

## Calendar No. 469

114TH CONGRESS  
2D SESSION**S. 2943****[Report No. 114–255]**

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.

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**IN THE SENATE OF THE UNITED STATES**

MAY 18, 2016

Mr. MCCAIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

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”.

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

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

5 (1) Division A—Department of Defense Au-  
 6 thorizations.

7 (2) Division B—Military Construction Author-  
 8 izations.

9 (3) Division C—Department of Energy Na-  
 10 tional Security Authorizations.

11 (4) Division D—Funding Tables.

12 (5) Division E—Uniform Code of Military Jus-  
 13 tice Reform.

14 (b) TABLE OF CONTENTS.—The table of contents for  
 15 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.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Distributed Common Ground System-Army.

Sec. 112. Multiyear procurement authority for UH-60M/HH-60M Black Hawk  
helicopters.

Sec. 113. Multiyear procurement authority for AH-64E Apache helicopters.

Subtitle C—Navy Programs

Sec. 121. Incremental funding for detail design and construction of LHA re-  
placement ship designated LHA 8.

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).
- Sec. 127. Limitation on availability of funds for Tactical Combat Training System Increment II.

#### Subtitle D—Air Force Programs

- Sec. 141. Extension of prohibition on availability of funds for retirement of A-10 aircraft.
- Sec. 142. Limitation on availability of funds for destruction of A-10 aircraft in storage status.
- Sec. 143. Repeal of the requirement to preserve certain retired C-5 aircraft.
- Sec. 144. Repeal of requirement to preserve F-117 aircraft in recallable condition.
- Sec. 145. Limitation on availability of funds for EC-130H Compass Call recapitalization program.
- Sec. 146. Limitation on availability of funds for Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program.

#### Subtitle E—Defense-wide, Joint and Multiservice Matters

- Sec. 151. Report to Congress on independent study of future mix of aircraft platforms for the Armed Forces.
- Sec. 152. Limitation on availability of funds for destruction of certain cluster munitions and report on Department of Defense policy and cluster munitions.
- Sec. 153. Medium altitude intelligence, surveillance, and reconnaissance aircraft.

### TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

#### Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Modification of mechanisms to provide funds for defense laboratories for research and development of technologies for military missions.
- Sec. 212. Making permanent authority for defense research and development rapid innovation program.
- 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.
- Sec. 220. Modification of authority for use of operation and maintenance funds for unspecified minor construction projects consisting of laboratory revitalization.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.

#### Subtitle B—Energy and Environment

- Sec. 302. Modified reporting requirement related to installations energy management.
- Sec. 303. Report on efforts to reduce high energy costs at military installations.
- Sec. 304. Utility data management for military facilities.
- Sec. 305. Linear LED lamps.

#### Subtitle C—Logistics and Sustainment

- Sec. 311. Deployment prioritization and readiness of Army units.
- Sec. 312. Revision of guidance related to corrosion control and prevention executives.
- Sec. 313. Repair, recapitalization, and certification of dry docks at Naval shipyards.

#### Subtitle D—Reports

- Sec. 321. Modifications to Quarterly Readiness Report to Congress.
- Sec. 322. Report on HH-60G sustainment and Combat Rescue Helicopter (CRH) program.

#### Subtitle E—Other Matters

- Sec. 331. Repurposing and reuse of surplus military firearms.
- Sec. 332. Limitation on development and fielding of new camouflage and utility uniforms.
- Sec. 333. Hazard assessments related to new construction of obstructions on military installations.
- Sec. 334. Plan for modernized Air Force dedicated adversary air training enterprise.
- Sec. 335. Independent study to review and assess the effectiveness of the Air Force Ready Aircrew Program.
- Sec. 336. Mitigation of risks posed by certain window coverings with accessible cords in military housing units in which children reside.
- Sec. 337. Tactical explosive detection dogs.
- Sec. 338. STARBASE program.
- Sec. 339. Access to Department of Defense installations for drivers of vehicles of online transportation network companies.
- Sec. 340. Women's military service memorials and museums.

### TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

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### Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2017 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Sec. 416. Technical corrections to annual authorization for personnel strengths.

### Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

## TITLE V—MILITARY PERSONNEL POLICY

### Subtitle A—Officer Personnel Policy

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Sec. 502. Repeal of statutory specification of general or flag officer grade for various positions in the Armed Forces.

Sec. 503. Temporary suspension of officer grade strength tables.

Sec. 504. Enhanced authority for service credit for experience or advanced education upon original appointment as a commissioned officer.

Sec. 505. Authority of promotion boards to recommend officers of particular merit be placed at the top of the promotion list.

Sec. 506. Promotion eligibility period for officers whose confirmation of appointment is delayed due to nonavailability to the Senate of probative information under control of non-Department of Defense agencies.

Sec. 507. Length of joint duty assignments.

Sec. 508. Modification of definitions relating to joint officer management.

Sec. 509. Continuation of certain officers on active duty without regard to requirement for retirement for years of service.

Sec. 510. Extension of force management authorities allowing enhanced flexibility for officer personnel management.

### Subtitle B—Reserve Component Management

Sec. 521. Authority for temporary waiver of limitation on term of service of Vice Chief of the National Guard Bureau.

Sec. 522. Authority to designate certain reserve officers as not to be considered for selection for promotion.

Sec. 523. Rights and protections available to military technicians.

Sec. 524. Extension of suicide prevention and resilience programs for the National Guard and Reserves.

Sec. 525. Inapplicability of certain laws to National Guard technicians performing active Guard and Reserve duty.

### Subtitle C—General Service Authorities

- Sec. 531. Responsibility of Chiefs of Staff of the Armed Forces for standards and qualifications for military specialties within the Armed Forces.
- Sec. 532. Leave matters.
- Sec. 533. Transfer of provision relating to expenses incurred in connection with leave canceled due to contingency operations.
- Sec. 534. Reduction of tenure on the temporary disability retired list.
- Sec. 535. Prohibition on enforcement of military commission rulings preventing members of the Armed Forces from carrying out otherwise lawful duties based on member gender.
- Sec. 536. Board for the Correction of Military Records and Discharge Review Board matters.
- Sec. 537. Reconciliation of contradictory provisions relating to qualifications for enlistment in the reserve components of the Armed Forces.

#### Subtitle D—Military Justice and Legal Assistance Matters

##### PART I—RETALIATION

- Sec. 541. Report to complainants of resolution of investigations into retaliation.
- Sec. 542. Training for Department of Defense personnel on sexual assault trauma in individuals claiming retaliation in connection with reports of sexual assault in the Armed Forces.
- Sec. 543. Inclusion in annual reports on sexual assault prevention and response efforts of the Armed Forces of information on complaints of retaliation in connection with reports of sexual assault in the Armed Forces.
- Sec. 544. Metrics for evaluating the efforts of the Armed Forces to prevent and respond to retaliation in connection with reports of sexual assault in the Armed Forces.

##### PART II—OTHER MILITARY JUSTICE MATTERS

- Sec. 546. Discretionary authority for military judges to designate an individual to assume the rights of the victim of an offense under the Uniform Code of Military Justice when the victim is a minor, incompetent, incapacitated, or deceased.
- Sec. 547. Appellate standing of victims in enforcing rights of victims under the Uniform Code of Military Justice.
- Sec. 548. Effective prosecution and defense in courts-martial.
- Sec. 549. Pilot programs on military justice career track for judge advocates.
- Sec. 550. Modification of definition of sexual harassment for purposes of investigations of complaints of harassment by commanding officers.
- Sec. 551. Extension and clarification of annual reports regarding sexual assault involving members of the Armed Forces.
- Sec. 552. Expansion of authority to execute certain military instruments.
- Sec. 553. United States Court of Appeals for the Armed Forces.

#### Subtitle E—Member Education, Training, and Transition

- Sec. 561. Limitation on tuition assistance for off-duty training or education.
- Sec. 562. Modification of program to assist members of the Armed Forces in obtaining professional credentials.
- Sec. 563. Access to Department of Defense installations of institutions of higher education providing certain advising and student support services.

Sec. 564. Priority processing of applications for Transportation Worker Identification Credentials for members undergoing discharge or release from the Armed Forces.

Subtitle F—Defense Dependents' Education and Military Family Readiness Matters

- Sec. 571. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 572. Impact aid for children with severe disabilities.
- Sec. 573. Impact aid amendments.
- Sec. 574. One-year extension of authorities relating to the transition and support of military dependent students to local educational agencies.
- Sec. 575. Comptroller General of the United States analysis of unsatisfactory conditions and overcrowding at public schools on military installations.
- Sec. 576. Enhanced flexibility in provision of relocation assistance to members of the Armed Forces and their families.
- Sec. 577. Reporting on allegations of child abuse in military families and homes.
- Sec. 578. Background checks for employees of agencies and schools providing elementary and secondary education for Department of Defense dependents.
- Sec. 579. Support for programs providing camp experience for children of military families.
- Sec. 580. Comptroller General of the United States report on Exceptional Family Member Programs.
- Sec. 581. Repeal of Advisory Council on Dependents' Education.

Subtitle G—Decorations and Awards

- Sec. 586. Authorization for award of the Medal of Honor to Charles S. Kettles for acts of valor during the Vietnam War.
- Sec. 587. Authorization for award of the Medal of Honor to Gary M. Rose for acts of valor during the Vietnam War.
- Sec. 588. Authorization for award of the Distinguished Service Cross to Chaplain (First Lieutenant) Joseph Verbis Lafleur for acts of valor during World War II.
- Sec. 589. Posthumous advancement of Colonel George E. "Bud" Day, United States Air Force, on the retired list.

Subtitle H—Miscellaneous Reports and Other Matters

- Sec. 591. Applicability of Military Selective Service Act to female citizens and persons.
- Sec. 592. Senior Military Acquisition Advisors in the Defense Acquisition Corps.
- Sec. 593. Annual reports on progress of the Army and the Marine Corps in integrating women into military occupational specialties and units recently opened to women.
- Sec. 594. Report on career progression tracks of the Armed Forces for women in combat arms units.
- Sec. 595. Repeal of requirement for a chaplain at the United States Air Force Academy appointed by the President.

- Sec. 596. Extension of limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2017 increase in military basic pay.  
 Sec. 602. Publication by Department of Defense of actual rates of basic pay payable to members of the Armed Forces by pay grade for annual or other pay periods.  
 Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.  
 Sec. 604. Reform of basic allowance for housing.  
 Sec. 605. Repeal of obsolete authority for combat-related injury rehabilitation pay.

### Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.  
 Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.  
 Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.  
 Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.  
 Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.  
 Sec. 616. Conforming amendment to consolidation of special pay, incentive pay, and bonus authorities.

### Subtitle C—Travel and Transportation Allowances

- Sec. 621. Maximum reimbursement amount for travel expenses of Reserves to attend inactive duty training outside or normal commuting distances.  
 Sec. 622. Period for relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station.

### Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits

## PART I—AMENDMENTS IN CONNECTION WITH RETIRED PAY REFORM

- Sec. 631. Election period for members in the service academies and inactive Reserves to participate in the modernized retirement system.  
 Sec. 632. Effect of separation of members from the uniformed services on participation in the Thrift Savings Plan.  
 Sec. 633. Continuation pay for members who have completed 8 to 12 years of service.  
 Sec. 634. Combat-related special compensation coordinating amendment.  
 Sec. 635. Sense of Congress on Roth contributions as default contributions of members of the Armed Forces participating in the Thrift Savings Plan under retired pay reform.

## PART II—OTHER MATTERS



- Sec. 641. Extension of allowance covering monthly premium for Servicemembers' Group Life Insurance while in certain overseas areas to cover members in any combat zone or overseas direct support area.
- Sec. 642. Use of member's current pay grade and years of service, rather than final retirement pay grade and years of service, in a division of property involving disposable retired pay.
- Sec. 643. Permanent extension of payment of special survivor indemnity allowances under the Survivor Benefit Plan.
- Sec. 644. Authority to deduct Survivor Benefit Plan premiums from combat-related special compensation when retired pay not sufficient.
- Sec. 645. Sense of Congress on options for members of the Armed Forces to designate payment of the death gratuity to a trust for a special needs individual.
- Sec. 646. Independent assessment of the Survivor Benefit Plan.

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- Sec. 661. Protection and enhancement of access to and savings at commissaries and exchanges.
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- Sec. 671. Compliance with domestic source requirements for footwear furnished to enlisted members of the Armed Forces upon their initial entry into the Armed Forces.
- Sec. 672. Authority for payment of pay and allowances and retired and retainer pay pursuant to power of attorney.

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- Sec. 701. Reform of health care plans available under the TRICARE program.
- Sec. 702. Modifications of cost-sharing requirements for the TRICARE Pharmacy Benefits Program and treatment of certain pharmaceutical agents.
- Sec. 703. Eligibility of certain beneficiaries under the TRICARE program for participation in the Federal Employees Dental and Vision Insurance Program.
- Sec. 704. Coverage of medically necessary food and vitamins for digestive and inherited metabolic disorders under the TRICARE program.
- Sec. 705. Enhancement of use of telehealth services in military health system.
- Sec. 706. Evaluation and treatment of veterans and civilians at military treatment facilities.
- Sec. 707. Pilot program to provide health insurance to members of the reserve components of the Armed Forces.
- Sec. 708. Pilot program on treatment of members of the Armed Forces for post-traumatic stress disorder related to military sexual trauma.

Subtitle B—Health Care Administration

- Sec. 721. Consolidation of the medical departments of the Army, Navy, and Air Force into the Defense Health Agency.

- Sec. 722. Accountability for the performance of the military health care system of certain positions in the system.
- Sec. 723. Selection of commanders and directors of military treatment facilities and tours of duty of commanders of such facilities.
- Sec. 724. Authority to convert military medical and dental positions to civilian medical and dental positions.
- Sec. 725. Authority to realign infrastructure of and health care services provided by military treatment facilities.
- Sec. 726. Acquisition of medical support contracts for TRICARE program.
- Sec. 727. Authority to enter into health care contracts with certain entities to provide care under the TRICARE program.
- Sec. 728. Improvement of health outcomes and control of costs of health care under TRICARE program through programs to involve covered beneficiaries.
- Sec. 729. Establishment of centers of excellence for specialty care in the military health system.
- Sec. 730. Program to eliminate variability in health outcomes and improve quality of health care services delivered in military treatment facilities.
- Sec. 731. Establishment of advisory committees for military treatment facilities.
- Sec. 732. Standardized system for scheduling medical appointments at military treatment facilities.
- Sec. 733. Display of wait times at urgent care clinics, emergency departments, and pharmacies of military treatment facilities.
- Sec. 734. Improvement and maintenance of combat casualty care and trauma care skills of health care providers of Department of Defense.
- Sec. 735. Adjustment of medical services, personnel authorized strengths, and infrastructure in military health system to maintain readiness and core competencies of health care providers.
- Sec. 736. Establishment of high performance military-civilian integrated health delivery systems.
- Sec. 737. Contracts with private sector entities to provide certain health care services at military treatment facilities.
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- Sec. 739. Reduction of administrative requirements relating to automatic renewal of enrollments in TRICARE Prime.

