANTIAL
15 ASSISTANCE BY ACCUSED.—(1) Upon a recommendation
16 by the trial counsel, if the accused, after sentencing and
17 before entry of judgment, provides substantial assistance
18 in the investigation or prosecution of another person, the
19 convening authority may reduce, commute, or suspend a
20 sentence, in whole or in part, including any mandatory
21 minimum sentence.

22 “(2) Upon a recommendation by a trial counsel, des-
23 igned in accordance with rules prescribed by the Presi-
24 dent, if the accused, after entry of judgment, provides sub-
25 stantial assistance in the investigation or prosecution of

1 another person, a convening authority, designated under
2 such regulations, may reduce, commute, or suspend a sen-
3 tence, in whole or in part, including any mandatory min-
4 imum sentence.

5 “(3) In evaluating whether the accused has provided
6 substantial assistance under this subsection, the convening
7 authority may consider the presentence assistance of the
8 accused.

9 “(e) SUBMISSIONS BY ACCUSED AND VICTIM.—(1) In
10 accordance with rules prescribed by the President, in de-
11 termining whether to act under this section, the convening
12 authority shall consider matters submitted in writing by
13 the accused or any victim of an offense. Such rules shall
14 include—

15 “(A) procedures for notice of the opportunity to
16 make such submissions;

17 “(B) the deadlines for such submissions; and

18 “(C) procedures for providing the accused and
19 any victim of an offense with a copy of the recording
20 of any open sessions of the court-martial and copies
21 of, or access to, any admitted, unsealed exhibits.

22 “(2) The convening authority shall not consider
23 under this section any submitted matters that relate to
24 the character of a victim unless such matters were pre-
25 sented as evidence at trial and not excluded at trial.

1 “(f) DECISION OF CONVENING AUTHORITY.—(1) The
2 decision of the convening authority under this section shall
3 be forwarded to the military judge, with copies provided
4 to the accused and to any victim of the offense.

5 “(2) If, under this section, the convening authority
6 reduces, commutes, or suspends the sentence, the decision
7 of the convening authority shall include a written expla-
8 nation of the reasons for such action.

9 “(3) If, under subsection (d)(2), the convening au-
10 thority reduces, commutes, or suspends the sentence, the
11 decision of the convening authority shall be forwarded to
12 the chief trial judge for appropriate modification of the
13 entry of judgment, which shall be transmitted to the
14 Judge Advocate General for appropriate action.”.

15 **SEC. 5283. POST-TRIAL ACTIONS IN SUMMARY COURTS-**
16 **MARTIAL AND CERTAIN GENERAL AND SPE-**
17 **CIAL COURTS-MARTIAL.**

18 Subchapter IX of chapter 47 of title 10, United
19 States Code, is amended by inserting after section 860a
20 (article 60a of the Uniform Code of Military Justice), as
21 added by section 5282 of this Act, the following new sec-
22 tion (article):

1 **“§ 860b. Art. 60b. Post-trial actions in summary**
2 **courts-martial and certain general and**
3 **special courts-martial**

4 “(a) IN GENERAL.—(1) In a court-martial not speci-
5 fied in section 860a(a)(2) of this title (article 60a(a)(2)),
6 the convening authority may—

7 “(A) dismiss any charge or specification by set-
8 ting aside the finding of guilty;

9 “(B) change a finding of guilty to a charge or
10 specification to a finding of guilty to a lesser in-
11 cluded offense;

12 “(C) disapprove the findings and the sentence
13 and dismiss the charges and specifications;

14 “(D) disapprove the findings and the sentence
15 and order a rehearing as to the findings and the
16 sentence;

17 “(E) disapprove, commute, or suspend the sen-
18 tence, in whole or in part; or

19 “(F) disapprove the sentence and order a re-
20 hearing as to the sentence.

21 “(2) In a summary court-martial, the convening au-
22 thority shall approve the sentence or take other action on
23 the sentence under paragraph (1).

24 “(3) Except as provided in paragraph (4), the con-
25 vening authority may act under this section only before
26 entry of judgment.

1 “(4) The convening authority may act under this sec-
2 tion after entry of judgment in a general or special court-
3 martial in the same manner as the convening authority
4 may act under section 860a(d)(2) of this title (article
5 60a(d)(2)). Such action shall be forwarded to the chief
6 trial judge, who shall ensure appropriate modification to
7 the entry of judgment and shall transmit the entry of
8 judgment to the Judge Advocate General for appropriate
9 action.

10 “(5) Under regulations prescribed by the Secretary
11 concerned, a commissioned officer commanding for the
12 time being, a successor in command, or any person exer-
13 cising general court-martial jurisdiction may act under
14 this section in place of the convening authority.

15 “(b) LIMITATIONS ON REHEARINGS.—The convening
16 authority may not order a rehearing under this section—

17 “(1) as to the findings, if there is insufficient
18 evidence in the record to support the findings;

19 “(2) to reconsider a finding of not guilty of any
20 specification or a ruling which amounts to a finding
21 of not guilty; or

22 “(3) to reconsider a finding of not guilty of any
23 charge, unless there has been a finding of guilty
24 under a specification laid under that charge, which

1 sufficiently alleges a violation of some article of this
2 chapter.

3 “(c) SUBMISSIONS BY ACCUSED AND VICTIM.—In ac-
4 cordance with rules prescribed by the President, in deter-
5 mining whether to act under this section, the convening
6 authority shall consider matters submitted in writing by
7 the accused or any victim of the offense. Such rules shall
8 include the matter required by section 860a(e) of this title
9 (article 60a(e)).

10 “(d) DECISION OF CONVENING AUTHORITY.—(1) In
11 a general or special court-martial, the decision of the con-
12 vening authority under this section shall be forwarded to
13 the military judge, with copies provided to the accused and
14 to any victim of the offense.

15 “(2) If the convening authority acts on the findings
16 or the sentence under subsection (a)(1), the decision of
17 the convening authority shall include a written explanation
18 of the reasons for such action.”.

19 **SEC. 5284. ENTRY OF JUDGMENT.**

20 Subchapter IX of chapter 47 of title 10, United
21 States Code, is amended by inserting after section 860b
22 (article 60b of the Uniform Code of Military Justice), as
23 added by section 5283 of this Act, the following new sec-
24 tion (article):

1 **“§ 860c. Art. 60c. Entry of judgment**

2 “(a) ENTRY OF JUDGMENT OF GENERAL OR SPE-
3 CIAL COURT-MARTIAL.—(1) In accordance with rules pre-
4 scribed by the President, in a general or special court-mar-
5 tial, the military judge shall enter into the record of trial
6 the judgment of the court. The judgment of the court shall
7 consist of the following:

8 “(A) The Statement of Trial Results under sec-
9 tion 860 of this title (article 60).

10 “(B) Any modifications of, or supplements to,
11 the Statement of Trial Results by reason of—

12 “(i) any post-trial action by the convening
13 authority; or

14 “(ii) any ruling, order, or other determina-
15 tion of the military judge that affects a plea, a
16 finding, or the sentence.

17 “(2) Under rules prescribed by the President, the
18 judgment under paragraph (1) shall be—

19 “(A) provided to the accused and to any victim
20 of the offense; and

21 “(B) made available to the public.

22 “(b) SUMMARY COURT-MARTIAL JUDGMENT.—The
23 findings and sentence of a summary court-martial, as
24 modified by any post-trial action by the convening author-
25 ity under section 860b of this title (article 60b), con-
26 stitutes the judgment of the court-martial and shall be re-

1 corded and distributed under rules prescribed by the
2 President.”.

3 **SEC. 5285. WAIVER OF RIGHT TO APPEAL AND WITH-**
4 **DRAWAL OF APPEAL.**

5 Section 861 of title 10, United States Code (article
6 61 of the Uniform Code of Military Justice), is amended
7 to read as follows:

8 **“§ 861. Art. 61. Waiver of right to appeal; withdrawal**
9 **of appeal**

10 “(a) WAIVER OF RIGHT TO APPEAL.—After entry of
11 judgment in a general or special court-martial, under pro-
12 cedures prescribed by the Secretary concerned, the ac-
13 cused may waive the right to appeal. Such a waiver shall
14 be—

15 “(1) signed by the accused and by defense
16 counsel; and

17 “(2) attached to the record of trial.

18 “(b) WITHDRAWAL OF APPEAL.—In a general or spe-
19 cial court-martial, the accused may withdraw an appeal
20 at any time.

21 “(c) DEATH PENALTY CASE EXCEPTION.—Notwith-
22 standing subsections (a) and (b), an accused may not
23 waive the right to appeal or withdraw an appeal with re-
24 spect to a judgment that includes a sentence of death.

1 “(d) WAIVER OR WITHDRAWAL AS BAR.—A waiver
2 or withdrawal under this section bars review under section
3 866 of this title (article 66).”.

4 **SEC. 5286. APPEAL BY THE UNITED STATES.**

5 Section 862 of title 10, United States Code (article
6 62 of the Uniform Code of Military Justice), is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in the matter before subparagraph
10 (A), by striking “court-martial” and all
11 that follows through the colon at the end
12 and inserting “general or special court-
13 martial or in a pretrial proceeding under
14 section 830a of this title (article 30a), the
15 United States may appeal the following.”;
16 and

17 (ii) by adding at the end the following
18 new subparagraph:

19 “(G) An order or ruling of the military judge
20 entering a finding of not guilty with respect to a
21 charge or specification following the return of a find-
22 ing of guilty by the members.”; and

23 (B) in paragraph (2)—

24 (i) by striking “(2)” and inserting
25 “(2)(A)”; and

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

3 “(B) An appeal of an order or ruling may not be
4 taken when prohibited by section 844 of this title (article
5 44).”;

6 (2) in subsection (b), by striking “section
7 866(c) of this title (article 66(c))” and inserting
8 “section 866 of this title (article 66)”;

9 (3) by adding at the end the following new sub-
10 sections:

11 “(d) The United States may appeal a ruling or order
12 of a military magistrate in the same manner as had the
13 ruling or order been made by a military judge, except that
14 the issue shall first be presented to the military judge who
15 designated the military magistrate or to a military judge
16 detailed to hear the issue.

17 “(e) The provisions of this section (article) shall be
18 liberally construed to effect its purposes.”.

19 **SEC. 5287. REHEARINGS.**

20 Section 863 of title 10, United States Code (article
21 63 of the Uniform Code of Military Justice), is amended—

22 (1) by inserting “(a) IN GENERAL.—” before
23 “Each rehearing”;

24 (2) in the second sentence, by striking “may be
25 approved” and inserting “may be adjudged”;

1 (3) by striking the third sentence; and

2 (4) by adding at the end the following new sub-
3 sections:

4 “(b) PLEA AGREEMENTS.—If the sentence adjudged
5 by the first court-martial was in accordance with a plea
6 agreement under section 853a of this title (article 53a)
7 and the accused at the rehearing does not comply with
8 the agreement, or if a plea of guilty was entered for an
9 offense at the first court-martial and a plea of not guilty
10 was entered at the rehearing, the sentence as to those
11 charges or specifications may include any punishment not
12 in excess of that which could have been adjudged at the
13 first court-martial.

14 “(c) SENTENCES SET ASIDE ON APPEAL BY GOV-
15 ERNMENT.—If, after review of a sentence under section
16 866(b)(2) of this title (article 66(b)(2)), the sentence ad-
17 judged is set aside and a rehearing on sentence is ordered
18 by the Court of Criminal Appeals or Court of Appeals for
19 the Armed Forces, the court-martial may impose any sen-
20 tence that is in accordance with the order or ruling setting
21 aside the adjudged sentence.”.

22 **SEC. 5288. JUDGE ADVOCATE REVIEW OF FINDING OF**
23 **GUILTY IN SUMMARY COURT-MARTIAL.**

24 (a) IN GENERAL.—Subsection (a) of section 864 of
25 title 10, United States Code (article 64 of the Uniform

1 Code of Military Justice), is amended by striking the first
2 two sentences and inserting the following:

3 “(a) IN GENERAL.—Under regulations prescribed by
4 the Secretary concerned, each summary court-martial in
5 which there is a finding of guilty shall be reviewed by a
6 judge advocate. A judge advocate may not review a case
7 under this subsection if the judge advocate has acted in
8 the same case as an accuser, preliminary hearing officer,
9 member of the court, military judge, or counsel or has oth-
10 erwise acted on behalf of the prosecution or defense.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

12 (1) The heading of such section (article) is
13 amended to read as follows:

14 **“§ 864. Art. 64. Judge advocate review of finding of**
15 **guilty in summary court-martial”.**

16 (2) Subsection (b) of such section is amended—

17 (A) by striking “(b) The record” and in-
18 serting “(b) RECORD.—The record”;

19 (B) in paragraph (1), by adding “or” at
20 the end;

21 (C) by striking paragraph (2); and

22 (D) by redesignating paragraph (3) as
23 paragraph (2).

24 (3) Subsection (c)(3) of such section (article) is
25 amended by striking “section 869(b) of this title (ar-

1 title 69(b)).” and inserting “section 869 of this title
2 (article 69).”.

3 **SEC. 5289. TRANSMITTAL AND REVIEW OF RECORDS.**

4 Section 865 of title 10, United States Code (article
5 65 of the Uniform Code of Military Justice), is amended
6 to read as follows:

7 **“§ 865. Art. 65. Transmittal and review of records**

8 “(a) TRANSMITTAL OF RECORDS.—

9 “(1) FINDING OF GUILTY IN GENERAL OR SPE-
10 CIAL COURT-MARTIAL.—If the judgment of a general
11 or special court-martial entered under section 860c
12 of this title (article 60c) includes a finding of guilty,
13 the record shall be transmitted to the Judge Advoca-
14 cate General.

15 “(2) OTHER CASES.—In all other cases, records
16 of trial by court-martial and related documents shall
17 be transmitted and disposed of as the Secretary con-
18 cerned may prescribe by regulation.

19 “(b) CASES ELIGIBLE FOR DIRECT APPEAL.—

20 “(1) MANDATORY REVIEW.—If the judgment
21 includes a sentence of death, the Judge Advocate
22 General shall forward the record of trial to the
23 Court of Criminal Appeals for review under section
24 866(b)(3) of this title (article 66(b)(3)).

1 “(2) CASES ELIGIBLE FOR DIRECT APPEAL RE-
2 VIEW.—

3 “(A) IN GENERAL.—If the case is eligible
4 for direct review under section 866(b)(1) of this
5 title (article 66(b)(1)), the Judge Advocate
6 General shall—

7 “(i) forward a copy of the record of
8 trial to an appellate defense counsel who
9 shall be detailed to review the case and,
10 upon request of the accused, to represent
11 the accused before the Court of Criminal
12 Appeals; and

13 “(ii) upon written request of the ac-
14 cused, forward a copy of the record of trial
15 to civilian counsel provided by the accused.

16 “(B) INAPPLICABILITY.—Subparagraph
17 (A) shall not apply if the accused—

18 “(i) waives the right to appeal under
19 section 861 of this title (article 61); or

20 “(ii) declines in writing the detailing
21 of appellate defense counsel under sub-
22 paragraph (A)(i).

23 “(c) NOTICE OF RIGHT TO APPEAL.—

24 “(1) IN GENERAL.—The Judge Advocate Gen-
25 eral shall provide notice to the accused of the right

1 to file an appeal under section 866(b)(1) of this title
2 (article 66(b)(1)) by means of depositing in the
3 United States mails for delivery by first class cer-
4 tified mail to the accused at an address provided by
5 the accused or, if no such address has been provided
6 by the accused, at the latest address listed for the
7 accused in the official service record of the accused.

8 “(2) INAPPLICABILITY UPON WAIVER OF AP-
9 PEAL.—Paragraph (1) shall not apply if the accused
10 waives the right to appeal under section 861 of this
11 title (article 61).

12 “(d) REVIEW BY JUDGE ADVOCATE GENERAL.—

13 “(1) BY WHOM.—A review conducted under this
14 subsection may be conducted by an attorney within
15 the Office of the Judge Advocate General or another
16 attorney designated under regulations prescribed by
17 the Secretary concerned.

18 “(2) REVIEW OF CASES NOT ELIGIBLE FOR DI-
19 RECT APPEAL.—

20 “(A) IN GENERAL.—A review under sub-
21 paragraph (B) shall be completed in each gen-
22 eral and special court-martial that is not eligi-
23 ble for direct appeal under paragraph (1) or (3)
24 of section 866(b) of this title (article 66(b)).

1 “(B) SCOPE OF REVIEW.—A review re-
2 ferred to in subparagraph (A) shall include a
3 written decision providing each of the following:

4 “(i) A conclusion as to whether the
5 court had jurisdiction over the accused and
6 the offense.

7 “(ii) A conclusion as to whether the
8 charge and specification stated an offense.

9 “(iii) A conclusion as to whether the
10 sentence was within the limits prescribed
11 as a matter of law.

12 “(iv) A response to each allegation of
13 error made in writing by the accused.

14 “(3) REVIEW WHEN DIRECT APPEAL IS
15 WAIVED, WITHDRAWN, OR NOT FILED.—

16 “(A) IN GENERAL.—A review under sub-
17 paragraph (B) shall be completed in each gen-
18 eral and special court-martial if—

19 “(i) the accused waives the right to
20 appeal or withdraws appeal under section
21 861 of this title (article 61); or

22 “(ii) the accused does not file a timely
23 appeal in a case eligible for direct appeal
24 under subparagraph (A), (B), or (C) of

1 section 866(b)(1) of this title (article
2 66(b)(1)).

3 “(B) SCOPE OF REVIEW.—A review re-
4 ferred to in subparagraph (A) shall include a
5 written decision limited to providing conclusions
6 on the matters specified in clauses (i), (ii), and
7 (iii) of paragraph (2)(B).

8 “(e) REMEDY.—

9 “(1) IN GENERAL.—If after a review of a
10 record under subsection (d), the attorney conducting
11 the review believes corrective action may be required,
12 the record shall be forwarded to the Judge Advocate
13 General, who may set aside the findings or sentence,
14 in whole or in part.

15 “(2) REHEARING.—In setting aside findings or
16 sentence, the Judge Advocate General may order a
17 rehearing, except that a rehearing may not be or-
18 dered in violation of section 844 of this title (article
19 44).

20 “(3) REMEDY WITHOUT REHEARING.—

21 “(A) DISMISSAL WHEN NO REHEARING OR-
22 DERED.—If the Judge Advocate General sets
23 aside findings and sentence and does not order
24 a rehearing, the Judge Advocate General shall
25 dismiss the charges.

1 “(B) DISMISSAL WHEN REHEARING IM-
2 PRACTICAL.—If the Judge Advocate General
3 sets aside findings and orders a rehearing and
4 the convening authority determines that a re-
5 hearing would be impractical, the convening au-
6 thority shall dismiss the charges.”.

7 **SEC. 5290. COURTS OF CRIMINAL APPEALS.**

8 (a) APPELLATE MILITARY JUDGES.—Subsection (a)
9 of section 866 of title 10, United States Code (article 66
10 of the Uniform Code of Military Justice), is amended—

11 (1) in the second sentence, by striking “sub-
12 section (f)” and inserting “subsection (i)”;

13 (2) in the fourth sentence, by inserting after
14 “highest court of a State” the following: “and must
15 be certified by the Judge Advocate General as quali-
16 fied, by reason of education, training, experience,
17 and judicial temperament, for duty as an appellate
18 military judge”; and

19 (3) by adding at the end the following new sen-
20 tence: “In accordance with regulations prescribed by
21 the President, assignments of appellate military
22 judges under this section (article) shall be for appro-
23 priate minimum periods, subject to such exceptions
24 as may be authorized in the regulations.”.

1 (b) REVISION OF APPELLATE PROCEDURES.—Such
2 section (article) is further amended—

3 (1) by redesignating subsections (e), (f), (g),
4 and (h) as subsections (h), (i), (j), and (k), respec-
5 tively; and

6 (2) by striking subsections (b), (c), and (d) and
7 inserting the following new subsections:

8 “(b) REVIEW.—

9 “(1) APPEALS BY ACCUSED.—A Court of
10 Criminal Appeals shall have jurisdiction of a timely
11 appeal from the judgment of a court-martial, en-
12 tered into the record under section 860c of this title
13 (article 60c), as follows:

14 “(A) On appeal by the accused in a case
15 in which the sentence extends to dismissal of a
16 commissioned officer, cadet, or midshipman,
17 dishonorable or bad-conduct discharge, or con-
18 finement for more than six months.

19 “(B) On appeal by the accused in a case
20 in which the Government previously filed an ap-
21 peal under section 862 of this title (article 62).

22 “(C) On appeal by the accused in a case
23 that the Judge Advocate General has sent to
24 the Court of Criminal Appeals for review of the

1 sentence under section 856(e) of this title (arti-
2 cle 56(e)).

3 “(D) In a case in which the accused filed
4 an application for review with the Court under
5 section 869(d)(1)(B) of this title (article
6 69(d)(1)(B)) and the application has been
7 granted by the Court.

8 “(2) REVIEW OF CERTAIN SENTENCES.—A
9 Court of Criminal Appeals shall have jurisdiction of
10 all cases that the Judge Advocate General orders
11 sent to the Court for review under section 856(e) of
12 this title (article 56(e)).

13 “(3) REVIEW OF CAPITAL CASES.—A Court of
14 Criminal Appeals shall have jurisdiction of a court-
15 martial in which the judgment entered into the
16 record under section 860c of this title (article 60c)
17 includes a sentence of death.

18 “(c) TIMELINESS.—An appeal under subsection (b)
19 is timely if it is filed as follows:

20 “(1) In the case of an appeal by the accused
21 under subsection (b)(1)(A) or (b)(1)(B), if filed be-
22 fore the later of—

23 “(A) the end of the 90-day period begin-
24 ning on the date the accused is provided notice

1 of appellate rights under section 865(c) of this
2 title (article 65(c)); or

3 “(B) the date set by the Court of Criminal
4 Appeals by rule or order.

5 “(2) In the case of an appeal by the accused
6 under subsection (b)(1)(C), if filed before the later
7 of—

8 “(A) the end of the 90-day period begin-
9 ning on the date the accused is notified that the
10 application for review has been granted by let-
11 ter placed in the United States mails for deliv-
12 ery by first class certified mail to the accused
13 at an address provided by the accused or, if no
14 such address has been provided by the accused,
15 at the latest address listed for the accused in
16 his official service record; or

17 “(B) the date set by the Court of Criminal
18 Appeals by rule or order.

19 “(d) DUTIES.—

20 “(1) CASES APPEALED BY ACCUSED.—In any
21 case before the Court of Criminal Appeals under
22 paragraph (1) of subsection (b), the Court shall af-
23 firm, set aside, or modify the findings, sentence, or
24 order appealed.

1 “(2) CAPITAL CASES.—In any case before the
2 Court of Criminal Appeals under paragraph (3) of
3 subsection (b), the Court shall review the record of
4 trial and affirm, set aside, or modify the findings or
5 sentence.

6 “(3) ERROR OR EXCESSIVE DELAY.—In any
7 case before the Court of Criminal Appeals under
8 paragraph (1), (2), or (3) of subsection (b), the
9 Court may provide appropriate relief if the accused
10 demonstrates error or excessive delay in the proc-
11 essing of the court-martial after the judgment was
12 entered into the record under section 860c of this
13 title (article 60c).

14 “(e) CONSIDERATION OF THE EVIDENCE.—

15 “(1) IN GENERAL.—In an appeal of a finding
16 of guilty under paragraph (1)(A), (1)(B), (1)(C),
17 (2), or (3) of subsection (b), the Court of Criminal
18 Appeals, upon request of the accused, may consider
19 the weight of the evidence upon a specific showing
20 by the accused of deficiencies in proof. The Court
21 may set aside and dismiss a finding if clearly con-
22 vinced that the finding was against the weight of the
23 evidence. The Court may affirm a lesser finding. A
24 rehearing may not be ordered.

1 “(2) DEFERENCE IN CONSIDERATION.—When
2 considering a case under paragraph (1)(A), (1)(B),
3 (1)(C), (2), or (3) of subsection (b), the Court may
4 weigh the evidence and determine controverted ques-
5 tions of fact, subject to—

6 “(A) appropriate deference to the fact that
7 the court-martial saw and heard the witnesses
8 and other evidence; and

9 “(B) appropriate deference to findings of
10 fact entered into the record by the military
11 judge.

12 “(f) CONSIDERATION OF SENTENCE.—

13 “(1) IN GENERAL.—In considering a sentence
14 on appeal or review under subsection (b)(1) or
15 (b)(3), the Court of Criminal Appeals may con-
16 sider—

17 “(A) whether the sentence violates the law;

18 “(B) whether the sentence is inappropri-
19 ately severe—

20 “(i) if the sentence is for an offense
21 for which there is no sentencing parameter
22 under section 856(d) of this title (article
23 56(d)); or

24 “(ii) in the case of an offense with a
25 sentencing parameter under section 856(d)

1 of this title (article 56(d)), if the sentence
2 is above the upper range under paragraph
3 (2)(B)(iii) of such section (article).

4 “(C) in the case of a sentence for an of-
5 fense with a sentencing parameter under this
6 section, whether the sentence is a result of an
7 incorrect application of the parameter;

8 “(D) whether the sentence is plainly un-
9 reasonable; and

10 “(E) in review of a sentence to death or to
11 life in prison without eligibility for parole deter-
12 mined by the members in a capital case under
13 section 853(c) of this title (article 53(c)),
14 whether the sentence is otherwise appropriate,
15 under rules prescribed by the President.

16 “(2) RECORD ON APPEAL OR REVIEW.—In an
17 appeal or review under subsection (b)(1) or (b)(3),
18 the record on appeal or review shall consist of—

19 “(A) any portion of the record in the case
20 that is designated as pertinent by either of the
21 parties;

22 “(B) the information submitted during the
23 sentencing proceeding; and

24 “(C) any information required by rule or
25 order of the Court of Criminal Appeals.

1 “(g) LIMITS OF AUTHORITY.—

2 “(1) SET ASIDE OF FINDINGS.—

3 “(A) IN GENERAL.—If the Court of Crimi-
4 nal Appeals sets aside the findings, the Court—

5 “(i) may affirm any lesser included of-
6 fense; and

7 “(ii) may, except when prohibited by
8 section 844 of this title (article 44), order
9 a rehearing.

10 “(B) DISMISSAL WHEN NO REHEARING OR-
11 DERED.—If the Court of Criminal Appeals sets
12 aside the findings and does not order a rehear-
13 ing, the Court shall order that the charges be
14 dismissed.

15 “(C) DISMISSAL WHEN REHEARING IM-
16 PRACTICABLE.—If the Court of Criminal Ap-
17 peals orders a rehearing on a charge and the
18 convening authority finds a rehearing impracti-
19 cable, the convening authority may dismiss the
20 charge.

21 “(2) SET ASIDE OF SENTENCE.—If the Court
22 of Criminal Appeals sets aside the sentence, the
23 Court may—

24 “(A) modify the sentence to a lesser sen-
25 tence; or

1 “(B) order a rehearing.

2 “(3) ADDITIONAL PROCEEDINGS.—If the Court
3 determines that additional proceedings are war-
4 ranted, the Court may order a hearing as may be
5 necessary to address a substantial issue, subject to
6 such limitations as the Court may direct and under
7 such regulations as the President may prescribe.”.

8 (c) ACTION WHEN REHEARING IMPRACTICABLE
9 AFTER REHEARING ORDER.—Subsection (h) of such sec-
10 tion (article), as redesignated by subsection (b)(1) of this
11 section, is amended—

12 (1) in the first sentence, by striking “convening
13 authority” and inserting “appropriate authority”;
14 and

15 (2) by striking the last sentence.

16 (d) SECTION HEADING.—The heading of such section
17 (article) is amended to read as follows:

18 **“§ 866. Art. 66. Courts of Criminal Appeals”.**

19 (e) SUBSECTION HEADING AMENDMENTS FOR STY-
20 LISTIC CONSISTENCY.—Such section (article) is further
21 amended—

22 (1) in subsection (a), by inserting “COURTS OF
23 CRIMINAL APPEALS.—” after “(a)”;

24 (2) in subsection (h), as redesignated by sub-
25 section (b)(1) of this section, by inserting “ACTION

1 IN ACCORDANCE WITH DECISIONS OF COURTS.—”
2 after “(h)”;

3 (3) in subsection (i), as so redesignated, by in-
4 serting “RULES OF PROCEDURE.—” after “(i)”;

5 (4) in subsection (j), as so redesignated, by in-
6 serting “PROHIBITION ON EVALUATION OF OTHER
7 MEMBERS OF COURTS.—” after “(j)”;

8 (5) in subsection (k), as so redesignated, by in-
9 serting “INELIGIBILITY OF MEMBERS OF COURTS
10 TO REVIEW RECORDS OF CASES INVOLVING CER-
11 TAIN PRIOR MEMBER SERVICE.—” after “(k)”.