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- Sec. 751. Pilot program on expansion of use of physician assistants to provide mental health care to members of the Armed Forces.
- Sec. 752. Implementation of plan to eliminate certain graduate medical education programs of Department of Defense.
- Sec. 753. Modification of authority of Uniformed Services University of the Health Sciences to include undergraduate and other medical education and training programs.
- Sec. 754. Memoranda of agreement with institutions of higher education that offer degrees in allopathic or osteopathic medicine.
- Sec. 755. Extension of authority for joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund.
- Sec. 756. Prohibition on conduct of certain medical research and development projects.

- Sec. 757. Authorization of reimbursement by Department of Defense to entities carrying out State vaccination programs for costs of vaccines provided to covered beneficiaries.
- Sec. 758. Maintenance of certain reimbursement rates for care and services to treat autism spectrum disorder under demonstration program.
- Sec. 759. Incorporation into certain surveys by Department of Defense of questions on servicewomen experiences with family planning services and counseling.
- Sec. 760. Assessment of transition to TRICARE program by families of members of reserve components called to active duty and elimination of certain charges for such families.
- Sec. 761. Requirement to review and monitor prescribing practices at military treatment facilities of pharmaceutical agents for treatment of post-traumatic stress.
- Sec. 762. Report on plan to improve pediatric care and related services for children of members of the Armed Forces.
- Sec. 763. Comptroller General report on health care delivery and waste in military health system.

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

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- Sec. 802. Authority for temporary service of Principal Military Deputies to the Assistant Secretaries of the military departments for acquisition as acting Assistant Secretaries.
- Sec. 803. Conduct of independent cost estimation and cost analysis.
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- Sec. 806. Repeal of temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by contractors.

### Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Defense cost accounting standards.
- Sec. 812. Increased micro-purchase threshold applicable to Department of Defense procurements.
- Sec. 813. Enhanced competition requirements.
- Sec. 814. Elimination of bid and proposal costs and other expenses as allowable independent research and development costs on certain contracts.
- Sec. 815. Exception to requirement to include cost or price to the Government as a factor in the evaluation of proposals for certain multiple-award task or delivery order contracts.
- Sec. 816. Modified restrictions on undefinitized contractual actions.
- Sec. 817. Non-traditional contractor definition.
- Sec. 818. Comprehensive small business contracting plans.
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- Sec. 820. Modified data collection requirements applicable to procurement of services.
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- Sec. 823. Treatment of side-by-side testing of certain equipment, munitions, and technologies manufactured and developed under cooperative research and development agreements as use of competitive procedures.
- Sec. 824. Defense Acquisition Challenge Program.
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- Sec. 829A. Share-in-savings contracts.
- Sec. 829B. Special emergency procurement authority to facilitate the defense against or recovery from a cyber, nuclear, biological, chemical, or radiological attack.
- Sec. 829C. Limitation on use of reverse auction and lowest price technically acceptable contracting methods.
- Sec. 829D. Avoidance of use of brand names or brand-name or equivalent descriptions in solicitations.
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- Sec. 829F. Flexibility in contracting award program.
- Sec. 829G. Products and services purchased through contracting program for firms that hire the severely disabled.
- Sec. 829H. Applicability of Executive Order 13673 “Fair Pay and Safe Workplaces” to Department of Defense contractors.
- Sec. 829I. Contract closeout authority.
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#### Subtitle C—Provisions Relating to Major Defense Acquisition Programs

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- Sec. 832. Revisions to definition of major defense acquisition program.
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- Sec. 834. Improved life cycle cost control.
- Sec. 835. Modification of certain Milestone B certification requirements.
- Sec. 836. Disclosure of risk in cost estimates.
- Sec. 837. Authority to designate increments or blocks of items delivered under major defense acquisition programs as major subprograms for purposes of acquisition reporting.
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- Sec. 839. Use of economy-wide inflation index to calculate percentage increase in unit costs.
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- Sec. 852. Authority to waive tenure requirement for program managers for program definition and program execution periods.
- Sec. 853. Enhanced use of data analytics to improve acquisition program outcomes.
- Sec. 854. Purposes for which the Department of Defense Acquisition Workforce Development Fund may be used.

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- Sec. 863. Use of performance and commercial specifications in lieu of military specifications and standards.
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- Sec. 872. Integration of civil and military roles in attaining national technology and industrial base objectives.
- Sec. 873. Distribution support and services for weapon systems contractors.
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- Sec. 882. Working capital fund for precision guided munitions exports in support of contingency operations.
- Sec. 883. Extension of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 884. Clarification of treatment of contracts performed outside the United States.
- Sec. 885. Enhanced authority to acquire products and services produced in Africa in support of covered activities.
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- Sec. 892. Authority to provide reimbursable auditing services to certain non-Defense Agencies.
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- Sec. 896. Modifications to pilot program for streamlining awards for innovative technology projects.
- Sec. 897. Enhancement of electronic warfare capabilities.
- Sec. 898. Improved transparency and oversight over Department of Defense research, development, test, and evaluation efforts and procurement activities related to medical research.
- Sec. 899. Extension of enhanced transfer authority for technology developed at Department of Defense laboratories.
- Sec. 899A. Rapid prototyping funds for the military services.
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- Sec. 902. Qualifications for appointment of the Secretaries of the military departments.
- Sec. 903. Establishment of Assistant Secretary of Defense for Information (Chief Information Officer) in Office of Secretary of Defense.
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- Sec. 905. Limitations on funds used for staff augmentation contracts at management headquarters of the Department of Defense and the military departments.
- Sec. 906. Unit within the Office of the Secretary of Defense supporting achievement of results in Department of Defense management reform and business transformation efforts.

### Subtitle B—Combatant Command Matters

- Sec. 921. Joint Chiefs of Staff and related combatant command matters.
- Sec. 922. Delegation to Chairman of Joint Chiefs of Staff of authority to direct transfer of forces.
- Sec. 923. Organization of the Department of Defense for management of special operations forces and special operations.
- Sec. 924. Pilot program on organization of subordinate commands of a unified combatant command as joint task forces.
- Sec. 925. Expansion of eligibility for deputy commander of combatant command having United States among geographic area of responsibility to include officers of the Reserves.

### Subtitle C—Organization and Management of Other Department of Defense Offices and Elements

- Sec. 941. Organizational strategy for the Department of Defense.
- Sec. 942. Department of Defense management overview by the Secretary of Defense.
- Sec. 943. Modification of composition and mission of Joint Requirements Oversight Council.
- Sec. 944. Enhanced personnel management authorities for the Chief of the National Guard Bureau.
- Sec. 945. Management of defense clandestine human intelligence collection.
- Sec. 946. Repeal of Financial Management Modernization Executive Committee.
- Sec. 947. Reorganization and redesignation of Office of Family Policy and Office of Community Support for Military Families with Special Needs.
- Sec. 948. Pilot programs on waiver of applicability of rules and regulations to Department of Defense science and technology reinvention laboratories and DARPA to improve operations and personnel management.

#### Subtitle D—Whistleblower Protections for Members of the Armed Forces

- Sec. 961. Improvements to whistleblower protection procedures.
- Sec. 962. Modification of whistleblower protection authorities to restrict contrary findings of prohibited personnel action by the Secretary concerned.
- Sec. 963. Improvements to authorities and procedures for the correction of military records.
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Sec. 5162. Jurisdiction of general courts-martial.

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## TITLE LV—COMPOSITION OF COURTS-MARTIAL

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## TITLE LVI—PRE-TRIAL PROCEDURE

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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.
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- Sec. 5261. Sentencing.
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#### TITLE LIX—POST-TRIAL PROCEDURE AND REVIEW OF COURTS-MARTIAL

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- Sec. 5282. Limited authority to act on sentence in specified post-trial circumstances.
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- Sec. 5284. Entry of judgment.
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- Sec. 5289. Transmittal and review of records.
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- Sec. 5291. Review by Court of Appeals for the Armed Forces.
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#### TITLE LX—PUNITIVE ARTICLES

- Sec. 5301. Reorganization of punitive articles.

- Sec. 5302. Conviction of offense charged, lesser included offenses, and attempts.
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- 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.

## **Subtitle C—Navy Programs**

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

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

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

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

### **SEC. 122. LITTORAL COMBAT SHIP.**

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

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

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

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

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

9           (d) CLUSTER MUNITIONS DEFINED.—In this section,  
 10          the term “cluster munitions” includes systems delivered  
 11          by aircraft, cruise missiles, artillery, mortars, missiles,  
 12          tanks, rocket launchers, or naval guns that deploy pay-  
 13          loads of explosive submunitions that detonate via target  
 14          acquisition, impact, or altitude, or that self-destruct (or  
 15          a combination of both).

16       **SEC. 153. MEDIUM ALTITUDE INTELLIGENCE, SURVEIL-**  
 17       **LANCE, AND RECONNAISSANCE AIRCRAFT.**

18          (a) LIMITATION ON USE OF FUNDS.—None of the  
 19          funds authorized to be appropriated for fiscal year 2017  
 20          for the Department of Defense by this Act and available  
 21          for the procurement of manned medium altitude intel-  
 22          ligence, surveillance, and reconnaissance aircraft by the  
 23          United States Special Operations Command may be obli-  
 24          gated or expended for that purpose until the Assistant  
 25          Secretary of Defense for Special Operations and Low In-

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.



## Subtitle C—Logistics and Sustainment

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

(a) DEPLOYMENT PRIORITIZATION AND READINESS.—

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

#### “§ 10102a. Deployment prioritization and readiness of Army units

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

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

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

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

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(c)(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-

fects to instrument or visual flight operations; and

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

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

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

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

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

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

**•S 2943 PCS**

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           (4) To date, nearly 750,000 students have par-  
2       ticipated in the STARBASE program.

3           (5) The STARBASE program is a highly effec-  
4       tive program run by dedicated members of the  
5       Armed Forces and strengthens the relationships be-  
6       tween the military, communities, and local school  
7       districts.

8           (6) The budget of the President for fiscal year  
9       2017 seeks to eliminate funding for the STARBASE  
10      program for that fiscal year due to a reorganization  
11      of science, technology, engineering, and mathematics  
12      programs throughout the Federal Government.

13       (b) SENSE OF CONGRESS.—It is the sense of Con-  
14      gress that the STARBASE program should continue to  
15      be funded by the Department of Defense.

16   **SEC. 339. ACCESS TO DEPARTMENT OF DEFENSE INSTALLA-**  
17                   **TIONS FOR DRIVERS OF VEHICLES OF ON-**  
18                   **LINE TRANSPORTATION NETWORK COMPA-**  
19                   **NIES.**

20       (a) ACCESS TO BE PERMITTED.—Not later than one  
21      year after the date of the enactment of this Act, the Sec-  
22      retary of Defense shall establish policies, terms and condi-  
23      tions under which drivers of vehicles affiliated with online  
24      transportation network companies shall be permitted ac-  
25      cess to installations of the Department of Defense. In es-

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-

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

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

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

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

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

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 ignated 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-

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

“(E) INAPPLICABILITY OF EXCEPTION.—

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

“(c) EXCLUSION OF CERTAIN RESERVE OFFICERS.—

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

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(c) 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 (c).

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 specialties 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. 537. RECONCILIATION OF CONTRADICTORY PROVI-**  
6 **SIONS RELATING TO QUALIFICATIONS FOR**  
7 **ENLISTMENT IN THE RESERVE COMPONENTS**  
8 **OF THE ARMED FORCES.**

9           Section 12102(b) of title 10, United States Code, is  
10          amended by striking paragraphs (1) and (2) and inserting  
11          the following new paragraphs:

12               “(1) that person has met the requirements es-  
13               tablished in section 504(b)(1) of this title; or

14               “(2) that person is authorized to enlist by the  
15               Secretary concerned under section 504(b)(2) of this  
16               title.”.

17 **Subtitle D—Military Justice and**  
18 **Legal Assistance Matters**

19 **PART I—RETALIATION**

20 **SEC. 541. REPORT TO COMPLAINANTS OF RESOLUTION OF**  
21 **INVESTIGATIONS INTO RETALIATION.**

22          (a) REPORT REQUIRED.—

23               (1) IN GENERAL.—Under regulations prescribed  
24               by the Secretary of Defense, the results of an inves-  
25               tigation by an office, element, or personnel of the

1 Department of Defense or the Armed Forces of a  
2 complaint by a member of the Armed Forces of re-  
3 taliation shall be reported to the member, including  
4 whether the complaint was substantiated, unsubstan-  
5 tiated, or dismissed.

6 (2) MEMBERS OF COAST GUARD.—The Sec-  
7 retary of Homeland Security shall provide in a simi-  
8 lar manner for reports on the results of investiga-  
9 tions by offices, elements, or personnel of the De-  
10 partment of Homeland Security or the Coast Guard  
11 of such complaints made by members of the Coast  
12 Guard when it is not operating as a service in the  
13 Navy.

14 (b) RETALIATION DEFINED.—In this section, the  
15 term “retaliation” has the meaning given the term by the  
16 Secretary of Defense in the strategy required by section  
17 539 of the National Defense Authorization Act of Fiscal  
18 Year 2016 (Public Law 114–92; 129 Stat. 818) or a sub-  
19 sequent meaning specified by the Secretary.

1 **SEC. 542. TRAINING FOR DEPARTMENT OF DEFENSE PER-**  
 2 **SONNEL ON SEXUAL ASSAULT TRAUMA IN IN-**  
 3 **DIVIDUALS CLAIMING RETALIATION IN CON-**  
 4 **NECTION WITH REPORTS OF SEXUAL AS-**  
 5 **SAULT IN THE ARMED FORCES.**

6 (a) IN GENERAL.—The Secretary of Defense shall  
 7 ensure that the personnel of the Department of Defense  
 8 specified in subsection (b) who investigate claims of retal-  
 9 iation in connection with reports of sexual assault in the  
 10 Armed Forces receive training on the nature and con-  
 11 sequences of sexual assault trauma. The training shall in-  
 12 clude such elements as the Secretary shall specify for pur-  
 13 poses of this section.

14 (b) PERSONNEL.—The personnel of the Department  
 15 of Defense specified in this subsection are the following:

16 (1) Personnel of military criminal investigation  
 17 services.

18 (2) Personnel of Inspectors General offices.

19 (3) Personnel of any command of the Armed  
 20 Forces who are assignable by the commander of  
 21 such command to investigate claims of retaliation  
 22 made by or against members of such command.