12 **SEC. 5291. REVIEW BY COURT OF APPEALS FOR THE**
13 **ARMED FORCES.**

14 (a) JAG NOTIFICATION.—Subsection (a)(2) of section
15 867 of title 10, United States Code (article 67 of the Uni-
16 form Code of Military Justice), is amended by inserting
17 after “the Judge Advocate General” the following: “, after
18 appropriate notification to the other Judge Advocates
19 General and the Staff Judge Advocate to the Com-
20 mandant of the Marine Corps,”.

21 (b) BASIS FOR REVIEW.—Subsection (c) of such sec-
22 tion (article) is amended—

23 (1) by inserting “(1)” after “(c)”;

24 (2) by designating the second sentence as para-
25 graph (2);

1 (3) by designating the third sentence as para-
2 graph (3);

3 (4) by designating the fourth sentence as para-
4 graph (4); and

5 (5) in paragraph (1), as designated by para-
6 graph (1) of this subsection, by striking “only with
7 respect to” and all that follows through the end of
8 the sentence and inserting “only with respect to—

9 “(A) the findings and sentence set forth in the
10 entry of judgment, as affirmed or set aside as incor-
11 rect in law by the Court of Criminal Appeals; or

12 “(B) a decision, judgment, or order by a mili-
13 tary judge, as affirmed or set aside as incorrect in
14 law by the Court of Criminal Appeals.”.

15 **SEC. 5292. SUPREME COURT REVIEW.**

16 The second sentence of section 867a(a) of title 10,
17 United States Code (article 67a(a) of the Uniform Code
18 of Military Justice), is amended by inserting before
19 “Court of Appeals” the following: “United States”.

20 **SEC. 5293. REVIEW BY JUDGE ADVOCATE GENERAL.**

21 Section 869 of title 10, United States Code (article
22 69 of the Uniform Code of Military Justice), is amended
23 to read as follows:

1 **“§ 869. Art. 69. Review by Judge Advocate General**

2 “(a) IN GENERAL.—Upon application by the accused
3 and subject to subsections (b), (c), and (d), the Judge Ad-
4 vocate General may modify or set aside, in whole or in
5 part, the findings and sentence in a court-martial that is
6 not reviewed under section 866 of this title (article 66).

7 “(b) TIMING.—To qualify for consideration, an appli-
8 cation under subsection (a) must be submitted to the
9 Judge Advocate General not later than one year after the
10 date of completion of review under section 864 or 865 of
11 this title (article 64 or 65), as the case may be. The Judge
12 Advocate General may, for good cause shown, extend the
13 period for submission of an application, but may not con-
14 sider an application submitted more than three years after
15 such completion date.

16 “(c) SCOPE.—(1)(A) In a case reviewed under section
17 864 or 865(d) of this title (article 64 or 65(d)), the Judge
18 Advocate General may set aside the findings or sentence,
19 in whole or in part, on the grounds of newly discovered
20 evidence, fraud on the court, lack of jurisdiction over the
21 accused or the offense, error prejudicial to the substantial
22 rights of the accused, or the appropriateness of the sen-
23 tence.

24 “(B) In setting aside findings or sentence, the Judge
25 Advocate General may order a rehearing, except that a

1 rehearing may not be ordered in violation of section 844
2 of this title (article 44).

3 “(C) If the Judge Advocate General sets aside find-
4 ings and sentence and does not order a rehearing, the
5 Judge Advocate General shall dismiss the charges.

6 “(D) If the Judge Advocate General sets aside find-
7 ings and orders a rehearing and the convening authority
8 determines that a rehearing would be impractical, the con-
9 vening authority shall dismiss the charges.

10 “(2) In a case reviewed under section 865(d) of this
11 title (article 65(d)), review under this section is limited
12 to the issue of whether the waiver, withdrawal, or failure
13 to file an appeal was invalid under the law. If the Judge
14 Advocate General determines that the waiver, withdrawal,
15 or failure to file an appeal was invalid, the Judge Advocate
16 General shall order appropriate corrective action under
17 rules prescribed by the President.

18 “(d) COURT OF CRIMINAL APPEALS.—(1) A Court
19 of Criminal Appeals may review the action taken by the
20 Judge Advocate General under subsection (c)—

21 “(A) in a case sent to the Court of Criminal
22 Appeals by order of the Judge Advocate General; or

23 “(B) in a case submitted to the Court of Crimi-
24 nal Appeals by the accused in an application for re-
25 view.

1 “(2) The Court of Criminal Appeals may grant an
2 application under paragraph (1)(B) only if—

3 “(A) the application demonstrates a substantial
4 basis for concluding that the action on review under
5 subsection (c) constituted prejudicial error; and

6 “(B) the application is filed not later than the
7 earlier of—

8 “(i) 60 days after the date on which the
9 accused is notified of the decision of the Judge
10 Advocate General; or

11 “(ii) 60 days after the date on which a
12 copy of the decision of the Judge Advocate Gen-
13 eral is deposited in the United States mails for
14 delivery by first-class certified mail to the ac-
15 cused at an address provided by the accused or,
16 if no such address has been provided by the ac-
17 cused, at the latest address listed for the ac-
18 cused in his official service record.

19 “(3) The submission of an application for review
20 under this subsection does not constitute a proceeding be-
21 fore the Court of Criminal Appeals for purposes of section
22 870(c)(1) of this title (article 70(c)(1)).

23 “(e) ACTION ONLY ON MATTERS OF LAW.—Notwith-
24 standing section 866 of this title (article 66), in any case
25 reviewed by a Court of Criminal Appeals under subsection

1 (d), the Court may take action only with respect to mat-
2 ters of law.”.

3 **SEC. 5294. APPELLATE DEFENSE COUNSEL IN DEATH PEN-**
4 **ALTY CASES.**

5 Section 870 of title 10, United States Code (article
6 70 of the Uniform Code of Military Justice), is amended
7 by adding at the end the following new subsection:

8 “(f) To the greatest extent practicable, in any capital
9 case, at least one defense counsel under subsection (c)
10 shall, as determined by the Judge Advocate General, be
11 learned in the law applicable to such cases. If necessary,
12 this counsel may be a civilian and, if so, may be com-
13 pensated in accordance with regulations prescribed by the
14 Secretary of Defense.”.

15 **SEC. 5295. AUTHORITY FOR HEARING ON VACATION OF**
16 **SUSPENSION OF SENTENCE TO BE CON-**
17 **DUCTED BY QUALIFIED JUDGE ADVOCATE.**

18 (a) IN GENERAL.—Subsection (a) of section 872 of
19 title 10, United States Code (article 72) of the Uniform
20 Code of Military Justice), is amended by inserting after
21 the first sentence the following new sentence: “The special
22 court-martial convening authority may detail a judge ad-
23 vocate, who is certified under section 827(b) of this title
24 (article 27(b)), to conduct the hearing.”.

1 (b) TECHNICAL AMENDMENTS.—Such section (arti-
2 cle) is further amended—

3 (1) in the last sentence of subsection (a), by
4 striking “if he so desires” and inserting “if the pro-
5 bationer so desires”; and

6 (2) in the second sentence of subsection (b)—

7 (A) by striking “If he” and inserting “If
8 the officer exercising general court-martial ju-
9 risdiction”; and

10 (B) by striking “section 871(c) of this title
11 (article 71(c))” and inserting “section 857 of
12 this title (article 57))”.

13 **SEC. 5296. EXTENSION OF TIME FOR PETITION FOR NEW**
14 **TRIAL.**

15 The first sentence of section 873 of title 10, United
16 States Code (article 73 of the Uniform Code of Military
17 Justice), is amended by striking “two years after approval
18 by the convening authority of a court-martial sentence”
19 and inserting “three years after the date of the entry of
20 judgment under section 860c of this title (article 60c)”.

21 **SEC. 5297. RESTORATION.**

22 Section 875 of title 10, United States Code (article
23 75 of the Uniform Code of Military Justice), is amended
24 by adding at the end the following new subsection:

1 “(d) The President shall prescribe regulations, with
 2 such limitations as the President considers appropriate,
 3 governing eligibility for pay and allowances for the period
 4 after the date on which an executed part of a court-martial
 5 sentence is set aside.”.

6 **SEC. 5298. LEAVE REQUIREMENTS PENDING REVIEW OF**
 7 **CERTAIN COURT-MARTIAL CONVICTIONS.**

8 Section 876a of title 10, United States Code (article
 9 76a of the Uniform Code of Military Justice), is amend-
 10 ed—

11 (1) in the first sentence, by striking “, as ap-
 12 proved under section 860 of this title (article 60),”;
 13 and

14 (2) in the second sentence, by striking “on
 15 which the sentence is approved under section 860 of
 16 this title (article 60)” and inserting “of the entry of
 17 judgment under section 860c of this title (article
 18 60c)”.

19 **TITLE LX—PUNITIVE ARTICLES**

20 **SEC. 5301. REORGANIZATION OF PUNITIVE ARTICLES.**

21 Sections of subchapter X of chapter 47 of title 10,
 22 United States Code (articles of the Uniform Code of Mili-
 23 tary Justice), are transferred within subchapter X and re-
 24 designated as follows:

1 (1) ENLISTMENT AND SEPARATION.—Sections
2 883 and 884 (articles 83 and 84) are transferred so
3 as to appear (in that order) after section 904 (arti-
4 cle 104) and are redesignated as sections 904a and
5 904b (articles 104a and 104b), respectively.

6 (2) RESISTANCE, FLIGHT, BREACH OF ARREST,
7 AND ESCAPE.—Section 895 (article 95) is trans-
8 ferred so as to appear after section 887 (article 87)
9 and is redesignated as section 887a (article 87a).

10 (3) NONCOMPLIANCE WITH PROCEDURAL
11 RULES.—Section 898 (article 98) is transferred so
12 as to appear after section 931 (article 131) and is
13 redesignated as section 931f (article 131f).

14 (4) CAPTURED OR ABANDONED PROPERTY.—
15 Section 903 (article 103) is transferred so as to ap-
16 pear after section 908 (article 108) and is redesign-
17 ated as section 908a (article 108a).

18 (5) AIDING THE ENEMY.—Section 904 (article
19 104) is redesignated as section 903b (article 103b).

20 (6) MISCONDUCT AS PRISONER.—Section 905
21 (article 105) is transferred so as to appear after sec-
22 tion 897 (article 97) and is redesignated as section
23 898 (article 98).

24 (7) SPIES; ESPIONAGE.—Sections 906 and 906a
25 (articles 106 and 106a) are transferred so as to ap-

1 pear (in that order) after section 902 (article 102)
2 and are redesignated as sections 903 and 903a (arti-
3 cles 103 and 103a), respectively.

4 (8) MISBEHAVIOR OF SENTINEL.—Section 913
5 (article 113) is transferred so as to appear after sec-
6 tion 894 (article 94) and is redesignated as section
7 895 (article 95).

8 (9) DRUNKEN OR RECKLESS OPERATION OF A
9 VEHICLE, AIRCRAFT, OR VESSEL.—Section 911 (arti-
10 cle 111) is transferred so as to appear after section
11 912a (article 912a) and is redesignated as section
12 913 (article 113).

13 (10) HOUSEBREAKING.—Section 930 (article
14 130) is redesignated as section 929a (article 129a).

15 (11) STALKING.—Section 920a (article 120a) is
16 transferred so as to appear after section 929a (arti-
17 cle 129a), as redesignated by paragraph (10), and is
18 redesignated as section 930 (article 130).

19 (12) FORGERY.—Section 923 (article 123) is
20 transferred so as to appear after section 904b (arti-
21 cle 104b), as transferred and redesignated by para-
22 graph (1), and is redesignated as section 905 (arti-
23 cle 105).

24 (13) MAIMING.—Section 924 (article 124) is
25 transferred so as to appear after section 928 (article

1 128) and is redesignated as section 928a (article
2 128a).

3 (14) FRAUDS AGAINST THE UNITED STATES.—
4 Section 932 of (article 132) is transferred so as to
5 appear after section 923a (article 123a) and is re-
6 designated as section 924 (article 124).

7 **SEC. 5302. CONVICTION OF OFFENSE CHARGED, LESSER IN-**
8 **CLUDED OFFENSES, AND ATTEMPTS.**

9 Section 879 of title 10, United States Code (article
10 79 of the Uniform Code of Military Justice), is amended
11 to read as follows:

12 **“§ 879. Art. 79. Conviction of offense charged, lesser**
13 **included offenses, and attempts**

14 “(a) IN GENERAL.—An accused may be found guilty
15 of any of the following:

16 “(1) The offense charged.

17 “(2) A lesser included offense.

18 “(3) An attempt to commit the offense charged.

19 “(4) An attempt to commit a lesser included of-
20 fense, if the attempt is an offense in its own right.

21 “(b) LESSER INCLUDED OFFENSE DEFINED.—In
22 this section (article), the term ‘lesser included offense’
23 means—

24 “(1) an offense that is necessarily included in
25 the offense charged; and

1 “(2) any lesser included offense so designated
2 by regulation prescribed by the President.

3 “(c) REGULATORY AUTHORITY.—Any designation of
4 a lesser included offense in a regulation referred to in sub-
5 section (b) shall be reasonably included in the greater of-
6 fense.”.

7 **SEC. 5303. SOLICITING COMMISSION OF OFFENSES.**

8 Section 882 of title 10, United States Code (article
9 82 of the Uniform Code of Military Justice), is amended
10 to read as follows:

11 **“§ 882. Art. 82. Soliciting commission of offenses**

12 “(a) SOLICITING COMMISSION OF OFFENSES GEN-
13 ERALLY.—Any person subject to this chapter who solicits
14 or advises another to commit an offense under this chapter
15 (other than an offense specified in subsection (b)) shall
16 be punished as a court-martial may direct.

17 “(b) SOLICITING DESERTION, MUTINY, SEDITION,
18 OR MISBEHAVIOR BEFORE THE ENEMY.—Any person
19 subject to this chapter who solicits or advises another to
20 violate section 885 of this title (article 85), section 894
21 of this title (article 94), or section 99 of this title (article
22 99)—

23 “(1) if the offense solicited or advised is at-
24 tempted or is committed, shall be punished with the

1 punishment provided for the commission of the of-
2 fense; and

3 “(2) if the offense solicited or advised is not at-
4 tempted or committed, shall be punished as a court-
5 martial may direct.”.

6 **SEC. 5304. MALINGERING.**

7 Subchapter X of chapter 47 of title 10, United States
8 Code, is amended by inserting after section 882 (article
9 82 of the Uniform Code of Military Justice), as amended
10 by section 5303 of this Act, the following new section (ar-
11 ticle):

12 **“§ 883. Art. 83. Malingering**

13 “Any person subject to this chapter who, with the in-
14 tent to avoid work, duty, or service—

15 “(1) feigns illness, physical disablement, mental
16 lapse, or mental derangement; or

17 “(2) intentionally inflicts self-injury;
18 shall be punished as a court-martial may direct.”.

19 **SEC. 5305. BREACH OF MEDICAL QUARANTINE.**

20 Subchapter X of chapter 47 of title 10, United States
21 Code, is amended by inserting after section 883 (article
22 83 of the Uniform Code of Military Justice), as added by
23 section 5304 of this Act, the following new section (arti-
24 cle):

1 **“§ 884. Art. 84. Breach of medical quarantine**

2 “Any person subject to this chapter—

3 “(1) who is ordered into medical quarantine by
4 a person authorized to issue such order; and

5 “(2) who, with knowledge of the quarantine and
6 the limits of the quarantine, goes beyond those lim-
7 its before being released from the quarantine by
8 proper authority;

9 shall be punished as a court-martial may direct.”.

10 **SEC. 5306. MISSING MOVEMENT; JUMPING FROM VESSEL.**

11 Section 887 of title 10, United States Code (article
12 87 of the Uniform Code of Military Justice), is amended
13 to read as follows:

14 **“§ 887. Art. 87. Missing movement; jumping from ves-**
15 **sel**

16 “(a) MISSING MOVEMENT.—Any person subject to
17 this chapter who, through neglect or design, misses the
18 movement of a ship, aircraft, or unit with which the per-
19 son is required in the course of duty to move shall be pun-
20 ished as a court-martial may direct.

21 “(b) JUMPING FROM VESSEL INTO THE WATER.—
22 Any person subject to this chapter who wrongfully and in-
23 tentiously jumps into the water from a vessel in use by
24 the armed forces shall be punished as a court-martial may
25 direct.”.

1 **SEC. 5307. OFFENSES AGAINST CORRECTIONAL CUSTODY**
2 **AND RESTRICTION.**

3 Subchapter X of chapter 47 of title 10, United States
4 Code, is amended by inserting after section 887a (article
5 87a of the Uniform Code of Military Justice), as trans-
6 ferred and redesignated by section 5301(2) of this Act,
7 the following new section (article):

8 **“§ 887b. Art. 87b. Offenses against correctional cus-**
9 **tody and restriction**

10 “(a) **ESCAPE FROM CORRECTIONAL CUSTODY.**—Any
11 person subject to this chapter—

12 “(1) who is placed in correctional custody by a
13 person authorized to do so;

14 “(2) who, while in correctional custody, is under
15 physical restraint; and

16 “(3) who escapes from the physical restraint be-
17 fore being released from the physical restraint by
18 proper authority;

19 shall be punished as a court-martial may direct.

20 “(b) **BREACH OF CORRECTIONAL CUSTODY.**—Any
21 person subject to this chapter—

22 “(1) who is placed in correctional custody by a
23 person authorized to do so;

24 “(2) who, while in correctional custody, is under
25 restraint other than physical restraint; and

1 “(3) who goes beyond the limits of the restraint
2 before being released from the correctional custody
3 or relieved of the restraint by proper authority;
4 shall be punished as a court-martial may direct.

5 “(c) BREACH OF RESTRICTION.—Any person subject
6 to this chapter—

7 “(1) who is ordered to be restricted to certain
8 limits by a person authorized to do so; and

9 “(2) who, with knowledge of the limits of the
10 restriction, goes beyond those limits before being re-
11 leased by proper authority;
12 shall be punished as a court-martial may direct.”.

13 **SEC. 5308. DISRESPECT TOWARD SUPERIOR COMMIS-**
14 **SIONED OFFICER; ASSAULT OF SUPERIOR**
15 **COMMISSIONED OFFICER.**

16 Section 889 of title 10, United States Code (article
17 89 of the Uniform Code of Military Justice), is amended
18 to read as follows:

19 **“§ 889. Art. 89. Disrespect toward superior commis-**
20 **sioned officer; assault of superior com-**
21 **missioned officer**

22 “(a) DISRESPECT.—Any person subject to this chap-
23 ter who behaves with disrespect toward that person’s supe-
24 rior commissioned officer shall be punished as a court-
25 martial may direct.

1 “(b) ASSAULT.—Any person subject to this chapter
 2 who strikes that person’s superior commissioned officer or
 3 draws or lifts up any weapon or offers any violence against
 4 that officer while the officer is in the execution of the offi-
 5 cer’s office shall be punished—

6 “(1) if the offense is committed in time of war,
 7 by death or such other punishment as a court-mar-
 8 tial may direct; and

9 “(2) if the offense is committed at any other
 10 time, by such punishment, other than death, as a
 11 court-martial may direct.”.

12 **SEC. 5309. WILLFULLY DISOBEYING SUPERIOR COMMIS-**
 13 **SIONED OFFICER.**

14 Section 890 of title 10, United States Code (article
 15 90 of the Uniform Code of Military Justice), is amended
 16 to read as follows:

17 **“§ 890. Art. 90. Willfully disobeying superior commis-**
 18 **sioned officer**

19 “Any person subject to this chapter who willfully dis-
 20 obeys a lawful command of that person’s superior commis-
 21 sioned officer shall be punished—

22 “(1) if the offense is committed in time of war,
 23 by death or such other punishment as a court-mar-
 24 tial may direct; and

1 “(2) if the offense is committed at any other
2 time, by such punishment, other than death, as a
3 court-martial may direct.”.

4 **SEC. 5310. PROHIBITED ACTIVITIES WITH MILITARY RE-**
5 **CRUIT OR TRAINEE BY PERSON IN POSITION**
6 **OF SPECIAL TRUST.**

7 Subchapter X of chapter 47 of title 10, United States
8 Code, is amended by inserting after section 893 (article
9 93 of the Uniform Code of Military Justice) the following
10 new section (article):

11 **“§ 893a. Art. 93a. Prohibited activities with military**
12 **recruit or trainee by person in position of**
13 **special trust**

14 “(a) ABUSE OF TRAINING LEADERSHIP POSITION.—
15 Any person subject to this chapter—

16 “(1) who is an officer, a noncommissioned offi-
17 cer, or a petty officer;

18 “(2) who is in a training leadership position
19 with respect to a specially protected junior member
20 of the armed forces; and

21 “(3) who engages in prohibited sexual activity
22 with such specially protected junior member of the
23 armed forces;

24 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

1 a student in any other officer qualification pro-
2 gram; and

3 “(C) a member of the armed forces in any
4 program that, by regulation prescribed by the
5 Secretary concerned, is identified as a training
6 program for initial career qualification.

7 “(2) TRAINING LEADERSHIP POSITION.—The
8 term ‘training leadership position’ means, with re-
9 spect to a specially protected junior member of the
10 armed forces, any of the following:

11 “(A) Any drill instructor position or other
12 leadership position in a basic training program,
13 an officer candidate school, a reserve officers’
14 training corps unit, a training program for
15 entry into the armed forces, or any program
16 that, by regulation prescribed by the Secretary
17 concerned, is identified as a training program
18 for initial career qualification.

19 “(B) Faculty and staff of the United
20 States Military Academy, the United States
21 Naval Academy, the United States Air Force
22 Academy, and the United States Coast Guard
23 Academy.

24 “(3) APPLICANT FOR MILITARY SERVICE.—The
25 term ‘applicant for military service’ means a person

1 who, under regulations prescribed by the Secretary
2 concerned, is an applicant for original enlistment or
3 appointment in the armed forces.

4 “(4) PROHIBITED SEXUAL ACTIVITY.—The
5 term ‘prohibited sexual activity’ means, as specified
6 in regulations prescribed by the Secretary concerned,
7 inappropriate physical intimacy under circumstances
8 described in such regulations.”.

9 **SEC. 5311. OFFENSES BY SENTINEL OR LOOKOUT.**

10 Section 895 of title 10, United States Code (article
11 95 of the Uniform Code of Military Justice), as trans-
12 ferred and redesignated by section 5301(8) of this Act,
13 is amended to read as follows:

14 **“§ 895. Art. 95. Offenses by sentinel or lookout**

15 “(a) DRUNK OR SLEEPING ON POST, OR LEAVING
16 POST BEFORE BEING RELIEVED.—Any sentinel or look-
17 out who is drunk on post, who sleeps on post, or who
18 leaves post before being regularly relieved, shall be pun-
19 ished—

20 “(1) if the offense is committed in time of war,
21 by death or such other punishment as a court-mar-
22 tial may direct; and

23 “(2) if the offense is committed other than in
24 time of war, by such punishment, other than death,
25 as a court-martial may direct.

1 out, who is in the execution of duties as a sentinel or look-
 2 out, shall be punished as a court-martial may direct.”.

3 **SEC. 5313. RELEASE OF PRISONER WITHOUT AUTHORITY;**
 4 **DRINKING WITH PRISONER.**

5 Section 896 of title 10, United States Code (article
 6 96 of the Uniform Code of Military Justice), is amended
 7 to read as follows:

8 **“§ 896. Art. 96. Release of prisoner without authority;**
 9 **drinking with prisoner**

10 “(a) RELEASE OF PRISONER WITHOUT AUTHOR-
 11 ITY.—Any person subject to this chapter—

12 “(1) who, without authority to do so, releases
 13 a prisoner; or

14 “(2) who, through neglect or design, allows a
 15 prisoner to escape;

16 shall be punished as a court-martial may direct, whether
 17 or not the prisoner was committed in strict compliance
 18 with the law.

19 “(b) DRINKING WITH PRISONER.—Any person sub-
 20 ject to this chapter who unlawfully drinks any alcoholic
 21 beverage with a prisoner shall be punished as a court-mar-
 22 tial may direct.”.

23 **SEC. 5314. PENALTY FOR ACTING AS A SPY.**

24 Section 903 of title 10, United States Code (article
 25 103 of the Uniform Code of Military Justice), as trans-

1 ferred and redesignated by section 5301(7) of this Act,
 2 is amended by inserting before the period at the end of
 3 the first sentence the following: “or such other punishment
 4 as a court-martial or a military commission may direct”.

5 **SEC. 5315. PUBLIC RECORDS OFFENSES.**

6 Subchapter X of chapter 47 of title 10, United States
 7 Code, is amended by inserting after section 903b (article
 8 103b of the Uniform Code of Military Justice), as redesignig-
 9 nated by section 5301(5) of this Act, the following new
 10 section (article):

11 **“§ 904. Art. 104. Public records offenses**

12 “Any person subject to this chapter who, willfully and
 13 unlawfully—

14 “(1) alters, conceals, removes, mutilates, oblit-
 15 erates, or destroys a public record; or

16 “(2) takes a public record with the intent to
 17 alter, conceal, remove, mutilate, obliterate, or de-
 18 stroy the public record;

19 shall be punished as a court-martial may direct.”.

20 **SEC. 5316. FALSE OR UNAUTHORIZED PASS OFFENSES.**

21 Subchapter X of chapter 47 of title 10, United States
 22 Code, is amended by inserting after section 905 (article
 23 105 of the Uniform Code of Military Justice), as trans-
 24 ferred and redesignated by section 5301(12) of this Act,
 25 the following new section (article):

1 **“§ 905a. Art. 105a. False or unauthorized pass of-**
2 **fenses**

3 “(a) WRONGFUL MAKING, ALTERING, ETC.—Any
4 person subject to this chapter who, wrongfully and falsely,
5 makes, alters, counterfeits, or tampers with a military or
6 official pass, permit, discharge certificate, or identification
7 card shall be punished as a court-martial may direct.

8 “(b) WRONGFUL SALE, ETC.—Any person subject to
9 this chapter who wrongfully sells, gives, lends, or disposes
10 of a false or unauthorized military or official pass, permit,
11 discharge certificate, or identification card, knowing that
12 the pass, permit, discharge certificate, or identification
13 card is false or unauthorized, shall be punished as a court-
14 martial may direct.

15 “(c) WRONGFUL USE OR POSSESSION.—Any person
16 subject to this chapter who wrongfully uses or possesses
17 a false or unauthorized military or official pass, permit,
18 discharge certificate, or identification card, knowing that
19 the pass, permit, discharge certificate, or identification
20 card is false or unauthorized, shall be punished as a court-
21 martial may direct.”.

22 **SEC. 5317. IMPERSONATION OFFENSES.**

23 Subchapter X of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 905a (article
25 105a of the Uniform Code of Military Justice), as added

1 by section 5316 of this Act, the following new section (ar-
2 ticle):

3 **“§ 906. Art. 106. Impersonation of officer, noncommis-**
4 **sioned or petty officer, or agent or offi-**
5 **cial**

6 “(a) IN GENERAL.—Any person subject to this chap-
7 ter who, wrongfully and willfully, impersonates—

8 “(1) an officer, a noncommissioned officer, or a
9 petty officer;

10 “(2) an agent of superior authority of one of
11 the armed forces; or

12 “(3) an official of a government;

13 shall be punished as a court-martial may direct.

14 “(b) IMPERSONATION WITH INTENT TO DE-
15 FRAUD.—Any person subject to this chapter who, wrong-
16 fully, willfully, and with intent to defraud, impersonates
17 any person referred to in paragraph (1), (2), or (3) of
18 subsection (a) shall be punished as a court-martial may
19 direct.

20 “(c) IMPERSONATION OF GOVERNMENT OFFICIAL
21 WITHOUT INTENT TO DEFRAUD.—Any person subject to
22 this chapter who, wrongfully, willfully, and without intent
23 to defraud, impersonates an official of a government by
24 committing an act that exercises or asserts the authority

1 of the office that the person claims to have shall be pun-
 2 ished as a court-martial may direct.”.

3 **SEC. 5318. INSIGNIA OFFENSES.**

4 Subchapter X of chapter 47 of title 10, United States
 5 Code, is amended by inserting after section 906 (article
 6 106 of the Uniform Code of Military Justice), as added
 7 by section 5317 of this Act, the following new section (ar-
 8 ticle):

9 **“§ 906a. Art. 106a. Wearing unauthorized insignia,**
 10 **decoration, badge, ribbon, device, or**
 11 **lapel button**

12 “Any person subject to this chapter—

13 “(1) who is not authorized to wear an insignia,
 14 decoration, badge, ribbon, device, or lapel button;
 15 and

16 “(2) who wrongfully wears such insignia, deco-
 17 ration, badge, ribbon, device, or lapel button upon
 18 the person’s uniform or civilian clothing;

19 shall be punished as a court-martial may direct.”.