23 (c) 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  
 26 539 of the National Defense Authorization Act of Fiscal



1 Year 2016 (Public Law 114–92; 129 Stat. 818) or a sub-  
2 sequent meaning specified by the Secretary.

3 **SEC. 543. INCLUSION IN ANNUAL REPORTS ON SEXUAL AS-**  
4 **SAULT PREVENTION AND RESPONSE EF-**  
5 **FORTS OF THE ARMED FORCES OF INFORMA-**  
6 **TION ON COMPLAINTS OF RETALIATION IN**  
7 **CONNECTION WITH REPORTS OF SEXUAL AS-**  
8 **SAULT IN THE ARMED FORCES.**

9 Section 1631(b) of the Ike Skelton National Defense  
10 Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561  
11 note) is amended by adding at the end the following new  
12 paragraph:

13 “(12) Information on each claim of retaliation  
14 in connection with a report of sexual assault in the  
15 Armed Forces made by or against a member of such  
16 Armed Force as follows:

17 “(A) A narrative description of each com-  
18 plaint.

19 “(B) The nature of such complaint, includ-  
20 ing whether the complainant claims professional  
21 or social retaliation.

22 “(C) The gender of the complainant.

23 “(D) The gender of the individual claimed  
24 to have committed the retaliation.

1           “(E) The nature of the relationship be-  
2           tween the complainant and the individual  
3           claimed to have committed the retaliation.

4           “(F) The nature of the relationship, if any,  
5           between the individual alleged to have com-  
6           mitted the sexual assault concerned and the in-  
7           dividual claimed to have committed the retalia-  
8           tion.

9           “(G) The official or office that received the  
10          complaint.

11          “(H) The organization that investigated or  
12          is investigating the complaint.

13          “(I) The current status of the investiga-  
14          tion.

15          “(J) If the investigation is complete, a de-  
16          scription of the results of the investigation, in-  
17          cluding whether the results of the investigation  
18          were provided to the complainant.

19          “(K) If the investigation determined that  
20          retaliation occurred, whether the retaliation was  
21          an offense under chapter 47 of title 10, United  
22          States Code (the Uniform Code of Military Jus-  
23          tice).”.

1 **SEC. 544. METRICS FOR EVALUATING THE EFFORTS OF THE**  
2 **ARMED FORCES TO PREVENT AND RESPOND**  
3 **TO RETALIATION IN CONNECTION WITH RE-**  
4 **PORTS OF SEXUAL ASSAULT IN THE ARMED**  
5 **FORCES.**

6 (a) METRICS REQUIRED.—The Sexual Assault Pre-  
7 vention and Response Office of the Department of Defense  
8 shall establish and issue to the military departments  
9 metrics to be used to evaluate the efforts of the Armed  
10 Forces to prevent and respond to retaliation in connection  
11 with reports of sexual assault in the Armed Forces.

12 (b) BEST PRACTICES.—For purposes of enhancing  
13 and achieving uniformity in the efforts of the Armed  
14 Forces to prevent and respond to retaliation in connection  
15 with reports of sexual assault in the Armed Forces, the  
16 Sexual Assault Prevention and Response Office shall iden-  
17 tify and issue to the military departments best practices  
18 to be used in the prevention of and response to retaliation  
19 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       **Subtitle E—Member Education,**  
2               **Training, and Transition**

3       **SEC. 561. LIMITATION ON TUITION ASSISTANCE FOR OFF-**  
4               **DUTY TRAINING OR EDUCATION.**

5               Section 2007(a) of title 10, United States Code, is  
6       amended by inserting “, but only if the Secretary deter-  
7       mines that such education or training is likely to con-  
8       tribute to the member’s professional development” after  
9       “during the member’s off-duty periods”.

10       **SEC. 562. MODIFICATION OF PROGRAM TO ASSIST MEM-**  
11               **BERS OF THE ARMED FORCES IN OBTAINING**  
12               **PROFESSIONAL CREDENTIALS.**

13               (a) SCOPE OF PROGRAM.—Subsection (a)(1) of sec-  
14       tion 2015 of title 10, United States Code, is amended by  
15       striking “incident to the performance of their military du-  
16       ties”.

17               (b) QUALITY ASSURANCE OF CERTIFICATION PRO-  
18       GRAMS AND STANDARDS.—Subsection (c) of such section  
19       is amended—

20               (1) in paragraph (1), by striking “is accredited  
21       by an accreditation body that” and all that follows  
22       and inserting “meets one of the requirements speci-  
23       fied in paragraph (2).”; and

24               (2) by striking paragraph (2) and inserting the  
25       following new paragraph (2):

1       “(2) The requirements for a credentialing program  
2 specified in this paragraph are that the credentialing pro-  
3 gram—

4           “(A) is accredited by a nationally-recognized  
5 third-party personnel certification program  
6 accreditor;

7           “(B)(i) is sought or accepted by employers  
8 within the industry or sector involved as a recog-  
9 nized, preferred, or required credential for recruit-  
10 ment, screening, hiring, retention, or advancement  
11 purposes; and

12           “(ii) where appropriate, is endorsed by a na-  
13 tionally-recognized trade association or organization  
14 representing a significant part of the industry or  
15 sector;

16           “(C) grants licenses that are recognized by the  
17 Federal Government or a State government; or

18           “(D) meets credential standards of a Federal  
19 agency.”.

1 **SEC. 563. ACCESS TO DEPARTMENT OF DEFENSE INSTALLA-**  
 2 **TIONS OF INSTITUTIONS OF HIGHER EDU-**  
 3 **CATION PROVIDING CERTAIN ADVISING AND**  
 4 **STUDENT SUPPORT SERVICES.**

5 (a) IN GENERAL.—Chapter 101 of title 10, United  
 6 States Code, is amended by inserting after section 2012  
 7 the following new section:

8 **“§ 2012a. Access to Department of Defense installa-**  
 9 **tions: institutions of higher education**  
 10 **providing certain advising and student**  
 11 **support services**

12 “(a) ACCESS.—

13 “(1) ACCESS TO BE PERMITTED.—The Sec-  
 14 retary of Defense shall grant access to Department  
 15 of Defense installations to any institution of higher  
 16 education that—

17 “(A) has entered into a Voluntary Edu-  
 18 cation Partnership Memorandum of Under-  
 19 standing with the Department for the purpose  
 20 of providing at the installation concerned timely  
 21 face-to-face student advising and related sup-  
 22 port services to members of the armed forces  
 23 and other persons who are eligible for assist-  
 24 ance under Department of Defense educational  
 25 assistance programs and authorities; and

1           “(B) has been approved to provide such  
2           advising and support services by the educational  
3           service office of the installation concerned.

4           “(2) SCOPE OF ACCESS.—Access shall be grant-  
5           ed under paragraph (1) in a nondiscriminatory man-  
6           ner to any institution covered by that paragraph re-  
7           gardless of the particular learning modality offered  
8           by that institution.

9           “(b) REGULATIONS.—The Secretary shall prescribe  
10          in regulations the time and place of access required pursu-  
11          ant to subsection (a). The regulations shall provide the  
12          following:

13           “(1) The opportunity for institutions of higher  
14           education to receive regular and recurring access at  
15           times and places that ensure maximum opportunity  
16           for students to obtain advising and support services  
17           described in subsection (a).

18           “(2) Access in a degree in proportion to the  
19           number of students enrolled by each institution of  
20           higher education.

21           “(c) DEFINITIONS.—In this section:

22           “(1) The term ‘Department of Defense edu-  
23           cational assistance programs and authorities’ has  
24           the meaning given the term ‘Department of Defense  
25           educational assistance programs and authorities cov-

1       ered by this section’ in section 2006a(c)(1) of this  
2       title.

3               “(2) The term ‘institution of higher education’  
4       has the meaning given that term in section  
5       2006a(c)(2) of this title.

6               “(3) The term ‘Voluntary Education Partner-  
7       ship Memorandum of Understanding’ has the mean-  
8       ing given that term in Department of Defense In-  
9       struction 1322.25, entitled ‘Voluntary Education  
10      Programs’, or any successor Department of Defense  
11      Instruction.”.

12      (b) CLERICAL AMENDMENT.—The table of sections  
13   at the beginning of chapter 101 of such title is amended  
14   by inserting after the item relating to section 2012 the  
15   following new item:

“2012a. Access to Department of Defense installations: institutions of higher  
education providing certain advising and student support serv-  
ices.”.

16   **SEC. 564. PRIORITY PROCESSING OF APPLICATIONS FOR**  
17                           **TRANSPORTATION WORKER IDENTIFICATION**  
18                           **CREDENTIALS FOR MEMBERS UNDERGOING**  
19                           **DISCHARGE OR RELEASE FROM THE ARMED**  
20                           **FORCES.**

21      (a) PRIORITY PROCESSING.—The Secretary of De-  
22   fense shall consult with the Secretary of Homeland Secu-  
23   rity to afford a priority in the processing of applications  
24   for a Transportation Worker Identification Credential

1 (TWIC) to applications submitted by members of the  
2 Armed Forces who are undergoing separation, discharge,  
3 or release from the Armed Forces under honorable condi-  
4 tions, with such priority to provide for the review and ad-  
5 judication of such an application by not later than 14 days  
6 after submittal, unless an appeal or waiver applies or fur-  
7 ther application documentation is necessary. The priority  
8 shall be so afforded commencing not later than 180 days  
9 after the date of the enactment of this Act to members  
10 who undergo separation, discharge, or release from the  
11 Armed Forces after the date on which the priority so com-  
12 mences being afforded.

13 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-  
14 retary of Defense and the Secretary of Homeland Security  
15 shall enter into a memorandum of understanding in con-  
16 nection with achieving the requirement in subsection (a).

17 (c) REPORT.—Not later than one year after the date  
18 of the enactment of this Act, the Secretary of Defense and  
19 the Secretary of Homeland Security shall jointly submit  
20 to the appropriate committees of Congress a report on the  
21 implementation of the requirements of this section. The  
22 report shall set forth the following:

23 (1) The memorandum of understanding re-  
24 quired pursuant to subsection (b).

1           (2) A description of the number of individuals  
2           who applied for, and the number of individuals who  
3           have been issued, a Transportation Worker Identification  
4           Credential pursuant to the memorandum of  
5           understanding as of the date of the report.

6           (3) If any applications for a Transportation  
7           Worker Identification Credential covered by paragraph  
8           (2) were not reviewed and adjudicated within  
9           the deadline specified in subsection (a), a description  
10          of the reasons for the failure and of the actions  
11          being taken to assure that future applications for a  
12          Credential are reviewed and adjudicated within the  
13          deadline.

14          (d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

17           (1) the Committee on Armed Services and the  
18           Committee on Commerce, Science, and Transportation  
19           of the Senate; and

20           (2) the Committee on Armed Services and the  
21           Committee on Transportation and Infrastructure of  
22           the House of Representatives.

1 **Subtitle F—Defense Dependents’**  
2 **Education and Military Family**  
3 **Readiness Matters**

4 **SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**  
5 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**  
6 **PENDENTS OF MEMBERS OF THE ARMED**  
7 **FORCES AND DEPARTMENT OF DEFENSE CI-**  
8 **VILIAN EMPLOYEES.**

9 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT  
10 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the  
11 amount authorized to be appropriated for fiscal year 2017  
12 by section 301 and available for operation and mainte-  
13 nance for Defense-wide activities as specified in the fund-  
14 ing table in section 4301, \$25,000,000 shall be available  
15 only for the purpose of providing assistance to local edu-  
16 cational agencies under subsection (a) of section 572 of  
17 the National Defense Authorization Act for Fiscal Year  
18 2006 (Public Law 109–163; 20 U.S.C. 7703b).

19 (b) LOCAL EDUCATIONAL AGENCY DEFINED.—In  
20 this section, the term “local educational agency” has the  
21 meaning given that term in section 7013(9) of the Ele-  
22 mentary and Secondary Education Act of 1965 (20 U.S.C.  
23 7713(9)).



1 **SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
 2 **ABILITIES.**

3 Of the amount authorized to be appropriated for fis-  
 4 cal year 2017 pursuant to section 301 and available for  
 5 operation and maintenance for Defense-wide activities as  
 6 specified in the funding table in section 4301, \$5,000,000  
 7 shall be available for payments under section 363 of the  
 8 Floyd D. Spence National Defense Authorization Act for  
 9 Fiscal Year 2001 (as enacted into law by Public Law 106–  
 10 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

11 **SEC. 573. IMPACT AID AMENDMENTS.**

12 (a) **ELIGIBILITY FOR HEAVILY IMPACTED LOCAL**  
 13 **EDUCATIONAL AGENCIES.—**

14 (1) **AMENDMENT.**—Subclause (I) of section  
 15 7003(b)(2)(B)(i) of the Elementary and Secondary  
 16 Education Act of 1965 (20 U.S.C.  
 17 7703(b)(2)(B)(i)(I)), as amended by sections 7001  
 18 and 7004(2)(B) of the Every Student Succeeds Act  
 19 (Public Law 114–95; 129 Stat. 2074, 2077), is fur-  
 20 ther amended to read as follows:

21 “(I) is a local educational agen-  
 22 cy—

23 “(aa) whose boundaries are  
 24 the same as a Federal military  
 25 installation; or

1 “(bb)(AA) whose boundaries  
 2 are the same as an island prop-  
 3 erty designated by the Secretary  
 4 of the Interior to be property  
 5 that is held in trust by the Fed-  
 6 eral Government; and

7 “(BB) that has no taxing  
 8 authority;”.

9 (2) EFFECTIVE DATE.—The amendment made  
 10 by paragraph (1) shall take effect with respect to  
 11 appropriations for use under title VII of the Elemen-  
 12 tary and Secondary Education Act of 1965, as  
 13 amended by the Every Student Succeeds Act (Public  
 14 Law 114–95; 129 Stat. 1802), beginning with fiscal  
 15 year 2017 and as if enacted as part of title VII of  
 16 the Every Student Succeeds Act.