20 **SEC. 5319. FALSE OFFICIAL STATEMENTS; FALSE SWEAR-**
 21 **ING.**

22 Section 907 of title 10, United States Code (article
 23 107 of the Uniform Code of Military Justice), is amended
 24 to read as follows:

1 **“§ 907. Art. 107. False official statements; false swear-**
 2 **ing**

3 “(a) FALSE OFFICIAL STATEMENTS.—Any person
 4 subject to this chapter who, with intent to deceive—

5 “(1) signs any false record, return, regulation,
 6 order, or other official document, knowing it to be
 7 false; or

8 “(2) makes any other false official statement
 9 knowing it to be false;

10 shall be punished as a court-martial may direct.

11 “(b) FALSE SWEARING.—Any person subject to this
 12 chapter—

13 “(1) who takes an oath that—

14 “(A) is administered in a matter in which
 15 such oath is required or authorized by law; and

16 “(B) is administered by a person with au-
 17 thority to do so; and

18 “(2) who, upon such oath, makes or subscribes
 19 to a statement;

20 if the statement is false and at the time of taking the oath,
 21 the person does not believe the statement to be true, shall
 22 be punished as a court-martial may direct.”.

23 **SEC. 5320. PAROLE VIOLATION.**

24 Subchapter X of chapter 47 of title 10, United States
 25 Code, is amended by inserting after section 907 (article
 26 107 of the Uniform Code of Military Justice), as amended

1 by section 5319 of this Act, the following new section (ar-
2 ticle):

3 **“§ 907a. Art. 107a. Parole violation**

4 “Any person subject to this chapter—

5 “(1) who, having been a prisoner as the result
6 of a court-martial conviction or other criminal pro-
7 ceeding, is on parole with conditions; and

8 “(2) who violates the conditions of parole;
9 shall be punished as a court-martial may direct.”.

10 **SEC. 5321. WRONGFUL TAKING, OPENING, ETC. OF MAIL**
11 **MATTER.**

12 Subchapter X of chapter 47 of title 10, United States
13 Code, is amended by inserting after section 909 (article
14 109 of the Uniform Code of Military Justice), the fol-
15 lowing new section (article):

16 **“§ 909a. Art. 109a. Mail matter: wrongful taking,**
17 **opening, etc.**

18 “(a) TAKING.—Any person subject to this chapter
19 who, with the intent to obstruct the correspondence of,
20 or to pry into the business or secrets of, any person or
21 organization, wrongfully takes mail matter before the mail
22 matter is delivered to or received by the addressee shall
23 be punished as a court-martial may direct.

24 “(b) OPENING, SECRETING, DESTROYING, STEAL-
25 ING.—Any person subject to this chapter who wrongfully

1 opens, secretes, destroys, or steals mail matter before the
2 mail matter is delivered to or received by the addressee
3 shall be punished as a court-martial may direct.”.

4 **SEC. 5322. IMPROPER HAZARDING OF VESSEL OR AIR-**
5 **CRAFT.**

6 Section 910 of title 10, United States Code (article
7 110 of the Uniform Code of Military Justice), is amended
8 to read as follows:

9 **“§ 910. Art. 110. Improper hazarding of vessel or air-**
10 **craft**

11 “(a) WILLFUL AND WRONGFUL HAZARDING.—Any
12 person subject to this chapter who, willfully and wrong-
13 fully, hazards or suffers to be hazarded any vessel or air-
14 craft of the armed forces shall be punished by death or
15 such other punishment as a court-martial may direct.

16 “(b) NEGLIGENT HAZARDING.—Any person subject
17 to this chapter who negligently hazards or suffers to be
18 hazarded any vessel or aircraft of the armed forces shall
19 be punished as a court-martial may direct.”.

20 **SEC. 5323. LEAVING SCENE OF VEHICLE ACCIDENT.**

21 Subchapter X of chapter 47 of title 10, United States
22 Code, is amended by inserting after section 910 (article
23 110 of the Uniform Code of Military Justice), as amended
24 by section 5322 of this Act, the following new section (ar-
25 ticle):

1 **“§ 911. Art. 111. Leaving scene of vehicle accident**

2 “(a) DRIVER.—Any person subject to this chapter—

3 “(1) who is the driver of a vehicle that is in-
4 volved in an accident that results in personal injury
5 or property damage; and

6 “(2) who wrongfully leaves the scene of the ac-
7 cident—

8 “(A) without providing assistance to an in-
9 jured person; or

10 “(B) without providing personal identifica-
11 tion to others involved in the accident or to ap-
12 propriate authorities;

13 shall be punished as a court-martial may direct.

14 “(b) SENIOR PASSENGER.—Any person subject to
15 this chapter—

16 “(1) who is a passenger in a vehicle that is in-
17 volved in an accident that results in personal injury
18 or property damage;

19 “(2) who is the superior commissioned or non-
20 commissioned officer of the driver of the vehicle or
21 is the commander of the vehicle; and

22 “(3) who wrongfully and unlawfully orders,
23 causes, or permits the driver to leave the scene of
24 the accident—

25 “(A) without providing assistance to an in-
26 jured person; or

1 “(B) without providing personal identifica-
2 tion to others involved in the accident or to ap-
3 propriate authorities;
4 shall be punished as a court-martial may direct.”.

5 **SEC. 5324. DRUNKENNESS AND OTHER INCAPACITATION**
6 **OFFENSES.**

7 Section 912 of title 10, United States Code (article
8 112 of the Uniform Code of Military Justice), is amended
9 to read as follows:

10 **“§ 912. Art. 112. Drunkenness and other incapacita-**
11 **tion offenses**

12 “(a) DRUNK ON DUTY.—Any person subject to this
13 chapter who is drunk on duty shall be punished as a court-
14 martial may direct.

15 “(b) INCAPACITATION FOR DUTY FROM DRUNKEN-
16 NESS OR DRUG USE.—Any person subject to this chapter
17 who, as a result of indulgence in any alcoholic beverage
18 or any drug, is incapacitated for the proper performance
19 of duty shall be punished as a court-martial may direct.

20 “(c) DRUNK PRISONER.—Any person subject to this
21 chapter who is a prisoner and, while in such status, is
22 drunk shall be punished as a court-martial may direct.”.

1 **SEC. 5325. LOWER BLOOD ALCOHOL CONTENT LIMITS FOR**
 2 **CONVICTION OF DRUNKEN OR RECKLESS OP-**
 3 **ERATION OF VEHICLE, AIRCRAFT, OR VES-**
 4 **SEL.**

5 Subsection (b)(3) of section 913 of title 10, United
 6 States Code (article 113 of the Uniform Code of Military
 7 Justice), as transferred and redesignated by section
 8 5301(9) of this Act, is amended—

9 (1) by striking “0.10 grams” both places it ap-
 10 pears and inserting “0.08 grams”; and

11 (2) by adding at the end the following new sen-
 12 tence: “The Secretary may by regulation prescribe
 13 limits that are lower than the limits specified in the
 14 preceding sentence, if such lower limits are based on
 15 scientific developments, as reflected in Federal law
 16 of general applicability.”.

17 **SEC. 5326. ENDANGERMENT OFFENSES.**

18 Section 914 of title 10, United States Code (article
 19 114 of the Uniform Code of Military Justice), is amended
 20 to read as follows:

21 **“§ 914. Art. 114. Endangerment offenses**

22 “(a) RECKLESS ENDANGERMENT.—Any person sub-
 23 ject to this chapter who engages in conduct that—

24 “(1) is wrongful and reckless or is wanton; and

25 “(2) is likely to produce death or grievous bod-
 26 ily harm to another person;

1 shall be punished as a court-martial may direct.

2 “(b) DUELING.—Any person subject to this chap-
3 ter—

4 “(1) who fights or promotes, or is concerned in
5 or connives at fighting, a duel; or

6 “(2) who, having knowledge of a challenge sent
7 or about to be sent, fails to report the facts prompt-
8 ly to the proper authority;

9 shall be punished as a court-martial may direct.

10 “(c) FIREARM DISCHARGE, ENDANGERING HUMAN
11 LIFE.—Any person subject to this chapter who, willfully
12 and wrongly, discharges a firearm, under circumstances
13 such as to endanger human life shall be punished as a
14 court-martial may direct.

15 “(d) CARRYING CONCEALED WEAPON.—Any person
16 subject to this chapter who unlawfully carries a dangerous
17 weapon concealed on or about his person shall be punished
18 as a court-martial may direct.”.

19 **SEC. 5327. COMMUNICATING THREATS.**

20 Section 915 of title 10, United States Code (article
21 115 of the Uniform Code of Military Justice), is amended
22 to read as follows:

23 **“§ 915. Art. 115. Communicating threats**

24 “(a) COMMUNICATING THREATS GENERALLY.—Any
25 person subject to this chapter who wrongfully commu-

1 nicates a threat to injure the person, property, or reputa-
2 tion of another shall be punished as a court-martial may
3 direct.

4 “(b) COMMUNICATING THREAT TO USE EXPLOSIVE,
5 ETC.—Any person subject to this chapter who wrongfully
6 communicates a threat to injure the person or property
7 of another by use of (1) an explosive, (2) a weapon of
8 mass destruction, (3) a biological or chemical agent, sub-
9 stance, or weapon, or (4) a hazardous material, shall be
10 punished as a court-martial may direct.

11 “(c) COMMUNICATING FALSE THREAT CONCERNING
12 USE OF EXPLOSIVE, ETC.—Any person subject to this
13 chapter who maliciously communicates a false threat con-
14 cerning injury to the person or property of another by use
15 of (1) an explosive, (2) a weapon of mass destruction, (3)
16 a biological or chemical agent, substance, or weapon, or
17 (4) a hazardous material, shall be punished as a court-
18 martial may direct. As used in the preceding sentence, the
19 term ‘false threat’ means a threat that, at the time the
20 threat is communicated, is known to be false by the person
21 communicating the threat.”

1 **SEC. 5328. TECHNICAL AMENDMENT RELATING TO MUR-**
2 **DER.**

3 Section 918(4) of title 10, United States Code (article
4 118(4) of the Uniform Code of Military Justice), is
5 amended by striking “forcible sodomy,”.

6 **SEC. 5329. CHILD ENDANGERMENT.**

7 Subchapter X of chapter 47 of title 10, United States
8 Code, is amended by inserting after section 919a (article
9 119a of the Uniform Code of Military Justice), the fol-
10 lowing new section (article):

11 **“§ 919b. Art. 119b. Child endangerment**

12 “Any person subject to this chapter—

13 “(1) who has a duty for the care of a child
14 under the age of 16 years; and

15 “(2) who, through design or culpable neg-
16 ligence, endangers the child’s mental or physical
17 health, safety, or welfare;

18 shall be punished as a court-martial may direct.”.

19 **SEC. 5330. RAPE AND SEXUAL ASSAULT OFFENSES.**

20 (a) OFFENSE OF SEXUAL ASSAULT.—Subsection (b)
21 of section 920 of title 10, United States Code (article 120
22 of the Uniform Code of Military Justice), is amended—

23 (1) in paragraph (1)—

24 (A) by striking subparagraph (B); and

1 (B) by redesignating subparagraphs (C)
2 and (D) as subparagraphs (B) and (C), respec-
3 tively;

4 (2) in paragraph (2)—

5 (A) by striking “another person when” and
6 inserting “another person—

7 “(B) when”;

8 (B) by inserting before subparagraph (B),
9 as added by subparagraph (A) of this para-
10 graph, the following new subparagraph:

11 “(A) without the consent of the other per-
12 son; or”; and

13 (C) in subparagraph (B), as so added, by
14 striking “or” at the end; and

15 (3) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) commits a sexual act upon another person
18 by wrongfully using position, rank, or authority to
19 coerce the acquiescence of the other person in the
20 sexual act;”.

21 (b) DEFINITIONS.—

22 (1) SEXUAL ACT.—Paragraph (1) of subsection
23 (g) of such section (article) is amended to read as
24 follows:

1 “(1) SEXUAL ACT.—The term ‘sexual act’
2 means—

3 “(A) the penetration, however slight, of the
4 penis into the vulva or anus or mouth;

5 “(B) contact between the mouth and the
6 penis, vulva, scrotum, or anus; or

7 “(C) the penetration, however slight, of the
8 vulva or penis or anus of another by any part
9 of the body or any object, with an intent to
10 abuse, humiliate, harass, or degrade any person
11 or to arouse or gratify the sexual desire of any
12 person.”.

13 (2) SEXUAL CONTACT.—Paragraph (2) of such
14 subsection is amended to read as follows:

15 “(2) SEXUAL CONTACT.—The term ‘sexual con-
16 tact’ means touching, or causing another person to
17 touch, either directly or through the clothing, the
18 vulva, penis, scrotum, anus, groin, breast, inner thigh,
19 or buttocks of any person, with an intent to abuse,
20 humiliate, harass, or degrade any person or to
21 arouse or gratify the sexual desire of any person.
22 Touching may be accomplished by any part of the
23 body or an object.”.

24 (3) REPEAL OF DEFINITION OF BODILY
25 HARM.—Such subsection is further amended—

1 (A) by striking paragraph (3); and

2 (B) by redesignating paragraphs (4)
3 through (8) as paragraphs (3) through (7), re-
4 spectively.

5 (4) CONSENT.—Paragraph (7) of such sub-
6 section, as redesignated by paragraph (3)(B) of this
7 subsection, is further amended—

8 (A) in subparagraph (A)—

9 (i) in the second sentence, by striking
10 “or submission resulting from the use of
11 force, threat of force, or placing another in
12 fear”;

13 (ii) by inserting after the second sen-
14 tence, as amended by clause (i) of this sub-
15 paragraph the following new sentence:
16 “Submission resulting from the use of
17 force, threat of force, or placing another
18 person in fear also does not constitute con-
19 sent.”; and

20 (iii) in the last sentence, by striking
21 “shall not” and inserting “does not”.

22 (B) in subparagraph (B), by striking “sub-
23 paragraph (B) or (D)” and inserting “subpara-
24 graph (B) or (C)”; and

25 (C) in subparagraph (C)—

- 1 (i) by striking the first sentence; and
 2 (ii) in the last sentence, by striking “,
 3 or whether” and all that follows and in-
 4 serting a period.