17 (b) SPECIAL RULE REGARDING THE PER-PUPIL EX-  
 18 PENDITURE REQUIREMENT.—

19 (1) REFERENCES.—Except as otherwise ex-  
 20 pressly provided, any reference in this subsection to  
 21 a section or other provision of title VII of the Ele-  
 22 mentary and Secondary Education Act of 1965 shall  
 23 be considered to be a reference to the section or  
 24 other provision of such title VII as amended by the

1 Every Student Succeeds Act (Public Law 114–95;  
2 129 Stat. 1802).

3 (2) IN GENERAL.—Notwithstanding section  
4 5(d) of the Every Student Succeeds Act (Public Law  
5 114–95; 129 Stat. 1806) or section 7003(b)(2) of  
6 the Elementary and Secondary Education Act of  
7 1965 (20 U.S.C. 7703(b)(2)), with respect to any  
8 application submitted under section 7005 of such  
9 Act (20 U.S.C. 7705) for eligibility consideration  
10 under subclause (II) or (V) of section  
11 7003(b)(2)(B)(i) of such Act for fiscal year 2017,  
12 2018, or 2019, the Secretary of Education shall de-  
13 termine that a local educational agency meets the  
14 per-pupil expenditure requirement for purposes of  
15 such subclause (II) or (V), as applicable, only if—

16 (A) in the case of a local educational agen-  
17 cy that received a basic support payment for  
18 fiscal year 2001 under section 8003(b)(2)(B) of  
19 the Elementary and Secondary Education Act  
20 of 1965 (20 U.S.C. 7703(b)(2)(B)) (as such  
21 section was in effect for such fiscal year), the  
22 agency, for the year for which the application is  
23 submitted, has a per-pupil expenditure that is  
24 less than the average per-pupil expenditure of  
25 the State in which the agency is located or the

1 average per-pupil expenditure of all States  
2 (whichever average per-pupil expenditure is  
3 greater), except that a local educational agency  
4 with a total student enrollment of less than 350  
5 students shall be deemed to have satisfied such  
6 per-pupil expenditure requirement; or

7 (B) in the case of a local educational agen-  
8 cy that did not receive a basic support payment  
9 for fiscal year 2015 under such section  
10 8003(b)(2)(B), as so in effect, the agency, for  
11 the year for which the application is sub-  
12 mitted—

13 (i) has a total student enrollment of  
14 350 or more students and a per-pupil ex-  
15 penditure that is less than the average per-  
16 pupil expenditure of the State in which the  
17 agency is located; or

18 (ii) has a total student enrollment of  
19 less than 350 students and a per-pupil ex-  
20 penditure that is less than the average per-  
21 pupil expenditure of a comparable local  
22 educational agency or 3 comparable local  
23 educational agencies (whichever average  
24 per-pupil expenditure is greater), in the  
25 State in which the agency is located.

1       (c) PAYMENTS FOR ELIGIBLE FEDERALLY CON-  
2   NECTED CHILDREN.—

3           (1) AMENDMENTS.—Section 7003(b)(2) of the  
4   Elementary and Secondary Education Act of 1965  
5   (20 U.S.C. 7703(b)(2)), as amended by subsection  
6   (a) and sections 7001 and 7004 of the Every Stu-  
7   dent Succeeds Act (Public Law 114–95; 129 Stat.  
8   2074, 2077), is further amended—

9           (A) in subclause (IV) of subparagraph  
10   (B)(i)—

11           (i) in the matter preceding item (aa),  
12           by inserting “received a payment for fiscal  
13           year 2015 under section 8003(b)(2)(E) (as  
14           such section was in effect for such fiscal  
15           year) and” before “has”;

16           (ii) in item (aa), by striking “50” and  
17           inserting “35”; and

18           (iii) by striking item (bb) and insert-  
19           ing the following:

20                   “(bb)(AA) not less than  
21                   3,500 of such children are chil-  
22                   dren described in subparagraphs  
23                   (A) and (B) of subsection (a)(1);  
24                   or

1 “(BB) not less than 7,000  
 2 of such children are children de-  
 3 scribed in subparagraph (D) of  
 4 subsection (a)(1);” and

5 (B) in subparagraph (D)—

6 (i) in clause (i)—

7 (I) in subclause (I), by striking  
 8 “clause (ii)” and inserting “clauses  
 9 (ii), (iii), and (iv);” and

10 (II) in subclause (II)—

11 (aa) by inserting “received a  
 12 payment for fiscal year 2015  
 13 under section 8003(b)(2)(E) (as  
 14 such section was in effect for  
 15 such fiscal year) and” after  
 16 “agency that”;

17 (bb) by striking “50 per-  
 18 cent” and inserting “35 per-  
 19 cent”;

20 (cc) by striking “subsection  
 21 (a)(1) and not less than 5,000”  
 22 and inserting the following: “sub-  
 23 section (a)(1) and—

24 “(aa) not less than 3,500”;  
 25 and

1 (dd) by striking “subsection  
 2 (a)(1).” and inserting the fol-  
 3 lowing: “subsection (a)(1); or  
 4 “(bb) not less than 7,000 of  
 5 such children are children de-  
 6 scribed in subparagraph (D) of  
 7 subsection (a)(1).”;

8 (ii) in clause (ii), by striking “shall be  
 9 1.35.” and inserting the following: “shall  
 10 be—

11 “(I) for fiscal year 2016, 1.35;

12 “(II) for each of fiscal years  
 13 2017 and 2018, 1.38;

14 “(III) for fiscal year 2019, 1.40;

15 “(IV) for fiscal year 2020, 1.42;

16 and

17 “(V) for fiscal year 2021 and  
 18 each fiscal year thereafter, 1.45.”;

19 and

20 (iii) by adding at the end the fol-  
 21 lowing:

22 “(iii) FACTOR FOR CHILDREN WHO  
 23 LIVE OFF BASE.—For purposes of calcu-  
 24 lating the maximum amount described in  
 25 clause (i), the factor used in determining

the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be—

“(I) for fiscal year 2016, .20;

“(II) for each of fiscal years 2017 and 2018, .22;

“(III) for each of fiscal years 2019 and 2020, .25; and

“(IV) for fiscal year 2021 and each fiscal year thereafter—

“(aa) .30 with respect to each of the first 7,000 children; and

“(bb) .25 with respect to the number of children that exceeds 7,000.

“(iv) SPECIAL RULE.—Notwithstanding clauses (ii) and (iii), for fiscal year 2020 or any succeeding fiscal year, if the number of students who are children described in subparagraphs (A) and (B) of subsection (a)(1) for a local educational agency subject to this subparagraph exceeds 7,000 for such year or the number of students who are children described in sub-



section (a)(1)(D) for such local educational agency exceeds 12,750 for such year, then—

“(I) the factor used, for the fiscal year for which the determination is being made, to determine the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.40; and

“(II) the factor used, for such fiscal year, to determine the weighted student units under subsection (a)(2) with respect to children described in subsection (a)(1)(D) shall be .20.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect with respect to appropriations for use under title VII of the Elementary and Secondary Education Act of 1965 beginning with fiscal year 2017 and as if enacted as part of title VII of the Every Student Succeeds Act (Public Law 114–95; 129 Stat. 2074).

(3) SPECIAL RULES.—

(A) APPLICABILITY FOR FISCAL YEAR 2016.—Notwithstanding any other provision of

1 law, in making basic support payments under  
2 section 8003(b)(2) of the Elementary and Sec-  
3 ondary Education Act of 1965 (20 U.S.C.  
4 7703(b)(2)) for fiscal year 2016, the Secretary  
5 of Education shall carry out subparagraphs  
6 (B)(i) and (E) of such section as if the amend-  
7 ments made to subparagraphs (B)(i)(IV) and  
8 (D) of section 7003(b)(2) of such Act (as  
9 amended and redesignated by this subsection  
10 and the Every Student Succeeds Act (Public  
11 Law 114–95; 129 Stat. 1802)) had also been  
12 made to the corresponding provisions of section  
13 8003(b)(2) of the Elementary and Secondary  
14 Education Act of 1965, as in effect on the day  
15 before the date of enactment of the Every Stu-  
16 dent Succeeds Act.

17 (B) LOSS OF ELIGIBILITY.—For fiscal year  
18 2016 or any succeeding fiscal year, if a local  
19 educational agency is eligible for a basic sup-  
20 port payment under subclause (IV) of section  
21 7003(b)(2)(B)(i) of the Elementary and Sec-  
22 ondary Education Act of 1965 (as amended by  
23 this section and the Every Student Succeeds  
24 Act (Public Law 114–95; 129 Stat. 1802)) or  
25 through a corresponding provision under sub-

1 paragraph (A), such local educational agency  
2 shall be ineligible to apply for a payment for  
3 such fiscal year under any other subclause of  
4 such section (or, for fiscal year 2016, any other  
5 item of section 8003(b)(2)(B)(i)(II) of the Ele-  
6 mentary and Secondary Education Act of  
7 1965).

8 (C) PAYMENT AMOUNTS.—If, before the  
9 date of enactment of this Act, a local edu-  
10 cational agency receives 1 or more payments  
11 under section 8003(b)(2)(E) of the Elementary  
12 and Secondary Education Act of 1965 (20  
13 U.S.C. 7703(b)(2)(E)) for fiscal year 2016, the  
14 sum of which is greater than the amount the  
15 Secretary of Education determines the local  
16 educational agency is entitled to receive under  
17 such section in accordance with subparagraph  
18 (A)—

19 (i) the Secretary shall allow the local  
20 educational agency to retain the larger  
21 amount; and

22 (ii) such local educational agency shall  
23 not be eligible to receive any additional  
24 payment under such section for fiscal year  
25 2016.

1 **SEC. 574. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
2 **ING TO THE TRANSITION AND SUPPORT OF**  
3 **MILITARY DEPENDENT STUDENTS TO LOCAL**  
4 **EDUCATIONAL AGENCIES.**

5 (a) EXTENSION.—Section 547(c)(3) of the John  
6 Warner National Defense Authorization Act for Fiscal  
7 Year 2007 (20 U.S.C. 7703b note) is amended by striking  
8 “September 30, 2016” and inserting “September 30,  
9 2017”.

10 (b) INFORMATION TO BE INCLUDED WITH FUTURE  
11 REQUESTS FOR EXTENSION.—The budget justification  
12 materials that accompany any budget of the President for  
13 a fiscal year after fiscal year 2017 (as submitted to Con-  
14 gress pursuant to section 1105 of title 31, United States  
15 Code) that includes a request for the extension of section  
16 547(c) of the John Warner National Defense Authoriza-  
17 tion Act for Fiscal Year 2007 shall include the following:

18 (1) A full accounting of the expenditure of  
19 funds pursuant to such section 547(c) during the  
20 last fiscal year ending before the date of the sub-  
21 mittal of the budget.

22 (2) An assessment of the impact of the expendi-  
23 ture of such funds on the quality of opportunities for  
24 elementary and secondary education made available  
25 for military dependent students.

1 **SEC. 575. COMPTROLLER GENERAL OF THE UNITED**  
2 **STATES ANALYSIS OF UNSATISFACTORY CON-**  
3 **DITIONS AND OVERCROWDING AT PUBLIC**  
4 **SCHOOLS ON MILITARY INSTALLATIONS.**

5 (a) IN GENERAL.—The Comptroller General of the  
6 United States shall conduct an analysis of the condition  
7 and capacity of public schools on military installations.  
8 The analysis shall include schools that were omitted from  
9 the July 2011 Department of Defense analysis of such  
10 schools.

11 (b) REPORT.—Not later than one year after the date  
12 of the enactment of this Act, the Comptroller General shall  
13 submit to Congress a report setting forth the analysis re-  
14 quired by subsection (a). The report shall include the fol-  
15 lowing:

16 (1) The Numerical Condition Index and Condi-  
17 tion Rating of each public school on a military in-  
18 stallation, with a ranking of such schools based on  
19 the severity of unsafe conditions and facility defi-  
20 ciencies.

21 (2) The Percentage Over or Under Capacity  
22 and the Capacity Rating for each school.

23 (3) An identification and assessment of the  
24 schools likely to become overcrowded, or face condi-  
25 tion deficiencies, during the five-year period begin-  
26 ning on the date of the report, based on anticipated

1 changes in the force structure or deteriorating condi-  
 2 tions.

3 (4) A ranking of schools nationwide based on  
 4 severity of unsatisfactory conditions and on over-  
 5 crowding.

6 (5) Such other information as the Comptroller  
 7 General considers appropriate to establish priorities  
 8 for the renovation, repair, or revitalization of schools  
 9 in order to address unsatisfactory conditions and  
 10 overcrowding.

11 **SEC. 576. ENHANCED FLEXIBILITY IN PROVISION OF RELO-**  
 12 **CATION ASSISTANCE TO MEMBERS OF THE**  
 13 **ARMED FORCES AND THEIR FAMILIES.**

14 (a) GEOGRAPHIC REQUIREMENT.—Paragraph (1) of  
 15 subsection (c) of section 1056 of title 10, United States  
 16 Code, is amended by striking the second, third, and fourth  
 17 sentences and inserting the following new sentence: “Such  
 18 relocation assistance programs shall ensure that members  
 19 of the armed forces and their families are provided reloca-  
 20 tion assistance regardless of geographic location.”.

21 (b) COMPUTERIZED INFORMATION SYSTEM.—Such  
 22 subsection is further amended—

23 (1) in paragraph (2)—

24 (A) by striking “available through each  
 25 military” and inserting “a”; and

1 (B) by striking “all other military reloca-  
 2 tion assistance programs” and inserting “the  
 3 relocation assistance programs”; and  
 4 (2) in paragraph (3)—

5 (A) by striking “Duties of each military re-  
 6 location assistance program shall include assist-  
 7 ing” and inserting “Assistance shall be provided  
 8 to”; and

9 (B) by striking “the program” and insert-  
 10 ing “a relocation assistance program”.

11 (c) DISCHARGE THROUGH PROGRAM MANAGER.—  
 12 Subsection (d) of such section is amended to read as fol-  
 13 lows:

14 “(d) PROGRAM MANAGER.—The Secretary of De-  
 15 fense shall establish the position of Program Manager of  
 16 Military Relocation Assistance in the office of the Assist-  
 17 ant Secretary of Defense for Manpower and Reserve Af-  
 18 fairs. The Program Manager shall oversee the develop-  
 19 ment and implementation of relocation assistance under  
 20 this section.”.

21 **SEC. 577. REPORTING ON ALLEGATIONS OF CHILD ABUSE**  
 22 **IN MILITARY FAMILIES AND HOMES.**

23 (a) REPORTS TO FAMILY ADVOCACY PROGRAM OF-  
 24 FICES.—

1           (1) IN GENERAL.—The following information  
2 shall be reported immediately to the Family Advo-  
3 cacy Program office at the military installation to  
4 which the member of the Armed Forces concerned is  
5 assigned:

6           (A) Credible information (which may in-  
7 clude a reasonable belief), obtained by any indi-  
8 vidual within the chain of command of the  
9 member, that a child in the family or home of  
10 the member has suffered an incident of child  
11 abuse.

12           (B) Information, learned by a member of  
13 the Armed Forces engaged in a profession or  
14 activity described in subsection (b) of section  
15 226 of the Victims of Child Abuse Act of 1990  
16 (42 U.S.C. 13031) for members of the Armed  
17 Forces and their dependents, that gives reason  
18 to suspect that a child in the family or home of  
19 the member has suffered an incident of child  
20 abuse.

21           (2) REGULATIONS.—The Secretary of Defense  
22 and the Secretary of Homeland Security (with re-  
23 spect to the Navy when it is not operating as a serv-  
24 ice in the Navy) shall jointly prescribe regulations to  
25 carry out this subsection.



1           (3) CHILD ABUSE DEFINED.—In this sub-  
2           section, the term “child abuse” has the meaning  
3           given that term in subsection (c) of section 226 of  
4           the Victims of Child Abuse Act of 1990.

5           (b) REPORTS TO STATE CHILD WELFARE SERV-  
6           ICES.—Section 226 of the Victims of Child Abuse Act of  
7           1990 (title II of Public Law 101–647; 104 Stat. 4806;  
8           42 U.S.C. 13031) is amended—

9           (1) in subsection (a), by inserting “ and to the  
10          agency or agencies provided for in subsection (e), if  
11          applicable” before the period;

12          (2) by redesignating subsections (e) and (f) as  
13          subsections (f) and (g), respectively; and

14          (3) by inserting after subsection (d) the fol-  
15          lowing new subsection (e):

16          “(e) REPORTERS AND RECIPIENT OF REPORT IN-  
17          VOLVING CHILDREN AND HOMES OF MEMBERS OF THE  
18          ARMED FORCES.—

19                 “(1) RECIPIENTS OF REPORTS.—In the case of  
20          an incident described in subsection (a) involving a  
21          child in the family or home of member of the Armed  
22          Forces (regardless of whether the incident occurred  
23          on or off a military installation), the report required  
24          by subsection (a) shall be made to the appropriate  
25          child welfare services agency or agencies of the State

1 in which the child resides. The Attorney General, the  
 2 Secretary of Defense, and the Secretary of Home-  
 3 land Security (with respect to the Navy when it is  
 4 not operating as a service in the Navy) shall jointly,  
 5 in consultation with the chief executive officers of  
 6 the States, designate the child welfare service agen-  
 7 cies of the States that are appropriate recipients of  
 8 reports pursuant to this subsection. Any report on  
 9 an incident pursuant to this subsection is in addition  
 10 to any other report on the incident pursuant to this  
 11 section.

12 “(2) MAKERS OF REPORTS.—For purposes of  
 13 the making of reports under this section pursuant to  
 14 this subsection, the persons engaged in professions  
 15 and activities described in subsection (b) shall in-  
 16 clude members of the Armed Forces who are en-  
 17 gaged in such professions and activities for members  
 18 of the Armed Forces and their dependents.”.

19 **SEC. 578. BACKGROUND CHECKS FOR EMPLOYEES OF**  
 20 **AGENCIES AND SCHOOLS PROVIDING ELE-**  
 21 **MENTARY AND SECONDARY EDUCATION FOR**  
 22 **DEPARTMENT OF DEFENSE DEPENDENTS.**

23 (a) BACKGROUND CHECKS.—Commencing not later  
 24 than two years after the date of the enactment of this Act,  
 25 each covered local educational agency and each Depart-

1 ment of Defense domestic dependent elementary and sec-  
2 ondary school established pursuant to section 2164 of title  
3 10, United States Code, shall have in effect policies and  
4 procedures that—

5 (1) require that a criminal background check be  
6 conducted for each school employee of the agency or  
7 school, respectively, that includes—

8 (A) a search of the State criminal registry  
9 or repository of the State in which the school  
10 employee resides;

11 (B) a search of State-based child abuse  
12 and neglect registries and databases of the  
13 State in which the school employee resides;

14 (C) a Federal Bureau of Investigation fin-  
15 gerprint check using the Integrated Automated  
16 Fingerprint Identification System; and

17 (D) a search of the National Sex Offender  
18 Registry established under section 119 of the  
19 Adam Walsh Child Protection and Safety Act of  
20 2006 (42 U.S.C. 16919);

21 (2) prohibit the employment of a school em-  
22 ployee as a school employee at the agency or school,  
23 respectively, if such employee—

24 (A) refuses to consent to a criminal back-  
25 ground check under paragraph (1);

1 (B) makes a false statement in connection  
2 with such criminal background check;

3 (C) has been convicted of a felony con-  
4 sisting of—

5 (i) murder;

6 (ii) child abuse or neglect;

7 (iii) a crime against children, includ-  
8 ing child pornography;

9 (iv) spousal abuse;

10 (v) a crime involving rape or sexual  
11 assault;

12 (vi) kidnapping;

13 (vii) arson; or

14 (viii) physical assault, battery, or a  
15 drug-related offense, committed on or after  
16 the date that is five years before the date  
17 of such employee's criminal background  
18 check under paragraph (1); or

19 (D) has been convicted of any other crime  
20 that is a violent or sexual crime against a  
21 minor;

22 (3) require that each criminal background  
23 check conducted under paragraph (1) be periodically  
24 repeated or updated in accordance with policies es-  
25 tablished by the covered local educational agency or

1 the Department of Defense (in the case of a Depart-  
2 ment of Defense domestic dependent elementary and  
3 secondary school established pursuant to section  
4 2164 of title 10, United States Code);

5 (4) upon request, provide each school employee  
6 who has had a criminal background check under  
7 paragraph (1) with a copy of the results of the  
8 criminal background check;

9 (5) provide for a timely process, by which a  
10 school employee of the school or agency may appeal,  
11 but which does not permit the employee to be em-  
12 ployed as a school employee during such appeal, the  
13 results of a criminal background check conducted  
14 under paragraph (1) which prohibit the employee  
15 from being employed as a school employee under  
16 paragraph (2) to—

17 (A) challenge the accuracy or completeness  
18 of the information produced by such criminal  
19 background check; and

20 (B) establish or reestablish eligibility to be  
21 hired or reinstated as a school employee by  
22 demonstrating that the information is materi-  
23 ally inaccurate or incomplete, and has been cor-  
24 rected; and

1           (6) allow the covered local educational agency  
2           or school, as the case may be, to share the results  
3           of a school employee’s criminal background check re-  
4           cently conducted under paragraph (1) with another  
5           local educational agency that is considering such  
6           school employee for employment as a school em-  
7           ployee.

8           (b) FEES FOR BACKGROUND CHECKS.—The Attor-  
9           ney General, attorney general of a State, or other State  
10          law enforcement official may charge reasonable fees for  
11          conducting a criminal background check under subsection  
12          (a)(1), but such fees shall not exceed the actual costs for  
13          the processing and administration of the criminal back-  
14          ground check.

15          (c) DEFINITIONS.—In this section:

16                (1) COVERED LOCAL EDUCATIONAL AGENCY.—  
17                The term “covered local educational agency” means  
18                a local educational agency that receives funds—

19                        (A) under subsection (b) or (d) of section  
20                        8003, or section 8007, of the Elementary and  
21                        Secondary Education Act of 1965 (20 U.S.C.  
22                        7703, 7707), as such sections are in effect be-  
23                        fore the effective date for title VII of the Every  
24                        Student Succeeds Act (Public Law 114–95); or

1 (B) under subsection (b) or (d) of section  
2 7003, or section 7007, of the Elementary and  
3 Secondary Education Act of 1965 (20 U.S.C.  
4 7703, 7707), beginning on the effective date of  
5 such title VII.

6 (2) SCHOOL EMPLOYEE.—The term “school em-  
7 ployee” means—

8 (A) a person who—

9 (i) is an employee of, or is seeking  
10 employment with—

11 (I) a covered local educational  
12 agency; or

13 (II) a Department of Defense do-  
14 mestic dependent elementary and sec-  
15 ondary school established pursuant to  
16 section 2164 of title 10, United States  
17 Code, such elementary and secondary  
18 school; and

19 (ii) as a result of such employment,  
20 has (or will have) a job duty that results  
21 in unsupervised access to elementary  
22 school or secondary school students; or

23 (B)(i) any person, or an employee of any  
24 person, who has a contract or agreement to  
25 provide services to a covered local educational

1 agency or a Department of Defense domestic  
2 dependent elementary and secondary school es-  
3 tablished pursuant to section 2164 of title 10,  
4 United States Code; and

5 (ii) such person or employee, as a result of  
6 such contract or agreement, has a job duty that  
7 results in unsupervised access to elementary  
8 school or secondary school students.

9 **SEC. 579. SUPPORT FOR PROGRAMS PROVIDING CAMP EX-**  
10 **PERIENCE FOR CHILDREN OF MILITARY FAM-**  
11 **ILIES.**

12 (a) IN GENERAL.—The Secretary of Defense may  
13 provide financial or non-monetary support to qualified  
14 nonprofit organizations in order to assist such organiza-  
15 tions in carrying out programs to support the attendance  
16 at a camp or camp-like setting of children of military fami-  
17 lies.

18 (b) REPORTS TO DOD.—Each organization that re-  
19 ceives support from the Secretary pursuant to subsection  
20 (a) shall submit to the Secretary a report on the use of  
21 such support containing such information as the Secretary  
22 considers appropriate.



1 **SEC. 580. COMPTROLLER GENERAL OF THE UNITED**  
2 **STATES REPORT ON EXCEPTIONAL FAMILY**  
3 **MEMBER PROGRAMS.**

4 (a) **REPORT REQUIRED.**—Not later than 180 days  
5 after the date of the enactment of this Act, the Comp-  
6 troller General of the United States shall submit to the  
7 Committees on Armed Services of the Senate and the  
8 House of Representatives a report on the effectiveness of  
9 each Exceptional Family Member Program (EFMP) of  
10 the Armed Forces.

11 (b) **ELEMENTS.**—The report under subsection (a)  
12 shall include the following:

13 (1) A description of the differences between the  
14 Exceptional Family Member Programs of the Armed  
15 Forces.

16 (2) A description and assessment of the manner  
17 in which Exceptional Family Member Programs are  
18 implemented on joint bases and installations.

19 (3) An assessment whether all children of mem-  
20 bers of each Armed Forces are screened for potential  
21 coverage under the Exceptional Family Member Pro-  
22 gram.

23 (4) An assessment of the degree to which condi-  
24 tions of children of members of the Armed Forces  
25 who qualify for coverage under an Exceptional Fam-

1       ily Member Program are taken into account in mak-  
2       ing assignments of military personnel.

3           (5) An assessment of the degree to which med-  
4       ical and educational services are available to address  
5       the conditions identified by the screening described  
6       in (3) in children of members of the Armed Forces  
7       who qualify for coverage under an Exceptional Fam-  
8       ily Member Program.

9           (6) An assessment whether the Department of  
10      Defense has implemented specific directives for pro-  
11      viding family support and enhanced case manage-  
12      ment services, such as special needs navigators, to  
13      families with special needs children.

14          (7) An assessment whether the Department has  
15      conducted periodic reviews of best practices in the  
16      United States for the provision of medical and edu-  
17      cational services to children with special needs.

18          (8) An assessment whether the Department has  
19      established an advisory panel on community support  
20      for military families with special needs.

21          (9) An assessment of the uniform policy for the  
22      Department regarding families with special needs re-  
23      quired by section 1781c(e) of title 10, United States  
24      Code.

1           (10) An assessment of the implementation of  
2           the uniform policy described in paragraph (9).

3           (11) An assessment of the implementation by  
4           each Armed Force of the recommendations in the  
5           Government Accountability Report entitled “Military  
6           Dependent Students, Better Oversight Needed to  
7           Improve Services for Children with Special Needs”  
8           (GAO–12–680).

9   **SEC. 581. REPEAL OF ADVISORY COUNCIL ON DEPEND-**  
10                           **ENTS’ EDUCATION.**

11           Section 1411 of the Defense Dependents’ Education  
12   Act of 1978 (20 U.S.C. 929) is repealed.

13                   **Subtitle G—Decorations and**  
14                   **Awards**

15   **SEC. 586. AUTHORIZATION FOR AWARD OF THE MEDAL OF**  
16                   **HONOR TO CHARLES S. KETTLES FOR ACTS**  
17                   **OF VALOR DURING THE VIETNAM WAR.**

18           (a) AUTHORIZATION.—Notwithstanding the time lim-  
19   itations specified in section 3744 of title 10, United States  
20   Code, or any other time limitation with respect to the  
21   awarding of certain medals to persons who served in the  
22   Armed Forces, the President may award the Medal of  
23   Honor under section 3741 of such title to Charles S. Ket-  
24   tles for the acts of valor during the Vietnam War de-  
25   scribed in subsection (b).

1 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
2 referred to in subsection (a) are the actions of Charles  
3 S. Kettles during combat operations on May 15, 1967,  
4 while serving as Flight Commander, 176th Aviation Com-  
5 pany, 14th Aviation Battalion, Task Force Oregon, Re-  
6 public of Vietnam, for which he was previously awarded  
7 the Distinguished Service Cross.

8 **SEC. 587. AUTHORIZATION FOR AWARD OF THE MEDAL OF**  
9 **HONOR TO GARY M. ROSE FOR ACTS OF**  
10 **VALOR DURING THE VIETNAM WAR.**

11 (a) AUTHORIZATION.—Notwithstanding the time lim-  
12 itations specified in section 3744 of title 10, United States  
13 Code, or any other time limitation with respect to the  
14 awarding of certain medals to persons who served in the  
15 Armed Forces, the President is authorized to award the  
16 Medal of Honor under section 3741 of such title to Gary  
17 M. Rose for the acts of valor described in subsection (b).

18 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
19 referred to in subsection (a) are the actions of Gary M.  
20 Rose in Laos from September 11 through 14, 1970, dur-  
21 ing the Vietnam War while a member of the United States  
22 Army, Military Assistance Command Vietnam-Studies and  
23 Observation Group (MACVSOG).

1 **SEC. 588. AUTHORIZATION FOR AWARD OF THE DISTIN-**  
 2 **GUISHED SERVICE CROSS TO CHAPLAIN**  
 3 **(FIRST LIEUTENANT) JOSEPH VERBIS LA-**  
 4 **FLEUR FOR ACTS OF VALOR DURING WORLD**  
 5 **WAR II.**

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 Secretary of the Army may award the  
 11 Distinguished Service Cross under section 3742 of that  
 12 title to Chaplain (First Lieutenant) Joseph Verbis La-  
 13 Fleur for the acts of valor referred to in subsection (b).

14 (b) ACTS OF VALOR DESCRIBED.—The acts of valor  
 15 referred to in subsection (a) are the actions of Chaplain  
 16 (First Lieutenant) Joseph Verbis LaFleur while interned  
 17 as a Prisoner of War by Japan from December 30, 1941,  
 18 to September 7, 1944.

19 **SEC. 589. POSTHUMOUS ADVANCEMENT OF COLONEL**  
 20 **GEORGE E. “BUD” DAY, UNITED STATES AIR**  
 21 **FORCE, ON THE RETIRED LIST.**

22 (a) ADVANCEMENT.—Colonel George E. “Bud” Day,  
 23 United States Air Force (retired), is entitled to hold the  
 24 rank of brigadier general while on the retired list of the  
 25 Air Force.

1 (b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The  
 2 advancement of George E. “Bud” Day on the retired list  
 3 of the Air Force under subsection (a) shall not affect the  
 4 retired pay or other benefits from the United States to  
 5 which George E. “Bud” Day would have been entitled  
 6 based upon his military service or affect any benefits to  
 7 which any other person may become entitled based on his  
 8 military service.