5 (5) INCAPABLE OF CONSENTING.—Such sub-
 6 section is further amended by adding at the end the
 7 following new paragraph (8):

8 “(8) INCAPABLE OF CONSENTING.—The term
 9 ‘incapable of consenting’ means the person is—

10 “(A) incapable of appraising the nature of
 11 the conduct at issue; or

12 “(B) physically incapable of declining par-
 13 ticipation in, or communicating unwillingness to
 14 engage in, the sexual act at issue.”.

15 (c) RAPE AND SEXUAL ASSAULT OF A CHILD.—Sub-
 16 section (h)(1) of section 920b of title 10, United States
 17 Code (article 120b of the Uniform Code of Military Jus-
 18 tice), is amended by inserting before the period at the end
 19 the following: “, except that the term ‘sexual act’ also in-
 20 cludes the intentional touching, not through the clothing,
 21 of the genitalia of another person who has not attained
 22 the age of 16 years with an intent to abuse, humiliate,
 23 harass, degrade, or arouse or gratify the sexual desire of
 24 any person”.

1 **SEC. 5331. DEPOSIT OF OBSCENE MATTER IN THE MAIL.**

2 Subchapter X of chapter 47 of title 10, United States
3 Code, is amended by inserting after section 920 (article
4 120 of the Uniform Code of Military Justice), the fol-
5 lowing new section (article):

6 **“§ 920a. Art. 120a. Mails: deposit of obscene matter**

7 “Any person subject to this chapter who, wrongfully
8 and knowingly, deposits obscene matter for mailing and
9 delivery shall be punished as a court-martial may direct.”.

10 **SEC. 5332. FRAUDULENT USE OF CREDIT CARDS, DEBIT**
11 **CARDS, AND OTHER ACCESS DEVICES.**

12 Subchapter X of chapter 47 of title 10, United States
13 Code, is amended by inserting after section 921 (article
14 121 of the Uniform Code of Military Justice), the fol-
15 lowing new section (article):

16 **“§ 921a. Art. 121a. Fraudulent use of credit cards,**
17 **debit cards, and other access devices**

18 “(a) IN GENERAL.—Any person subject to this chap-
19 ter who, knowingly and with intent to defraud, uses—

20 “(1) a stolen credit card, debit card, or other
21 access device;

22 “(2) a revoked, cancelled, or otherwise invalid
23 credit card, debit card, or other access device; or

24 “(3) a credit card, debit card, or other access
25 device without the authorization of a person whose
26 authorization is required for such use;

1 to obtain money, property, services, or anything else of
2 value shall be punished as a court-martial may direct.

3 “(b) ACCESS DEVICE DEFINED.—In this section (ar-
4 ticle), the term ‘access device’ has the meaning given that
5 term in section 1029 of title 18.”

6 **SEC. 5333. FALSE PRETENSES TO OBTAIN SERVICES.**

7 Subchapter X of chapter 47 of title 10, United States
8 Code, is amended by inserting after section 921a (article
9 121a of the Uniform Code of Military Justice), as added
10 by section 5332 of this Act, the following new section (ar-
11 ticle):

12 **“§ 921b. Art. 121b. False pretenses to obtain services**

13 “Any person subject to this chapter who, with intent
14 to defraud, knowingly uses false pretenses to obtain serv-
15 ices shall be punished as a court-martial may direct.”

16 **SEC. 5334. ROBBERY.**

17 Section 922 of title 10, United States Code (article
18 122 of the Uniform Code of Military Justice), is amended
19 to read as follows:

20 **“§ 922. Art. 122. Robbery**

21 “Any person subject to this chapter who takes any-
22 thing of value from the person or in the presence of an-
23 other, against his will, by means of force or violence or
24 fear of immediate or future injury to his person or prop-
25 erty or to the person or property of a relative or member

1 of his family or of anyone in his company at the time of
 2 the robbery, is guilty of robbery and shall be punished as
 3 a court-martial may direct.”.

4 **SEC. 5335. RECEIVING STOLEN PROPERTY.**

5 Subchapter X of chapter 47 of title 10, United States
 6 Code, is amended by inserting after section 922 (article
 7 122 of the Uniform Code of Military Justice), as amended
 8 by section 5334 of this Act, the following new section (ar-
 9 ticle):

10 **“§ 922a. Art. 122a. Receiving stolen property**

11 “Any person subject to this chapter who wrongfully
 12 receives, buys, or conceals stolen property, knowing the
 13 property to be stolen property, shall be punished as a
 14 court-martial may direct.”.

15 **SEC. 5336. OFFENSES CONCERNING GOVERNMENT COM-**
 16 **PUTERS.**

17 Subchapter X of chapter 47 of title 10, United States
 18 Code, is amended by inserting after section 922a (article
 19 122a of the Uniform Code of Military Justice), as added
 20 by section 5335 of this Act, the following new section (ar-
 21 ticle):

22 **“§ 923. Art. 123. Offenses concerning Government**
 23 **computers**

24 “(a) IN GENERAL.—Any person subject to this chap-
 25 ter who—

1 “(1) knowingly accesses a Government com-
2 puter, with an unauthorized purpose, and by doing
3 so obtains classified information, with reason to be-
4 lieve such information could be used to the injury of
5 the United States, or to the advantage of any for-
6 eign nation, and intentionally communicates, deliv-
7 ers, transmits, or causes to be communicated, deliv-
8 ered, or transmitted such information to any person
9 not entitled to receive it;

10 “(2) intentionally accesses a Government com-
11 puter, with an unauthorized purpose, and thereby
12 obtains classified or other protected information
13 from any such Government computer; or

14 “(3) knowingly causes the transmission of a
15 program, information, code, or command, and as a
16 result of such conduct, intentionally causes damage
17 without authorization, to a Government computer;

18 shall be punished as a court-martial may direct.

19 “(b) DEFINITIONS.—In this section:

20 “(1) The term ‘computer’ has the meaning
21 given that term in section 1030 of title 18.

22 “(2) The term ‘Government computer’ means a
23 computer owned or operated by or on behalf of the
24 United States Government.

1 “(3) The term ‘damage’ has the meaning given
2 that term in section 1030 of title 18.”.

3 **SEC. 5337. BRIBERY.**

4 Subchapter X of chapter 47 of title 10, United States
5 Code, is amended by inserting after section 924 (article
6 124 of the Uniform Code of Military Justice), as trans-
7 ferred and redesignated by section 5301(14) of this Act,
8 the following new section (article):

9 **“§ 924a. Art. 124a. Bribery**

10 “(a) ASKING, ACCEPTING, OR RECEIVING THING OF
11 VALUE.—Any person subject to this chapter—

12 “(1) who occupies an official position or who
13 has official duties; and

14 “(2) who wrongfully asks, accepts, or receives a
15 thing of value with the intent to have the person’s
16 decision or action influenced with respect to an offi-
17 cial matter in which the United States is interested;
18 shall be punished as a court-martial may direct.

19 “(b) PROMISING, OFFERING, OR GIVING THING OF
20 VALUE.—Any person subject to this chapter who wrong-
21 fully promises, offers, or gives a thing of value to another
22 person, who occupies an official position or who has offi-
23 cial duties, with the intent to influence the decision or ac-
24 tion of the other person with respect to an official matter

1 in which the United States is interested, shall be punished
2 as a court-martial may direct.”.

3 **SEC. 5338. GRAFT.**

4 Subchapter X of chapter 47 of title 10, United States
5 Code, is amended by inserting after section 924a (article
6 124a of the Uniform Code of Military Justice), as added
7 by section 5337 of this Act, the following new section (ar-
8 ticle):

9 **“§ 924b. Art. 124b. Graft**

10 “(a) ASKING, ACCEPTING, OR RECEIVING THING OF
11 VALUE.—Any person subject to this chapter—

12 “(1) who occupies an official position or who
13 has official duties; and

14 “(2) who wrongfully asks, accepts, or receives a
15 thing of value as compensation for or in recognition
16 of services rendered or to be rendered by the person
17 with respect to an official matter in which the
18 United States is interested;

19 shall be punished as a court-martial may direct.

20 “(b) PROMISING, OFFERING, OR GIVING THING OF
21 VALUE.—Any person subject to this chapter who wrong-
22 fully promises, offers, or gives a thing of value to another
23 person, who occupies an official position or who has offi-
24 cial duties, as compensation for or in recognition of serv-
25 ices rendered or to be rendered by the other person with

1 respect to an official matter in which the United States
 2 is interested, shall be punished as a court-martial may di-
 3 rect.”.

4 **SEC. 5339. KIDNAPPING.**

5 Section 925 of title 10, United States Code (article
 6 125 of the Uniform Code of Military Justice), is amended
 7 to read as follows:

8 **“§ 925. Art. 125. Kidnapping**

9 “Any person subject to this chapter who wrongfully—

10 “(1) seizes, confines, inveigles, decoys, or car-
 11 ries away another person; and

12 “(2) holds the other person against that per-
 13 son’s will;

14 shall be punished as a court-martial may direct.”.

15 **SEC. 5340. ARSON; BURNING PROPERTY WITH INTENT TO**
 16 **DEFRAUD.**

17 Section 926 of title 10, United States Code (article
 18 126 of the Uniform Code of Military Justice), is amended
 19 to read as follows:

20 **“§ 926. Art. 126. Arson; burning property with intent**
 21 **to defraud**

22 “(a) AGGRAVATED ARSON.—Any person subject to
 23 this chapter who, willfully and maliciously, burns or sets
 24 on fire an inhabited dwelling, or any other structure, mov-
 25 able or immovable, wherein, to the knowledge of that per-

1 son, there is at the time a human being, is guilty of aggra-
 2 vated arson and shall be punished as a court-martial may
 3 direct.

4 “(b) SIMPLE ARSON.—Any person subject to this
 5 chapter who, willfully and maliciously, burns or sets fire
 6 to the property of another is guilty of simple arson and
 7 shall be punished as a court-martial may direct.

8 “(c) BURNING PROPERTY WITH INTENT TO DE-
 9 FRAUD.—Any person subject to this chapter who, willfully,
 10 maliciously, and with intent to defraud, burns or sets fire
 11 to any property shall be punished as a court-martial may
 12 direct.”.

13 **SEC. 5341. ASSAULT.**

14 Section 928 of title 10, United States Code (article
 15 128 of the Uniform Code of Military Justice), is amended
 16 to read as follows:

17 **“§ 928. Art. 128. Assault**

18 “(a) ASSAULT.—Any person subject to this chapter
 19 who, unlawfully and with force or violence—

20 “(1) attempts to do bodily harm to another per-
 21 son;

22 “(2) offers to do bodily harm to another person;
 23 or

24 “(3) does bodily harm to another person;

1 is guilty of assault and shall be punished as a court-mar-
 2 tial may direct.

3 “(b) AGGRAVATED ASSAULT.—Any person subject to
 4 this chapter—

5 “(1) who, with the intent to do bodily harm, of-
 6 fers to do bodily harm with a dangerous weapon; or

7 “(2) who, in committing an assault, inflicts sub-
 8 stantial bodily harm, or grievous bodily harm on an-
 9 other person;

10 is guilty of aggravated assault and shall be punished as
 11 a court-martial may direct.

12 “(c) ASSAULT WITH INTENT TO COMMIT SPECIFIED
 13 OFFENSES.—

14 “(1) IN GENERAL.—Any person subject to this
 15 chapter who commits assault with intent to commit
 16 an offense specified in paragraph (2) shall be pun-
 17 ished as a court-martial may direct.

18 “(2) OFFENSES SPECIFIED.—The offenses re-
 19 ferred to in paragraph (1) are murder, voluntary
 20 manslaughter, rape, sexual assault, rape of a child,
 21 sexual assault of a child, robbery, arson, burglary,
 22 and kidnapping.”.

23 **SEC. 5342. BURGLARY AND UNLAWFUL ENTRY.**

24 Section 929 of title 10, United States Code (article
 25 129 of the Uniform Code of Military Justice), and section

1 929a of such title (article 129a), as redesignated by sec-
 2 tion 5301(10) of this Act, are amended to read as follows:

3 **“§ 929. Art. 129. Burglary; unlawful entry**

4 “(a) BURGLARY.—Any person subject to this chapter
 5 who, with intent to commit an offense under this chapter,
 6 breaks and enters the building or structure of another
 7 shall be punished as a court-martial may direct.

8 “(b) UNLAWFUL ENTRY.—Any person subject to this
 9 chapter who unlawfully enters—

10 “(1) the real property of another; or

11 “(2) the personal property of another which
 12 amounts to a structure usually used for habitation
 13 or storage;

14 shall be punished as a court-martial may direct.”

15 **SEC. 5343. STALKING.**

16 Section 930 of title 10, United States Code (article
 17 130 of the Uniform Code of Military Justice), as trans-
 18 ferred and redesignated by section 5301(11) of this Act,
 19 is amended to read as follows:

20 **“§ 930. Art. 130. Stalking**

21 “(a) IN GENERAL.—Any person subject to this chap-
 22 ter—

23 “(1) who wrongfully engages in a course of con-
 24 duct directed at a specific person that would cause
 25 a reasonable person to fear death or bodily harm, in-

1 cluding sexual assault, to himself or herself, to a
2 member of his or her immediate family, or to his or
3 her intimate partner;

4 “(2) who has knowledge, or should have knowl-
5 edge, that the specific person will be placed in rea-
6 sonable fear of death or bodily harm, including sex-
7 ual assault, to himself or herself, to a member of his
8 or her immediate family, or to his or her intimate
9 partner; and

10 “(3) whose conduct induces reasonable fear in
11 the specific person of death or bodily harm, includ-
12 ing sexual assault, to himself or herself, to a mem-
13 ber of his or her immediate family, or to his or her
14 intimate partner;

15 is guilty of stalking and shall be punished as a court-mar-
16 tial may direct.

17 “(b) DEFINITIONS.—In this section:

18 “(1) The term ‘conduct’ means conduct of any
19 kind, including use of surveillance, the mails, an
20 interactive computer service, an electronic commu-
21 nication service, or an electronic communication sys-
22 tem.

23 “(2) The term ‘course of conduct’ means—

24 “(A) a repeated maintenance of visual or
25 physical proximity to a specific person;

1 “(B) a repeated conveyance of verbal
2 threat, written threats, or threats implied by
3 conduct, or a combination of such threats, di-
4 rected at or toward a specific person; or

5 “(C) a pattern of conduct composed of re-
6 peated acts evidencing a continuity of purpose.

7 “(3) The term ‘repeated’, with respect to con-
8 duct, means two or more occasions of such conduct.

9 “(4) The term ‘immediate family’, in the case
10 of a specific person, means—

11 “(A) that person’s spouse, parent, brother
12 or sister, child, or other person to whom he or
13 she stands in loco parentis; or

14 “(B) any other person living in his or her
15 household and related to him or her by blood or
16 marriage.

17 “(5) The term ‘intimate partner’ in the case of
18 a specific person, means—

19 “(A) a former spouse of the specific per-
20 son, a person who shares a child in common
21 with the specific person, or a person who cohab-
22 its with or has cohabited as a spouse with the
23 specific person; or

24 “(B) a person who has been in a social re-
25 lationship of a romantic or intimate nature with

1 the specific person, as determined by the length
 2 of the relationship, the type of relationship, and
 3 the frequency of interaction between the per-
 4 sons involved in the relationship.”.

5 **SEC. 5344. SUBORNATION OF PERJURY.**

6 Subchapter X of chapter 47 of title 10, United States
 7 Code, is amended by inserting after section 931 (article
 8 131 of the Uniform Code of Military Justice), the fol-
 9 lowing new section (article):

10 **“§ 931a. Art. 131a. Subornation of perjury**

11 “(a) IN GENERAL.—Any person subject to this chap-
 12 ter who induces and procures another person—

13 “(1) to take an oath; and

14 “(2) to falsely testify, depose, or state upon
 15 such oath;

16 shall, if the conditions specified in subsection (b) are satis-
 17 fied, be punished as a court-martial may direct.

18 “(b) CONDITIONS.—The conditions referred to in
 19 subsection (a) are the following:

20 “(1) The oath is administered with respect to
 21 a matter for which such oath is required or author-
 22 ized by law.

23 “(2) The oath is administered by a person hav-
 24 ing authority to do so.

1 “(3) Upon the oath, the other person willfully
2 makes or subscribes a statement.

3 “(4) The statement is material.

4 “(5) The statement is false.

5 “(6) When the statement is made or subscribed,
6 the person subject to this chapter and the other per-
7 son do not believe that the statement is true.”.

8 **SEC. 5345. OBSTRUCTING JUSTICE.**

9 Subchapter X of chapter 47 of title 10, United States
10 Code, is amended by inserting after section 931a (article
11 131a of the Uniform Code of Military Justice), as added
12 by section 5344 of this Act, the following new section (ar-
13 ticle):

14 **“§ 931b. Art. 131b. Obstructing justice**

15 “Any person subject to this chapter who engages in
16 conduct in the case of a certain person against whom the
17 accused had reason to believe there were or would be
18 criminal or disciplinary proceedings pending, with intent
19 to influence, impede, or otherwise obstruct the due admin-
20 istration of justice shall be punished as a court-martial
21 may direct.”.

22 **SEC. 5346. MISPRISION OF SERIOUS OFFENSE.**

23 Subchapter X of chapter 47 of title 10, United States
24 Code, is amended by inserting after section 931b (article
25 131b of the Uniform Code of Military Justice), as added

1 by section 5345 of this Act, the following new section (ar-
2 ticle):

3 **“§ 931c. Art. 131c. Misprision of serious offense**

4 “Any person subject to this chapter—

5 “(1) who knows that another person has com-
6 mitted a serious offense; and

7 “(2) wrongfully conceals the commission of the
8 offense and fails to make the commission of the of-
9 fense known to civilian or military authorities as
10 soon as possible;

11 shall be punished as a court-martial may direct.”.

12 **SEC. 5347. WRONGFUL REFUSAL TO TESTIFY.**

13 Subchapter X of chapter 47 of title 10, United States
14 Code, is amended by inserting after section 931c (article
15 131c of the Uniform Code of Military Justice), as added
16 by section 5346 of this Act, the following new section (ar-
17 ticle):

18 **“§ 931d. Art. 131d. Wrongful refusal to testify**

19 “Any person subject to this chapter who, in the pres-
20 ence of a court-martial, a board of officers, a military com-
21 mission, a court of inquiry, preliminary hearing, or an offi-
22 cer taking a deposition, of or for the United States, wrong-
23 fully refuses to qualify as a witness or to answer a ques-
24 tion after having been directed to do so by the person pre-
25 siding shall be punished as a court-martial may direct.”.

1 **SEC. 5348. PREVENTION OF AUTHORIZED SEIZURE OF**
 2 **PROPERTY.**

3 Subchapter X of chapter 47 of title 10, United States
 4 Code, is amended by inserting after section 931d (article
 5 131d of the Uniform Code of Military Justice), as added
 6 by section 5347 of this Act, the following new section (ar-
 7 ticle):

8 **“§ 931e. Art. 131e. Prevention of authorized seizure of**
 9 **property**

10 “Any person subject to this chapter who, knowing
 11 that one or more persons authorized to make searches and
 12 seizures are seizing, are about to seize, or are endeavoring
 13 to seize property, destroys, removes, or otherwise disposes
 14 of the property with intent to prevent the seizure thereof
 15 shall be punished as a court-martial may direct.”.

16 **SEC. 5349. WRONGFUL INTERFERENCE WITH ADVERSE AD-**
 17 **MINISTRATIVE PROCEEDING.**

18 Subchapter X of chapter 47 of title 10, United States
 19 Code, is amended by inserting after section 931f (article
 20 131f of the Uniform Code of Military Justice), as trans-
 21 ferred and redesignated by section 5301(3) of this Act,
 22 the following new section (article):

23 **“§ 931g. Art. 131g. Wrongful interference with ad-**
 24 **verse administrative proceeding**

25 “Any person subject to this chapter who, having rea-
 26 son to believe that an adverse administrative proceeding

1 is pending against any person subject to this chapter,
2 wrongfully acts with the intent—

3 “(1) to influence, impede, or obstruct the con-
4 duct of the proceeding; or

5 “(2) otherwise to obstruct the due administra-
6 tion of justice;

7 shall be punished as a court-martial may direct.”.

8 **SEC. 5350. RETALIATION.**

9 Subchapter X of chapter 47 of title 10, United States
10 Code, is amended by inserting after section 931g (article
11 131g of the Uniform Code of Military Justice), as added
12 by section 5349 of this Act, the following new section (ar-
13 ticle):

14 **“§ 932. Art. 132. Retaliation**

15 “(a) IN GENERAL.—Any person subject to this chap-
16 ter who, with the intent to retaliate against any person
17 for reporting or planning to report a criminal offense, or
18 making or planning to make a protected communication,
19 or with the intent to discourage any person from reporting
20 a criminal offense or making or planning to make a pro-
21 tected communication—

22 “(1) wrongfully takes or threatens to take an
23 adverse personnel action against any person; or

1 “(2) wrongfully withholds or threatens to with-
2 hold a favorable personnel action with respect to any
3 person;
4 shall be punished as a court-martial may direct.

5 “(b) DEFINITIONS.—In this section:

6 “(1) The term ‘protected communication’
7 means the following:

8 “(A) A lawful communication to a Member
9 of Congress or an Inspector General.

10 “(B) A communication to a covered indi-
11 vidual or organization in which a member of the
12 armed forces complains of, or discloses informa-
13 tion that the member reasonably believes con-
14 stitutes evidence of, any of the following:

15 “(i) A violation of law or regulation,
16 including a law or regulation prohibiting
17 sexual harassment or unlawful discrimina-
18 tion.

19 “(ii) Gross mismanagement, a gross
20 waste of funds, an abuse of authority, or
21 a substantial and specific danger to public
22 health or safety.

23 “(2) The term ‘Inspector General’ has the
24 meaning given that term in section 1034(h) of this
25 title.

1 “(3) The term ‘covered individual or organiza-
2 tion’ means any recipient of a communication speci-
3 fied in clauses (i) through (v) of section
4 1034(b)(1)(B) of this title.

5 “(4) The term ‘unlawful discrimination’ means
6 discrimination on the basis of race, color, religion,
7 sex, or national origin.”.

8 **SEC. 5351. EXTRATERRITORIAL APPLICATION OF CERTAIN**
9 **OFFENSES.**

10 Section 934 of title 10, United States Code (article
11 134 of the Uniform Code of Military Justice), is amended
12 by adding at the end the following new sentence: “As used
13 in the preceding sentence, the term ‘crimes and offenses
14 not capital’ includes any conduct engaged in outside the
15 United States, as defined in section 5 of title 18, that
16 would constitute a crime or offense not capital if the con-
17 duct had been engaged in within the special maritime and
18 territorial jurisdiction of the United States, as defined in
19 section 7 of title 18.”.

20 **SEC. 5352. TABLE OF SECTIONS.**

21 The table of sections at the beginning of subchapter
22 X of chapter 47 of title 10, United States Code (the Uni-
23 form Code of Military Justice), is amended to read as fol-
24 lows:

“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. Resistance, 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.”.

1 **TITLE LXI—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 5401. TECHNICAL AMENDMENTS RELATING TO**
4 **COURTS OF INQUIRY.**

5 Section 935(c) of title 10, United States Code (article
6 135(c) of the Uniform Code of Military Justice), is amend-
7 ed—

8 (1) by striking “(c) Any person” and inserting
9 “(c)(1) Any person”;

10 (2) by designating the second and third sen-
11 tences as paragraphs (2) and (3), respectively; and

12 (3) in paragraph (2), as so designated, by strik-
13 ing “subject to this chapter or employed by the De-
14 partment of Defense” and inserting “who is (A) sub-
15 ject to this chapter, (B) employed by the Depart-
16 ment of Defense, or (C) employed by the Depart-
17 ment of Homeland Security with respect to the
18 Coast Guard when it is not operating as a service
19 in the Navy, and”.

20 **SEC. 5402. TECHNICAL AMENDMENT TO ARTICLE 136.**

21 The heading of section 936 of title 10, United States
22 Code (article 136 of the Uniform Code of Military Jus-
23 tice), is amended by striking the last five words.

1 **SEC. 5403. ARTICLES OF UNIFORM CODE OF MILITARY JUS-**
2 **TICE TO BE EXPLAINED TO OFFICERS UPON**
3 **COMMISSIONING.**

4 Section 937 of title 10, United States Code (article
5 137 of the Uniform Code of Military Justice), is amend-
6 ed—

7 (1) in subsection (a), by striking “(a)(1) The
8 sections of this title (articles of the Uniform Code of
9 Military Justice)” and inserting “(a) ENLISTED
10 MEMBERS.—(1) The sections (articles) of this chap-
11 ter (the Uniform Code of Military Justice)”;

12 (2) by striking subsection (b); and

13 (3) by adding after subsection (a) the following
14 new subsections:

15 “(b) OFFICERS.—(1) The sections (articles) of this
16 chapter (the Uniform Code of Military Justice) specified
17 in paragraph (2) shall be carefully explained to each offi-
18 cer at the time of (or within six months after)—

19 “(A) the initial entrance of the officer on active
20 duty as an officer; or

21 “(B) the initial commissioning of the officer in
22 a reserve component.

23 “(2) This subsection applies with respect to the sec-
24 tions (articles) specified in subsection (a)(3) and such
25 other sections (articles) as the Secretary concerned may
26 prescribe by regulation.

1 “(c) TRAINING FOR CERTAIN OFFICERS.—Under
2 regulations prescribed by the Secretary concerned, officers
3 with the authority to convene courts-martial or to impose
4 non-judicial punishment shall receive periodic training re-
5 garding the purposes and administration of this chapter.
6 Under regulations prescribed by the Secretary of Defense,
7 officers assigned to duty in a joint command or a combat-
8 ant command, who have such authority, shall receive addi-
9 tional specialized training regarding the purposes and ad-
10 ministration of this chapter with respect to joint com-
11 mands and the combatant commands.

12 “(d) AVAILABILITY AND MAINTENANCE OF TEXT.—
13 The text of this chapter (the Uniform Code of Military
14 Justice) and the text of the regulations prescribed by the
15 President under this chapter shall be—

16 “(1) made available to a member on active duty
17 or to a member of a reserve component, upon re-
18 quest by the member, for the member’s personal ex-
19 amination; and

20 “(2) maintained by the Secretary of Defense in
21 electronic formats that are updated periodically and
22 made available on the Internet.”.

1 **SEC. 5404. MILITARY JUSTICE CASE MANAGEMENT; DATA**
2 **COLLECTION AND ACCESSIBILITY.**

3 (a) IN GENERAL.—Subchapter XI of chapter 47 of
4 title 10, United States Code (the Uniform Code of Military
5 Justice), is amended by adding at the end the following
6 new section (article):

7 **“§ 940a. Art. 140a. Case management; data collection**
8 **and accessibility**

9 “The Secretary of Defense shall prescribe uniform
10 standards and criteria for conduct of each of the following
11 functions at all stages of the military justice system, in-
12 cluding pretrial, trial, post-trial, and appellate processes,
13 using, insofar as practicable, the best practices of Federal
14 and State courts:

15 “(1) Collection and analysis of data concerning
16 substantive offenses and procedural matters in a
17 manner that facilitates case management and deci-
18 sion making within the military justice system, and
19 that enhances the quality of periodic reviews under
20 section 946 of this title (article 146).

21 “(2) Case processing and management.

22 “(3) Timely, efficient, and accurate production
23 and distribution of records of trial within the mili-
24 tary justice system.

25 “(4) Facilitation of access to docket informa-
26 tion, filings, and records, taking into consideration

1 restrictions appropriate to judicial proceedings and
2 military records.”.

3 (b) IMPLEMENTATION.—

4 (1) IMPLEMENTATION.—The Secretary of De-
5 fense shall commence carrying out section 940a of
6 title 10, United States Code (article 140a of the
7 Uniform Code of Military Justice), as added by sub-
8 section (a), by not later than two years after the
9 date of the enactment of this Act.

10 (2) EFFECTIVE DATE OF STANDARDS AND CRI-
11 TERIA.—The standards and criteria under section
12 940a of title 10, United States Code (article 140a
13 of the Uniform Code of Military Justice), as so
14 added, shall take effect on such date, not later than
15 four years after the date of the enactment of this
16 Act, as the Secretary shall provide in implementing
17 such section (article).

18 **TITLE LXII—MILITARY JUSTICE**
19 **REVIEW PANEL AND ANNUAL**
20 **REPORTS**

21 **SEC. 5421. MILITARY JUSTICE REVIEW PANEL.**

22 Section 946 of title 10, United States Code (article
23 146 of the Uniform Code of Military Justice), is amended
24 to read as follows:

1 **“§ 946. Art. 146. Military Justice Review Panel**

2 “(a) ESTABLISHMENT.—The Secretary of Defense
3 shall establish a panel to conduct independent periodic re-
4 views and assessments of the operation of this chapter.
5 The panel shall be known as the ‘Military Justice Review
6 Panel’ (in this section referred to as the ‘Panel’).