## 9 **Subtitle H—Miscellaneous Reports** 10 **and Other Matters**

### 11 **SEC. 591. APPLICABILITY OF MILITARY SELECTIVE SERV-** 12 **ICE ACT TO FEMALE CITIZENS AND PERSONS.**

13 Section 3 of the Military Selective Service Act (50  
 14 U.S.C. 3802) is amended—

15 (1) by redesignating subsection (b) as sub-  
 16 section (c); and

17 (2) by inserting after subsection (a) the fol-  
 18 lowing new subsection (b):

19 “(b)(1) The duty to register imposed on male citizens  
 20 and persons residing in the United States by subsection  
 21 (a) shall apply to female citizens of the United States and  
 22 female persons residing in the United States who attain  
 23 the age of 18 years on or after January 1, 2018.

24 “(2) The responsibilities and rights of female reg-  
 25 istrants under this Act shall be the responsibilities and

1 rights of male registrants under this Act, and shall be sub-  
 2 ject to such terms, conditions, and limitations as are appli-  
 3 cable under the provisions of this Act to similarly situated  
 4 male registrants.

5 “(3) Any reference in this Act to a registrant or other  
 6 person subject to the duties, responsibilities, and rights  
 7 of a registrant under this Act shall be deemed to refer  
 8 to female citizens of the United States and female persons  
 9 residing in the United States registering pursuant to this  
 10 subsection.”.

11 **SEC. 592. SENIOR MILITARY ACQUISITION ADVISORS IN**  
 12 **THE DEFENSE ACQUISITION CORPS.**

13 (a) POSITIONS.—

14 (1) IN GENERAL.—Subchapter II of chapter 87  
 15 of title 10, United States Code, is amended by add-  
 16 ing at the end the following new section:

17 **“§ 1725. Senior Military Acquisition Advisors**

18 “(a) POSITION.—

19 “(1) IN GENERAL.—The Secretary of Defense  
 20 may establish in the Defense Acquisition Corps posi-  
 21 tions to be known as ‘Senior Military Acquisition  
 22 Advisor’.

23 “(2) APPOINTMENT.—A Senior Military Acqui-  
 24 sition Advisor shall be appointed by the President,  
 25 by and with the advice and consent of the Senate.

1           “(3) SCOPE OF POSITION.—An officer who is  
2           appointed as a Senior Military Acquisition Advisor—

3                   “(A) shall serve as an advisor to, and pro-  
4           vide senior level acquisition expertise to, the  
5           Service Acquisition Executive of that officer’s  
6           military department in accordance with this  
7           section; and

8                   “(B) shall be assigned as an adjunct pro-  
9           fessor at the Defense Acquisition University.

10          “(b) CONTINUATION ON ACTIVE DUTY.—An officer  
11       who is appointed as a Senior Military Acquisition Advisor  
12       may continue on active duty while serving in such position  
13       without regard to any mandatory retirement date that  
14       would otherwise be applicable to that officer by reason of  
15       years of service or age. An officer who is continued on  
16       active duty pursuant to this section is not eligible for con-  
17       sideration for selection for promotion.

18          “(c) RETIRED GRADE.—Upon retirement, an officer  
19       who is a Senior Military Acquisition Advisor may, in the  
20       discretion of the President, be retired in the grade of brig-  
21       adier general or rear admiral (lower half) if—

22                   “(1) the officer has served as a Senior Military  
23       Acquisition Advisor for a period of not less than  
24       three years; and



1           “(2) the officer’s service as a Senior Military  
2 Acquisition Advisor has been distinguished.

3           “(d) SELECTION AND TENURE.—

4           “(1) IN GENERAL.—Selection of an officer for  
5 recommendation for appointment as a Senior Military  
6 Acquisition Advisor shall be made competitively,  
7 and shall be based upon demonstrated experience  
8 and expertise in acquisition.

9           “(2) OFFICERS ELIGIBLE.—Officers shall be se-  
10 lected for recommendation for appointment as Sen-  
11 ior Military Acquisition Advisors from among offi-  
12 cers of the Defense Acquisition Corps who are serv-  
13 ing in the grade of colonel or, in the case of the  
14 Navy, captain, and who have at least 12 years of ac-  
15 quisition experience. An officer selected for rec-  
16 ommendation for appointment as a Senior Military  
17 Acquisition Advisor shall have at least 30 years of  
18 active commissioned service at the time of appoint-  
19 ment.

20           “(3) TERM.—The appointment of an officer as a  
21 Senior Military Acquisition Advisor shall be for a  
22 term of not longer than five years.

23           “(e) LIMITATION.—

1           “(1) LIMITATION ON NUMBER AND DISTRIBUTION.—There may not be more than 15 Senior Military Acquisition Advisors at any time, of whom—

2                   “(A) not more than five may be officers of  
3                   the Army;

4                   “(B) not more than five may be officers of  
5                   the Navy and Marine Corps; and

6                   “(C) not more than five may be officers of  
7                   the Air Force.

8           “(2) NUMBER IN EACH MILITARY DEPARTMENT.—Subject to paragraph (1), the number of  
9           Senior Military Acquisition Advisors for each military department shall be as required and identified  
10          by the Service Acquisition Executive of such military department and approved by the Under Secretary of  
11          Defense for Acquisition, Technology, and Logistics.

12          “(f) ADVICE TO SERVICE ACQUISITION EXECUTIVE.—An officer who is a Senior Military Acquisition Advisor shall have as the officer’s primary duty providing  
13          strategic, technical, and programmatic advice to the Service Acquisition Executive of the officer’s military department on matters pertaining to the Defense Acquisition  
14          System, including matters pertaining to procurement, research and development, advanced technology, test and

1 evaluation, production, program management, systems en-  
 2 gineering, and lifecycle logistics.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
 4 tions at the beginning of subchapter II of chapter 87  
 5 of such title is amended by adding at the end the  
 6 following new item:

“1725. Senior Military Acquisition Advisors.”.

7 (b) EXCLUSION FROM OFFICER GRADE-STRENGTH  
 8 LIMITATIONS.—Section 523(b) of such title is amended by  
 9 adding at the end the following new paragraph:

10 “(9) Officers who are Senior Military Acquisi-  
 11 tion Advisors under section 1725 of this title, but  
 12 not to exceed 15.”.

13 **SEC. 593. ANNUAL REPORTS ON PROGRESS OF THE ARMY**  
 14 **AND THE MARINE CORPS IN INTEGRATING**  
 15 **WOMEN INTO MILITARY OCCUPATIONAL SPE-**  
 16 **CIALITIES AND UNITS RECENTLY OPENED TO**  
 17 **WOMEN.**

18 (a) REPORTS REQUIRED.—Not later than April 1,  
 19 2017, and each year thereafter through 2021, the Chief  
 20 of Staff of the Army and the Commandant of the Marine  
 21 Corps shall each submit to the Committees on Armed  
 22 Services of the Senate and the House of Representatives  
 23 a report on the current status of the implementation by  
 24 the Army and the Marine Corps, respectively, of the policy  
 25 of Secretary of Defense dated March 9, 2016, to open to

1 women military occupational specialties and units pre-  
2 viously closed to women.

3 (b) ELEMENTS.—Each report shall include, current  
4 as of the date of such report and for the Armed Force  
5 covered by such report, the following:

6 (1) The status of gender-neutral standards  
7 throughout the Entry Level Training continuum.

8 (2) The propensity of applicants to apply for  
9 and access into newly-opened ground combat pro-  
10 grams, by gender and program.

11 (3) Success rates in Initial Screening Tests and  
12 Military Occupational Speciality (MOS) Classifica-  
13 tion Standards for newly-opened ground combat  
14 military occupational specialties, by gender.

15 (4) Attrition rates and causes of attrition  
16 throughout the Entry Level Training continuum, by  
17 gender and military occupational specialty.

18 (5) Reclassification rates and causes of reclassi-  
19 fication throughout the Entry Level Training con-  
20 tinuum, by gender and military occupational spe-  
21 cialty.

22 (6) Injury rates and causes of injury through-  
23 out the Entry Level Training continuum, by gender  
24 and military occupational specialty.

1           (7) Injury rates and nondeployability rates in  
2 newly-opened ground combat military occupational  
3 specialties, by gender and military occupational spe-  
4 cialty.

5           (8) A comparative analysis of injury rates,  
6 causes of injury, and nondeployability rates under  
7 paragraphs (6) and (7) with injury rates, causes of  
8 injury, and nondeployability rates in similar military  
9 occupational specialties of allied countries, including  
10 Australia, Canada, Israel, and the United Kingdom,  
11 and a comparative analysis of the mitigation factors  
12 used by the United States with respect to such in-  
13 jury and nondeployability and the mitigation factors  
14 used by such countries with respect to such injury  
15 and nondeployability.

16           (9) Lateral move approval rates into newly-  
17 opened military occupational specialties, by gender  
18 and military occupational specialty.

19           (10) Reenlistment and retention rates in newly-  
20 opened ground combat military occupational special-  
21 ties, by gender and military occupational specialty.

22           (11) Promotion rates in newly-opened ground  
23 combat military occupational specialties, by grade  
24 and gender.

1           (12) Actions taken to address matters relating  
2           to equipment sizing and supply, and facilities, in  
3           connection with the implementation by such Armed  
4           Force of the policy referred to in paragraph (1).

5           (c) APPLICABILITY TO SOCOM.—In addition to the  
6           reports required by subsection (a), the Commander of the  
7           United States Special Operations Command shall submit  
8           to the Committees on Armed Services of the Senate and  
9           the House of Representatives, on the dates provided for  
10          in subsection (a), a report on the current status of the  
11          implementation by the United States Special Operations  
12          Command of the policy of Secretary of Defense referred  
13          to in subsection (a). Each report shall include the matters  
14          specified in subsection (b) with respect to the United  
15          States Special Operations Command.

16   **SEC. 594. REPORT ON CAREER PROGRESSION TRACKS OF**  
17                   **THE ARMED FORCES FOR WOMEN IN COMBAT**  
18                   **ARMS UNITS.**

19          Not later than 30 days after the date of the enact-  
20          ment of this Act, the Secretary of Defense shall submit  
21          to Congress a report setting forth a description, for each  
22          Armed Force, of the following:

23                (1) The career progression track for entry level  
24                women as officers in combat arms units of such  
25                Armed Force.

1           (2) The career progression track for laterally  
2 transferred women as officers in combat arms units  
3 of such Armed Force.

4           (3) The career progression track for entry level  
5 women as enlisted members in combat arms units of  
6 such Armed Force.

7           (4) The career progression track for laterally  
8 transferred women as enlisted members in combat  
9 arms units of such Armed Force.

10 **SEC. 595. REPEAL OF REQUIREMENT FOR A CHAPLAIN AT**  
11 **THE UNITED STATES AIR FORCE ACADEMY**  
12 **APPOINTED BY THE PRESIDENT.**

13       (a) REPEAL.—Section 9337 of title 10, United States  
14 Code, is repealed.

15       (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of chapter 903 of such title is amended  
17 by striking the item related to section 9337.

18 **SEC. 596. EXTENSION OF LIMITATION ON REDUCTION IN**  
19 **NUMBER OF MILITARY AND CIVILIAN PER-**  
20 **SONNEL ASSIGNED TO DUTY WITH SERVICE**  
21 **REVIEW AGENCIES.**

22       Section 1559(a) of title 10, United States Code, is  
23 amended by striking “December 31, 2016” and inserting  
24 “December 31, 2019”.

1 **TITLE VI—COMPENSATION AND**  
2 **OTHER PERSONNEL BENEFITS**  
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. FISCAL YEAR 2017 INCREASE IN MILITARY BASIC**  
5 **PAY.**

6 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The  
7 adjustment to become effective during fiscal year 2017 re-  
8 quired by section 1009 of title 37, United States Code,  
9 in the rates of monthly basic pay authorized members of  
10 the uniformed services shall not be made.

11 (b) INCREASE IN BASIC PAY.—Effective on January  
12 1, 2017, the rates of monthly basic pay for members of  
13 the uniformed services are increased by 1.6 percent.

14 **SEC. 602. PUBLICATION BY DEPARTMENT OF DEFENSE OF**  
15 **ACTUAL RATES OF BASIC PAY PAYABLE TO**  
16 **MEMBERS OF THE ARMED FORCES BY PAY**  
17 **GRADE FOR ANNUAL OR OTHER PAY PERI-**  
18 **ODS.**

19 Any pay table published or otherwise issued by the  
20 Department of Defense to indicate the rates of basic pay  
21 of the Armed Forces in effect for members of the Armed  
22 Forces for a calendar year or other period shall state the  
23 rate of basic pay to be received by members in each pay  
24 grade for such year or period as specified or otherwise pro-  
25 vided by applicable law, including any rate to be so re-



1 ceived pursuant during such year or period by the oper-  
 2 ation of a ceiling under section 203(a)(2) of title 37,  
 3 United States Code, or a similar provision in an annual  
 4 defense authorization Act.

5 **SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEM-**  
 6 **PORARY INCREASE IN RATES OF BASIC AL-**  
 7 **LOWANCE FOR HOUSING UNDER CERTAIN**  
 8 **CIRCUMSTANCES.**

9 Section 403(b)(7)(E) of title 37, United States Code,  
 10 is amended by striking “December 31, 2016” and insert-  
 11 ing “December 31, 2017”.

12 **SEC. 604. REFORM OF BASIC ALLOWANCE FOR HOUSING.**

13 (a) REFORM.—

14 (1) IN GENERAL.—Chapter 7 of title 37, United  
 15 States Code, is amended by inserting after section  
 16 403 the following new section:

17 **“§ 403a. Basic allowance for housing: members first**  
 18 **entitled after January 1, 2018; members**  
 19 **entitled before January 1, 2018, with**  
 20 **interruption in eligibility after that date**

21 **“(a) GENERAL ENTITLEMENT.—**Except as otherwise  
 22 provided by law, a member of the uniformed services cov-  
 23 ered by this section who is entitled to basic pay is entitled  
 24 to a basic allowance for housing at the monthly rate pre-  
 25 scribed under this section or another provision of law with

1 regard to the applicable component of the basic allowance  
2 for housing. The maximum amount of the basic allowance  
3 for housing for a member will vary according to the pay  
4 grade in which the member is assigned or distributed for  
5 basic pay purposes and the geographic location of the  
6 member. The basic allowance for housing may be paid in  
7 advance.

8 “(b) BASIC ALLOWANCE FOR HOUSING INSIDE THE  
9 UNITED STATES.—

10 “(1) IN GENERAL.—The monthly rate of basic  
11 allowance for housing payable under this section to  
12 a member of the uniformed services covered by this  
13 section who is assigned to duty in the United States  
14 shall be the rate prescribed by the Secretary of De-  
15 fense for purposes of this section.

16 “(2) ELEMENTS.—Subject to the provisions of  
17 this subsection, the rates of basic allowance for  
18 housing payable under this subsection shall meet the  
19 following requirements:

20 “(A) A maximum amount of the allowance  
21 shall be established for each military housing  
22 area, based on the costs of adequate housing in  
23 such area, for each pay grade.