7 “(b) MEMBERS.—

8 “(1) NUMBER OF MEMBERS.—The Panel shall
9 be composed of thirteen members.

10 “(2) APPOINTMENT OF CERTAIN MEMBERS.—
11 Each of the following shall appoint one member of
12 the Panel:

13 “(A) The Secretary of Defense (in con-
14 sultation with the Secretary of Homeland Secu-
15 rity).

16 “(B) The Attorney General.

17 “(C) The Judge Advocates General of the
18 Army, Navy, Air Force, and Coast Guard, and
19 the Staff Judge Advocate to the Commandant
20 of the Marine Corps.

21 “(3) APPOINTMENT OF REMAINING MEMBERS
22 BY SECRETARY OF DEFENSE.—The Secretary of De-
23 fense shall appoint the remaining members of the
24 Panel, taking into consideration recommendations
25 made by each of the following:

1 “(A) The chairman and ranking minority
2 member of the Committee on Armed Services of
3 the Senate and the Committee on Armed Serv-
4 ices of the House of Representatives.

5 “(B) The Chief Justice of the United
6 States.

7 “(C) The Chief Judge of the United States
8 Court of Appeals for the Armed Forces.

9 “(c) QUALIFICATIONS OF MEMBERS.—The members
10 of the Panel shall be appointed from among private United
11 States citizens with expertise in criminal law, as well as
12 appropriate and diverse experience in investigation, pros-
13 ecution, defense, victim representation, or adjudication
14 with respect to courts-martial, Federal civilian courts, or
15 State courts.

16 “(d) CHAIR.—The Secretary of Defense shall select
17 the chair of the Panel from among the members.

18 “(e) TERM; VACANCIES.—Each member shall be ap-
19 pointed for a term of eight years, and no member may
20 serve more than one term. Any vacancy shall be filled in
21 the same manner as the original appointment.

22 “(f) REVIEWS AND REPORTS.—

23 “(1) INITIAL REVIEW OF RECENT AMENDMENTS
24 TO UCMJ.—During fiscal year 2020, the Panel shall
25 conduct an initial review and assessment of the im-

1 plementation of the amendments made to this chap-
2 ter during the preceding five years. In conducting
3 the initial review and assessment, the Panel may re-
4 view such other aspects of the operation of this
5 chapter as the Panel considers appropriate.

6 “(2) PERIODIC COMPREHENSIVE REVIEWS.—
7 During fiscal year 2024 and every eight years there-
8 after, the Panel shall conduct a comprehensive re-
9 view and assessment of the operation of this chapter.

10 “(3) PERIODIC INTERIM REVIEWS.—During fis-
11 cal year 2028 and every eight years thereafter, the
12 Panel shall conduct an interim review and assess-
13 ment of such other aspects of the operation of this
14 chapter as the Panel considers appropriate. In addi-
15 tion, at the request of the Secretary of Defense, the
16 Panel may, at any time, review and assess other spe-
17 cific matters relating to the operation of this chap-
18 ter.

19 “(4) REPORTS.—Not later than December 31
20 of each year during which the Panel conducts a re-
21 view and assessment under this subsection, the
22 Panel shall submit a report on the results, including
23 the Panel’s findings and recommendations, through
24 the Secretary of Defense to the Committees on

1 Armed Services of the Senate and the House of Rep-
2 resentatives.

3 “(g) HEARINGS.—The Panel may hold such hearings,
4 sit and act at such times and places, take such testimony,
5 and receive such evidence as the Panel considers appro-
6 priate to carry out its duties under this section.

7 “(h) INFORMATION FROM FEDERAL AGENCIES.—
8 Upon request of the chair of the Panel, a department or
9 agency of the Federal Government shall provide informa-
10 tion that the Panel considers necessary to carry out its
11 duties under this section.

12 “(i) ADMINISTRATIVE MATTERS.—

13 “(1) MEMBERS TO SERVE WITHOUT PAY.—
14 Members of the Panel shall serve without pay, but
15 shall be allowed travel expenses, including per diem
16 in lieu of subsistence, at rates authorized for em-
17 ployees of agencies under subchapter I of chapter 57
18 of title 5, while away from their homes or regular
19 places of business in the performance of services for
20 the Panel.

21 “(2) STAFFING AND RESOURCES.—The Sec-
22 retary of Defense shall provide staffing and re-
23 sources to support the Panel.

1 “(j) FEDERAL ADVISORY COMMITTEE ACT.—The
2 Federal Advisory Committee Act (5 U.S.C. App.) shall not
3 apply to the Panel.”.

4 **SEC. 5422. ANNUAL REPORTS.**

5 Subchapter XII of chapter 47 of title 10, United
6 States Code (the Uniform Code of Military Justice), is
7 amended by adding at the end the following new section
8 (article):

9 **“§ 946. Art. 146a. Annual reports**

10 “(a) COURT OF APPEALS FOR THE ARMED
11 FORCES.—Not later than December 31 of each year, the
12 Court of Appeals for the Armed Forces shall submit a re-
13 port that, with respect to the previous fiscal year, provides
14 information on the number and status of completed and
15 pending cases before the Court, and such other matters
16 as the Court considers appropriate regarding the oper-
17 ation of this chapter.

18 “(b) SERVICE REPORTS.—Not later than December
19 31 of each year, the Judge Advocates General and the
20 Staff Judge Advocate to the Commandant of the Marine
21 Corps shall each submit a report, with respect to the pre-
22 ceding fiscal year, containing the following:

23 “(1) Data on the number and status of pending
24 cases.

1 “(2) Information on the appellate review pro-
2 cess, including—

3 “(A) information on compliance with proc-
4 essing time goals;

5 “(B) descriptions of the circumstances sur-
6 rounding cases in which general or special
7 court-martial convictions were (i) reversed be-
8 cause of command influence or denial of the
9 right to speedy review or (ii) otherwise remitted
10 because of loss of records of trial or other ad-
11 ministrative deficiencies; and

12 “(C) an analysis of each case in which a
13 provision of this chapter was held unconstitu-
14 tional.

15 “(3)(A) An explanation of measures imple-
16 mented by the armed force concerned to ensure the
17 ability of judge advocates—

18 “(i) to participate competently as trial
19 counsel and defense counsel in cases under
20 this chapter;

21 “(ii) to preside as military judges in
22 cases under this chapter; and

23 “(iii) to perform the duties of Special
24 Victims’ Counsel, when so designated
25 under section 1044e of this title.

1 “(B) The explanation under subparagraph (A)
2 shall specifically identify the measures that focus on
3 capital cases, national security cases, sexual assault
4 cases, and proceedings of military commissions.

5 “(4) The independent views of each Judge Ad-
6 vocate General and of the Staff Judge Advocate to
7 the Commandant of the Marine Corps as to the suf-
8 ficiency of resources available within the respective
9 armed forces, including total workforce, funding,
10 training, and officer and enlisted grade structure, to
11 capably perform military justice functions.

12 “(5) Such other matters regarding the oper-
13 ation of this chapter as may be appropriate.

14 “(c) SUBMISSION.—Each report under this section
15 shall be submitted—

16 “(1) to the Committee on Armed Services of
17 the Senate and the Committee on Armed Services of
18 the House of Representatives; and

19 “(2) to the Secretary of Defense, the Secre-
20 taries of the military departments, and the Secretary
21 of Homeland Security.”.

1 **TITLE** **LXIII—CONFORMING**
 2 **AMENDMENTS AND EFFEC-**
 3 **TIVE DATES**

4 **SEC. 5441. AMENDMENTS TO UCMJ SUBCHAPTER TABLES**
 5 **OF SECTIONS.**

6 The tables of sections for the specified subchapters
 7 of chapter 47 of title 10, United States Code (the Uniform
 8 Code of Military Justice), are amended as follows:

9 (1) SUBCHAPTER II; APPREHENSION AND RE-
 10 STRAINT.—The table of sections at the beginning of
 11 subchapter II is amended—

12 (A) by striking the item relating to section
 13 810 (article 10) and inserting the following new
 14 item:

“810. Art. 10. Restraint of persons charged.”; and

15 (B) by striking the item relating to section
 16 812 (article 12) and inserting the following new
 17 item:

“812. Art. 12. Prohibition of confinement of members of the armed forces with
 enemy prisoners and certain others.”.

18 (2) SUBCHAPTER V; COMPOSITION OF COURTS-
 19 MARTIAL.—The table of sections at the beginning of
 20 subchapter V is amended—

1 (A) by striking the item relating to section
 2 825a (article 25a) and inserting the following
 3 new item:

“825. Art. 25a. Number of court-martial members in capital cases.”;

4 (B) by inserting after the item relating to
 5 section 826 (article 26) the following new item:

“826a. Art. 26a. Military magistrates.”; and

6 (C) by striking the item relating to section
 7 829 (article 29) and inserting the following new
 8 item:

“829. Art. 29. Assembly and impaneling of members; detail of new members and military judges.”.

9 (3) SUBCHAPTER VI; PRE-TRIAL PROCEDURE.—
 10 The table of sections at the beginning of subchapter
 11 VI is amended—

12 (A) by inserting after the item relating to
 13 section 830 (article 30) the following new item:

“830. Art. 30a. Proceedings conducted before referral.”; and

14 (B) by striking the items relating to sec-
 15 tions 832 through 835 (articles 32 through 35)
 16 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.”.

17 (4) SUBCHAPTER VII; TRIAL PROCEDURE.—The
 18 table of sections at the beginning of subchapter VII
 19 is amended—

1 (A) by striking the items relating to sec-
 2 tions 846 through 848 (articles 46 through 48)
 3 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.”;

4 (B) by striking the item relating to section
 5 850 (article 50) and inserting the following new
 6 item:

“850. Art. 50. Admissibility of sworn testimony from records of courts of inquiry.”; and

7 (C) by striking the items relating to sec-
 8 tions 852 and 853 (articles 52 and 53) and in-
 9 serting 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.”.

10 (5) SUBCHAPTER VIII; SENTENCES.—The table
 11 of sections at the beginning of subchapter VIII is
 12 amended—

13 (A) by striking the item relating to section
 14 856 (article 56) and inserting the following new
 15 item:

“856. Art. 56. Sentencing.”; and

16 (B) by striking the items relating to sec-
 17 tions 856a and 857a (articles 56a and 57a).

1 (6) SUBCHAPTER IX; POST-TRIAL PROCE-
2 DURE.—The table of sections at the beginning of
3 subchapter IX is amended—

4 (A) by striking the items relating to sec-
5 tions 860 and 61 (articles 60 and 61) and in-
6 serting 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 cir-
 cumstances.

“860b. Art. 60b. Post-trial actions in summary courts-martial and certain gen-
 eral and special courts-martial.

“860c. Art. 60c. Entry of judgment.

“861. Art. 61. Waiver of right to appeal; withdrawal of appeal.”;

7 (B) by striking the items relating to sec-
8 tions 864 through 866 (articles 64 through 66)
9 and inserting the following new items:

“864. Art. 64. Judge advocate review of finding of guilty in summary court-mar-
 tial.

“865. Art. 65. Transmittal and review of records.

“866. Art. 66. Courts of Criminal Appeals.”;

10 (C) by striking the item relating to section
11 869 (article 69) and inserting the following new
12 item:

“869. Art. 69. Review by Judge Advocate General.”; and

13 (D) by striking the item relating to section
14 871 (article 71).

15 (7) SUBCHAPTER XI; MISCELLANEOUS PROVI-
16 SIONS.—The table of sections at the beginning of
17 subchapter XI is amended—

1 (A) by striking the item relating to section
 2 936 (article 136) and inserting the following
 3 new item:

“936. Art. 136. Authority to administer oaths.”; and

4 (B) by inserting after the item relating to
 5 section 940 (article 140) the following new
 6 item:

“940a. Art. 140a. Case management; data collection and accessibility.”.

7 (8) SUBCHAPTER XII; UNITED STATES COURT
 8 OF APPEALS FOR THE ARMED FORCES.—The table
 9 of sections at the beginning of subchapter XII is
 10 amended by striking the item relating to section 946
 11 (article 146) and inserting the following new items:

“946. Art. 146. Military Justice Review Panel.

“946a. Art. 146a. Annual reports.”.

12 **SEC. 5442. EFFECTIVE DATES.**

13 (a) IN GENERAL.—Except as otherwise provided in
 14 this division, the amendments made by this division shall
 15 take effect on the date designated by the President, which
 16 date shall be not later than the first day of the first cal-
 17 endar month that begins two years after the date of the
 18 enactment of this Act.

19 (b) IMPLEMENTING REGULATIONS.—The President
 20 shall prescribe regulations implementing this division and
 21 the amendments made by this division by not later than

1 one year after the date of the enactment of this Act, except
2 as otherwise provided in this division.

3 (c) APPLICABILITY.—

4 (1) IN GENERAL.—Subject to the provisions of
5 this division and the amendments made by this divi-
6 sion, the President shall prescribe in regulations
7 whether, and to what extent, the amendments made
8 by this division shall apply to a case in which one
9 or more actions under chapter 47 of title 10, United
10 States Code (the Uniform Code of Military Justice),
11 have been taken before the effective date of such
12 amendments.

13 (2) INAPPLICABILITY TO CASES IN WHICH
14 CHARGES ALREADY REFERRED TO TRIAL ON EFFEC-
15 TIVE DATE.—Except as otherwise provided by this
16 division or the amendments made by this division,
17 the amendments made by this division shall not
18 apply to any case in which charges are referred to
19 trial by court-martial before the effective date of
20 such amendments. Proceedings in any such case
21 shall be held in the same manner and with the same
22 effect as if such amendments had not been enacted.

23 (3) PUNITIVE ARTICLE AMENDMENTS.—

24 (A) IN GENERAL.—The amendments made
25 by title LX shall not apply to any offense com-

1 mitted before the effective date of such amend-
2 ments.

3 (B) CONSTRUCTION.—Nothing in subpara-
4 graph (A) shall be construed to invalidate the
5 prosecution of any offense committed before the
6 effective date of such amendments.

7 (4) SENTENCING AMENDMENTS.—The regula-
8 tions prescribing the authorized punishments for any
9 offense committed before the effective date of the
10 amendments made by title LVIII shall apply the au-
11 thorized punishments for the offense, as in effect at
12 the time the offense is committed.

Passed the Senate June 14, 2016.

Attest:

Secretary.

114TH CONGRESS
2^D 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.

JUNE 21, 2016

Ordered to be printed as passed