24 “(B) The amount of the allowance payable  
25 to a member may not exceed the lesser of—

1 “(i) the actual monthly cost of hous-  
2 ing of the member; or

3 “(ii) the maximum amount deter-  
4 mined under subparagraph (A) for mem-  
5 bers in the member’s pay grade.

6 “(C) In the event two or more members  
7 occupy the same housing, the amount of the al-  
8 lowance payable to such a member may not ex-  
9 ceed—

10 “(i) the amount of the allowance oth-  
11 erwise payable to such member pursuant  
12 to subparagraph (B); divided by

13 “(ii) the total number of members oc-  
14 cupying such housing.

15 “(D) So long as a member on retains unin-  
16 terrupted eligibility to receive the allowance and  
17 the actual monthly cost of housing for the  
18 member is not reduced, the monthly amount of  
19 the allowance may not be reduced as a result of  
20 changes in housing costs in the area or the pro-  
21 motion of the member.

22 “(3) CERTAIN RENTAL MATTERS.—

23 “(A) LUMP SUM PAYMENT FOR DEPOSITS  
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; and

7 “(ii) authorized or approved under  
8 regulations prescribed by the Secretary  
9 concerned.

10 “(B) RECOUPMENT.—The Secretary con-  
11 cerned shall recoup the full amount of any de-  
12 posit or advance rent payments made by the  
13 Secretary under subparagraph (A).

14 “(c) BASIC ALLOWANCE FOR HOUSING OUTSIDE THE  
15 UNITED STATES.—

16 “(1) IN GENERAL.—The monthly rate of basic  
17 allowance for housing payable under this section to  
18 a member of the uniformed services covered by this  
19 section who is assigned to duty outside in the United  
20 States shall be the rate prescribed by the Secretary  
21 of Defense for purposes of this section.

22 “(2) ELEMENTS.—Subject to the provisions of  
23 this subsection, the rates of basic allowance for  
24 housing payable under this subsection shall meet the  
25 following requirements:

1           “(A) The rates shall be based on the hous-  
2           ing costs in the overseas area in which the  
3           member is assigned and shall be determined in  
4           the manner specified in subparagraphs (A) and  
5           (B) of subsection (b)(2).

6           “(B) In the event two or more members  
7           occupy the same housing, the amount of the al-  
8           lowance payable to such a member may not ex-  
9           ceed—

10                   “(i) the amount of the allowance oth-  
11                   erwise payable to such member pursuant  
12                   to subparagraph (A); divided by

13                   “(ii) the total number of members oc-  
14                   cupying such housing.

15           “(C) So long as a member retains uninterr-  
16           rupted eligibility to receive the allowance in an  
17           overseas area and the actual monthly cost of  
18           housing for the member is not reduced, the  
19           monthly amount of the allowance in the area  
20           may not be reduced as a result of changes in  
21           housing costs in the area or the promotion of  
22           the member. The monthly amount of the allow-  
23           ance may be adjusted to reflect changes in cur-  
24           rency rates.

25           “(3) RENTAL MATTERS.—

1           “(A) LUMP SUM PAYMENTS FOR DEPOSIT  
2           AND ADVANCE RENT.—In the case of a member  
3           authorized payment of an allowance under this  
4           subsection, the Secretary concerned may make  
5           a lump-sum payment to the member for re-  
6           quired deposits and advance rent, and for ex-  
7           penses relating thereto, that are—

8                   “(i) incurred by the member in occu-  
9                   pying private housing outside of the United  
10                  States; and

11                  “(ii) authorized or approved under  
12                  regulations prescribed by the Secretary  
13                  concerned.

14           “(B) CURRENCY FLUCTUATION LOSSES AS  
15           ALLOWANCE EXPENSES.—Expenses for which a  
16           member may be reimbursed under this para-  
17           graph may include losses relating to housing  
18           that are sustained by the member as a result of  
19           fluctuations in the relative value of the cur-  
20           rencies of the United States and the foreign  
21           country in which the housing is located.

22           “(C) RECOUPMENT.—The Secretary con-  
23           cerned shall recoup the full amount of any de-  
24           posit or advance rent payments made by the  
25           Secretary under subparagraph (A), including

1           any gain resulting from currency fluctuations  
2           between the time of payment and the time of  
3           recoupment.

4           “(d) RESERVE AND RETIRED MEMBERS.—

5                 “(1) IN GENERAL.—A member of a reserve  
6           component described in paragraph (2) is entitled to  
7           a basic allowance for housing determined in accord-  
8           ance with this section during the time the member  
9           is on active duty as described in that paragraph.

10                “(2) COVERED MEMBERS.—A member of a re-  
11           serve component described in this paragraph is a  
12           member as follows:

13                   “(A) A member of a reserve component of  
14           the uniformed services covered by this section  
15           without dependents who is called or ordered to  
16           active duty to attend accession training, in sup-  
17           port of a contingency operation, or for a period  
18           of more than 30 days.

19                   “(B) A retired member of the uniformed  
20           services covered by this section without depend-  
21           ents who is ordered to active duty under section  
22           688(a) of title 10 in support of a contingency  
23           operation or for a period of more than 30 days.

24           “(e) BASIC ALLOWANCE FOR HOUSING WHEN DE-  
25           PENDENTS DO NOT ACCOMPANY MEMBER.—

1           “(1) IN GENERAL.—A member of the uni-  
 2           formed services covered by this section with depend-  
 3           ents who is on permanent duty at a location de-  
 4           scribed in paragraph (2) may be paid a family sepa-  
 5           ration basic allowance for housing under this sub-  
 6           section at a monthly rate equal to the rate of the  
 7           basic allowance for housing established under sub-  
 8           section (b) or the overseas basic allowance for hous-  
 9           ing established under subsection (c), whichever ap-  
 10          plies to that location, for members in the same grade  
 11          at that location without dependents.

12           “(2) DUTY LOCATIONS.—A permanent duty lo-  
 13          cation described in this paragraph is a location—

14                   “(A) to which the movement of the mem-  
 15                   ber’s dependents is not authorized at the ex-  
 16                   pense of the United States under section 476 of  
 17                   this title, and the member’s dependents do not  
 18                   reside at or near the location; and

19                   “(B) at which quarters of the United  
 20                   States are not available for assignment to the  
 21                   member.

22           “(3) MEMBER ASSIGNED TO DIFFERENT LOCA-  
 23          TION THAN DEPENDENTS RESIDENCE.—If a member  
 24          with dependents is assigned to duty in an area that  
 25          is different from the area in which the member’s de-



1 dependents reside, the member is entitled to a basic al-  
2 lowance for housing as provided in subsection (b) or  
3 (c), whichever applies to the member, subject to the  
4 following:

5 “(A) If the member’s assignment to duty  
6 in that area, or the circumstances of that as-  
7 signment, require the member’s dependents to  
8 reside in a different area, as determined by the  
9 Secretary concerned, the amount of the basic  
10 allowance for housing for the member shall be  
11 based on the area in which the dependents re-  
12 side or the member’s last duty station, which-  
13 ever the Secretary concerned determines to be  
14 most equitable.

15 “(B) If the member’s assignment to duty  
16 in that area is under the conditions of a low-  
17 cost or no-cost permanent change of station or  
18 permanent change of assignment, the amount  
19 of the basic allowance for housing for the mem-  
20 ber shall be based on the member’s last duty  
21 station if the Secretary concerned determines  
22 that it would be inequitable to base the allow-  
23 ance on the cost of housing in the area to which  
24 the member is reassigned.

1           “(C) If the member is reassigned for a per-  
2           manent change of station or permanent change  
3           of assignment from a duty station in the United  
4           States to another duty station in the United  
5           States for a period of not more than one year  
6           for the purpose of participating in professional  
7           military education or training classes, the  
8           amount of the basic allowance for housing for  
9           the member may be based on whichever of the  
10          following areas the Secretary concerned deter-  
11          mines will provide the more equitable basis for  
12          the allowance:

13               “(i) The area of the duty station to  
14               which the member is reassigned.

15               “(ii) The area in which the depend-  
16               ents reside, but only if the dependents re-  
17               side in that area when the member departs  
18               for the duty station to which the member  
19               is reassigned and only for the period dur-  
20               ing which the dependents reside in that  
21               area.

22               “(iii) The area of the former duty sta-  
23               tion of the member, if different than the  
24               area in which the dependents reside.

1           “(4) CONSTRUCTION WITH OTHER ALLOW-  
2           ANCES.—A family separation basic allowance for  
3           housing paid to a member under this subsection is  
4           in addition to any other allowance or per diem that  
5           the member receives under this title. A member may  
6           receive a basic allowance for housing under both  
7           paragraphs (1) and (3).

8           “(f) EFFECT OF ASSIGNMENT TO QUARTERS.—Ex-  
9           cept as otherwise provided by law, a member of the uni-  
10          formed services covered by this section who is assigned  
11          to quarters of the United States or a housing facility  
12          under the jurisdiction of a uniformed service appropriate  
13          to the grade, rank, or rating of the member and adequate  
14          for the member and dependents of the member, if with  
15          dependents, is not entitled to a basic allowance for hous-  
16          ing.

17          “(g) INELIGIBILITY DURING INITIAL FIELD DUTY  
18          OR SEA DUTY.—

19               “(1) INITIAL FIELD DUTY.—A member of the  
20          uniformed services covered by this section without  
21          dependents who makes a permanent change of sta-  
22          tion for assignment to a unit conducting field oper-  
23          ations is not entitled to a basic allowance for hous-  
24          ing while on that initial field duty unless the com-  
25          manding officer of the member certifies that the

1 member was necessarily required to procure quarters  
2 at the member's expense.

3 “(2) SEA DUTY.—A member of the uniformed  
4 services covered by this section without dependents  
5 who is in a pay grade below pay grade E-6 is not  
6 entitled to a basic allowance for housing while the  
7 member is on sea duty.

8 “(3) DEFINITIONS.—The Secretary of Defense,  
9 and the Secretary of Homeland Security with re-  
10 spect to the Coast Guard when it is not operating  
11 as a service in the Department of the Navy, shall  
12 prescribe regulations defining the terms ‘field duty’  
13 and ‘sea duty’ for purposes of this subsection.

14 “(h) TEMPORARY HOUSING ALLOWANCE WHILE IN  
15 TRAVEL OR LEAVE STATUS.—A member of the uniformed  
16 services covered by this section is entitled to a temporary  
17 basic allowance for housing (at a rate determined by the  
18 Secretary of Defense) while the member is in a travel or  
19 leave status between permanent duty stations, including  
20 time granted as delay en route or proceed time, when the  
21 member is not assigned to quarters of the United States.

22 “(i) TEMPORARY CONTINUATION OF ALLOWANCE  
23 FOR DEPENDENTS OF MEMBERS DYING ON ACTIVE  
24 DUTY.—

1           “(1) OCCUPATION WITHOUT CHARGE FOL-  
2       LOWING DEATH.—The Secretary of Defense, or the  
3       Secretary of Homeland Security in the case of the  
4       Coast Guard when not operating as a service in the  
5       Navy, may allow the dependents of a member of the  
6       armed forces covered by this section who dies on ac-  
7       tive duty and whose dependents are occupying family  
8       housing provided by the Department of Defense, or  
9       by the Department of Homeland Security in the case  
10      of the Coast Guard, other than on a rental basis, on  
11      the date of the member’s death to continue to oc-  
12      cupy such housing without charge for a period of  
13      365 days.

14           “(2) ALLOWANCE.—The Secretary concerned  
15      may pay a basic allowance for housing (at the rate  
16      otherwise payable to the deceased member on the  
17      date of death) to the dependents of a member of the  
18      uniformed services covered by this section who dies  
19      while on active duty and whose dependents—

20           “(A) are not occupying a housing facility  
21           under the jurisdiction of a uniformed service on  
22           the date of death;

23           “(B) are occupying such housing on a  
24           rental basis on such date; or

1                   “(C) vacate such housing sooner than 365  
2                   days after the date of death.

3                   “(3) TERMINATION OF ALLOWANCE.—The pay-  
4                   ment of the allowance under paragraph (2) shall ter-  
5                   minate 365 days after the date of death of the mem-  
6                   ber concerned.

7                   “(j) MEMBERS PAYING CHILD SUPPORT.—A member  
8                   of the uniformed services covered by this section with de-  
9                   pendents may not be paid a basic allowance for housing  
10                  at the with dependents rate solely by reason of the pay-  
11                  ment of child support by the member if—

12                  “(1) the member is assigned to a housing facil-  
13                  ity under the jurisdiction of a uniformed service; or

14                  “(2) the member is assigned to sea duty, and  
15                  elects not to occupy assigned quarters for unaccom-  
16                  panied personnel, unless the member is in a pay  
17                  grade above pay grade E-3.

18                  “(k) TREATMENT OF LOW-COST AND NO-COST  
19                  MOVES AS NOT BEING REASSIGNMENTS.—In the case of  
20                  a member of the uniformed services covered by this section  
21                  who is assigned to duty at a location or under cir-  
22                  cumstances that make it necessary for the member to be  
23                  reassigned under the conditions of low-cost or no-cost per-  
24                  manent change of station or permanent change of assign-  
25                  ment, the member may be treated for the purposes of this

1 section as if the member were not reassigned if the Sec-  
2 retary concerned determines that it would be inequitable  
3 to base the member's entitlement to, and amount of, a  
4 basic allowance for housing on the cost of housing in the  
5 area to which the member is reassigned.

6 “(l) ADMINISTRATION.—This section shall be admin-  
7 istering in accordance with such regulations as the Sec-  
8 retary of Defense shall prescribe for purposes of this sec-  
9 tion.

10 “(m) MEMBER COVERED BY THIS SECTION DE-  
11 FINED.—In this section, the term ‘member covered by this  
12 section’, with respect to a member of the uniformed serv-  
13 ices, a member or retired member of the armed forces,  
14 or a member of a reserve component of the armed forces,  
15 as applicable, means the following:

16 “(1) A member who first becomes entitled to  
17 basic pay on or after January 1, 2018.

18 “(2) In the case of a member of a reserve com-  
19 ponent or retired member described in subsection  
20 (d), a member who is not entitled to basic allowance  
21 for housing as of December 31, 2017, and who be-  
22 comes entitled to basic allowance for housing after  
23 that date pursuant to active duty described in that  
24 subsection.

25 “(3) A member who—

1           “(A) is entitled to basic allowance for  
2           housing under section 403 of this title as of De-  
3           cember 31, 2017, within a particular housing or  
4           overseas area; and

5           “(B) after that date, loses uninterrupted  
6           eligibility to receive a basic allowance for hous-  
7           ing within an area of the United States or an  
8           area outside the United States, as applicable.”.

9           (2) CLERICAL AMENDMENT.—The table of sec-  
10          tions at the beginning of chapter 7 of such title is  
11          amended by inserting after the item relating to sec-  
12          tion 403 the following new item:

“403a. Basic allowance for housing: members first entitled after January 1,  
2018; members entitled before January 1, 2018, with interrup-  
tion in eligibility after that date.”.

13          (b) CONFORMING AMENDMENT.—Section 403 of title  
14          37, United States Code, is amended by adding at the end  
15          the following new subsection:

16          “(p) This section does not apply to members of the  
17          uniformed services who are covered by section 403a of this  
18          title. In general, such coverage begins on and after Janu-  
19          ary 1, 2018. For provisions applicable to the payment of  
20          basic allowance for housing for members of the uniformed  
21          services covered by that section after that date, see section  
22          403a of this title.”.

23          (c) SUBMITTAL OF PROPOSED REGULATIONS TO  
24          CONGRESS.—Not later than March 31, 2017, the Sec-



1   retary of Defense shall submit to the congressional defense  
 2   committees the regulations the Secretary purposes to pre-  
 3   scribe under subsection (l) of section 403a of title 37,  
 4   United States Code (as added by subsection (a)), to ad-  
 5   minister basic allowances for housing pursuant to that sec-  
 6   tion.

7   **SEC. 605. REPEAL OF OBSOLETE AUTHORITY FOR COMBAT-**  
 8                   **RELATED INJURY REHABILITATION PAY.**

9           (a) REPEAL.—Section 328 of title 37, United States  
 10   Code, is repealed.

11          (b) CLERICAL AMENDMENT.—The table of sections  
 12   at the beginning of chapter 5 of such title is amended by  
 13   striking the item relating to section 328.

14   **Subtitle B—Bonuses and Special**  
 15                   **and Incentive Pays**

16   **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
 17                   **SPECIAL PAY AUTHORITIES FOR RESERVE**  
 18                   **FORCES.**

19          The following sections of title 37, United States  
 20   Code, are amended by striking “December 31, 2016” and  
 21   inserting “December 31, 2017”:

22           (1) Section 308b(g), relating to Selected Re-  
 23   serve reenlistment bonus.

24           (2) Section 308c(i), relating to Selected Reserve  
 25   affiliation or enlistment bonus.

1           (3) Section 308d(c), relating to special pay for  
2       enlisted members assigned to certain high-priority  
3       units.

4           (4) Section 308g(f)(2), relating to Ready Re-  
5       serve enlistment bonus for persons without prior  
6       service.

7           (5) Section 308h(e), relating to Ready Reserve  
8       enlistment and reenlistment bonus for persons with  
9       prior service.

10          (6) Section 308i(f), relating to Selected Reserve  
11       enlistment and reenlistment bonus for persons with  
12       prior service.

13          (7) Section 478a(e), relating to reimbursement  
14       of travel expenses for inactive-duty training outside  
15       of normal commuting distance.

16          (8) Section 910(g), relating to income replace-  
17       ment payments for reserve component members ex-  
18       periencing extended and frequent mobilization for  
19       active duty service.

20       **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
21                       **SPECIAL PAY AUTHORITIES FOR HEALTH**  
22                       **CARE PROFESSIONALS.**

23       (a) TITLE 10 AUTHORITIES.—The following sections  
24       of title 10, United States Code, are amended by striking

1 “December 31, 2016” and inserting “December 31,  
2 2017”:

3 (1) Section 2130a(a)(1), relating to nurse offi-  
4 cer candidate accession program.

5 (2) Section 16302(d), relating to repayment of  
6 education loans for certain health professionals who  
7 serve in the Selected Reserve.

8 (b) TITLE 37 AUTHORITIES.—The following sections  
9 of title 37, United States Code, are amended by striking  
10 “December 31, 2016” and inserting “December 31,  
11 2017”:

12 (1) Section 302c-1(f), relating to accession and  
13 retention bonuses for psychologists.

14 (2) Section 302d(a)(1), relating to accession  
15 bonus for registered nurses.

16 (3) Section 302e(a)(1), relating to incentive  
17 special pay for nurse anesthetists.

18 (4) Section 302g(e), relating to special pay for  
19 Selected Reserve health professionals in critically  
20 short wartime specialties.

21 (5) Section 302h(a)(1), relating to accession  
22 bonus for dental officers.

23 (6) Section 302j(a), relating to accession bonus  
24 for pharmacy officers.

1           (7) Section 302k(f), relating to accession bonus  
2           for medical officers in critically short wartime spe-  
3           cialties.

4           (8) Section 302l(g), relating to accession bonus  
5           for dental specialist officers in critically short war-  
6           time specialties.

7   **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
8                   **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
9                   **CERS.**

10          The following sections of title 37, United States  
11          Code, are amended by striking “December 31, 2016” and  
12          inserting “December 31, 2017”:

13           (1) Section 312(f), relating to special pay for  
14           nuclear-qualified officers extending period of active  
15           service.

16           (2) Section 312b(c), relating to nuclear career  
17           accession bonus.

18           (3) Section 312c(d), relating to nuclear career  
19           annual incentive bonus.

1 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
2 **ING TO TITLE 37 CONSOLIDATED SPECIAL**  
3 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**  
4 **TIES.**

5 The following sections of title 37, United States  
6 Code, are amended by striking “December 31, 2016” and  
7 inserting “December 31, 2017”:

8 (1) Section 331(h), relating to general bonus  
9 authority for enlisted members.

10 (2) Section 332(g), relating to general bonus  
11 authority for officers.

12 (3) Section 333(i), relating to special bonus and  
13 incentive pay authorities for nuclear officers.

14 (4) Section 334(i), relating to special aviation  
15 incentive pay and bonus authorities for officers.

16 (5) Section 335(k), relating to special bonus  
17 and incentive pay authorities for officers in health  
18 professions.

19 (6) Section 336(g), relating to contracting  
20 bonus for cadets and midshipmen enrolled in the  
21 Senior Reserve Officers’ Training Corps.

22 (7) Section 351(h), relating to hazardous duty  
23 pay.

24 (8) Section 352(g), relating to assignment pay  
25 or special duty pay.

1           (9) Section 353(i), relating to skill incentive  
2       pay or proficiency bonus.

3           (10) Section 355(h), relating to retention incen-  
4       tives for members qualified in critical military skills  
5       or assigned to high priority units.

6 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
7 **ING TO PAYMENT OF OTHER TITLE 37 BO-**  
8 **NUSES AND SPECIAL PAYS.**

9       The following sections of title 37, United States  
10   Code, are amended by striking “December 31, 2016” and  
11   inserting “December 31, 2017”:

12           (1) Section 301b(a), relating to aviation officer  
13       retention bonus.

14           (2) Section 307a(g), relating to assignment in-  
15       centive pay.

16           (3) Section 308(g), relating to reenlistment  
17       bonus for active members.

18           (4) Section 309(e), relating to enlistment  
19       bonus.

20           (5) Section 316a(g), relating to incentive pay  
21       for members of precommissioning programs pur-  
22       suing foreign language proficiency.

23           (6) Section 324(g), relating to accession bonus  
24       for new officers in critical skills.

1           (7) Section 326(g), relating to incentive bonus  
 2           for conversion to military occupational specialty to  
 3           ease personnel shortage.

4           (8) Section 327(h), relating to incentive bonus  
 5           for transfer between Armed Forces.

6           (9) Section 330(f), relating to accession bonus  
 7           for officer candidates.

8   **SEC. 616. CONFORMING AMENDMENT TO CONSOLIDATION**  
 9                   **OF SPECIAL PAY, INCENTIVE PAY, AND**  
 10                   **BONUS AUTHORITIES.**

11       Section 332(c)(1)(B) of title 37, United States Code,  
 12   is amended by striking “\$12,000” and inserting  
 13   “\$20,000”.

14                   **Subtitle C—Travel and**  
 15                   **Transportation Allowances**

16   **SEC. 621. MAXIMUM REIMBURSEMENT AMOUNT FOR TRAV-**  
 17                   **EL EXPENSES OF RESERVES TO ATTEND IN-**  
 18                   **ACTIVE DUTY TRAINING OUTSIDE OR NOR-**  
 19                   **MAL COMMUTING DISTANCES.**

20       Section 478a(c) of title 37, United States Code, is  
 21   amended—

22           (1) by striking “The amount” and inserting the  
 23       following:

24           “(1) IN GENERAL.—Except as provided in para-  
 25       graph (2), the amount”; and

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

3           “(2) HIGHER REIMBURSEMENT AMOUNT AU-  
4 THORIZED.—The Secretary concerned may author-  
5 ize, on a case-by-case basis, a higher reimbursement  
6 amount for a member under subsection (a) when the  
7 member—

8           “(A) resides—

9           “(i) in the same State as the inactive  
10 duty training location; and

11           “(ii) outside of an urbanized area with  
12 a population of 50,000 or more, as deter-  
13 mined by the Bureau of the Census; and

14           “(B) is required to commute to the inac-  
15 tive duty training location—

16           “(i) using an aircraft or boat on ac-  
17 count of limited or nonexistent vehicular  
18 routes to the training location or other  
19 geographical challenges; or

20           “(ii) from a permanent residence lo-  
21 cated more than 75 miles from the train-  
22 ing location.”.



1 **SEC. 622. PERIOD FOR RELOCATION OF SPOUSES AND DE-**  
2 **PENDENTS OF CERTAIN MEMBERS OF THE**  
3 **ARMED FORCES UNDERGOING A PERMANENT**  
4 **CHANGE OF STATION.**

5 (a) PERIOD OF RELOCATION.—

6 (1) IN GENERAL.—Subchapter I of chapter 88  
7 of title 10, United States Code, is amended by in-  
8 serting after section 1784a the following new sec-  
9 tion:

10 **“§ 1784b. Relocation of spouses and dependents in**  
11 **connection with the permanent change of**  
12 **station of certain members**

13 “(a) ELECTION OF TIMING OF RELOCATION OF  
14 SPOUSES IN CONNECTION WITH PCS.—

15 “(1) IN GENERAL.—Subject to paragraph (2)  
16 and subsection (c), a member of the armed forces  
17 undergoing a permanent change of station and the  
18 member’s spouse may jointly elect that the spouse  
19 may relocate to the location to which the member  
20 will relocate in connection with the permanent  
21 change of station at such time during the covered  
22 relocation period as the member and spouse jointly  
23 select.

24 “(2) MEMBERS AND SPOUSES ELIGIBLE TO  
25 MAKE ELECTIONS.—A member and spouse may

1       make an election pursuant to paragraph (1) as fol-  
2       lows:

3               “(A) If the spouse either—

4                       “(i) is gainfully employed at the be-  
5                       ginning of the covered relocation period  
6                       concerned; or

7                       “(ii) is enrolled in a degree, certifi-  
8                       cate, or license granting program at the  
9                       beginning of the covered relocation period.

10              “(B) If the member and spouse have one  
11              or more dependents at the beginning of the cov-  
12              ered relocation period concerned, either—

13                       “(i) at least one dependent is a child  
14                       in elementary or secondary school at the  
15                       beginning of the covered relocation period;

16                       “(ii) the spouse or at least one such  
17                       dependent are covered by the Exceptional  
18                       Family Member Program at the beginning  
19                       of the covered relocation period; or

20                       “(iii) the member and spouse are car-  
21                       ing at the beginning of the covered reloca-  
22                       tion period for an immediate family mem-  
23                       ber with a chronic or long-term illness, as  
24                       determined pursuant to the regulations ap-

1           plicable to the member's armed force pur-  
2           suant to subsection (g).

3           “(C) If the member is undergoing a per-  
4           manent change of station as an individual  
5           augmentee or other deployment arrangement  
6           specified in the regulations applicable to the  
7           member's armed force pursuant to subsection  
8           (h).

9           “(D) If the member, spouse, or both, meet  
10          such other qualification or qualifications as are  
11          specified in the regulations applicable to the  
12          member's armed force pursuant to subsection  
13          (g).

14          “(E) In the case of a member and spouse  
15          who do not otherwise meet any qualification in  
16          subparagraphs (A) through (D), if the com-  
17          mander of the member at the beginning of the  
18          covered relocation period determines that eligi-  
19          bility to make the election is in the interests of  
20          the member and spouse for family stability dur-  
21          ing the covered relocation period and in the in-  
22          terests of the armed force concerned. Any such  
23          determination shall be made on a case-by-case  
24          basis.

1       “(b) ELECTION OF TIMING OF RELOCATION OF CER-  
2 TAIN DEPENDENTS OF UNMARRIED MEMBERS IN CON-  
3 NECTION WITH PCS.—

4           “(1) IN GENERAL.—Subject to subsection (c), a  
5 member of the armed forces undergoing a perma-  
6 nent change of station who has one or more depend-  
7 ents described in paragraph (2) and is no longer  
8 married to the individual who is or was the parent  
9 (including parent by adoption) of such dependents at  
10 the beginning of the covered period of relocation  
11 may elect that such dependents may relocate to the  
12 location to which the member will relocate in connec-  
13 tion with the permanent change of station at such  
14 time during the covered relocation period as elected  
15 as follows:

16           “(A) By the member alone if such indi-  
17 vidual is dead or has no custodial rights in such  
18 dependents at the beginning of such period.

19           “(B) By the member and such individual  
20 jointly in all other circumstances.

21       “(2) DEPENDENTS.—The dependents described  
22 in this paragraph are as follows:

23           “(A) Dependents over the age of 19 years  
24 for whom the member has power of attorney re-  
25 garding residence.

1           “(B) Dependents under the age of 20  
2           years who will reside with a caregiver according  
3           to the Family Care Plan of the member during  
4           the covered period of relocation until relocated  
5           pursuant to an election under this subsection.

6           “(c) LIMITATION ON NUMBER OF ELECTIONS.—The  
7           aggregate number of elections made by a member under  
8           subsections (a) and (b) may not exceed three elections.

9           “(d) HOUSING.—(1)(A) If the spouse of a member  
10          relocates before the member in accordance with an election  
11          pursuant to subsection (a), the member shall be assigned  
12          to quarters or other housing facilities of the United States  
13          as a bachelor, if such quarters are available, until the date  
14          of the member’s permanent change of station.

15          “(B) The quarters or housing facilities to which a  
16          member is assigned pursuant to subparagraph (A) shall,  
17          to the extent practicable, be quarters or housing facilities  
18          that do not impose or collect a lease fee on the member  
19          for occupancy.

20          “(C) If quarters or housing facilities that do not im-  
21          pose or collect a lease fee for occupancy are not available  
22          for a particular member, the quarters or housing facilities  
23          to which the member is assigned shall be quarters or hous-  
24          ing facilities that impose or collect the lowest reasonable  
25          lease fee for occupancy that can be obtained for the mem-

1 ber by the Secretary concerned for purposes of this sub-  
2 paragraph.

3 “(2) If a spouse and any dependents of a member  
4 covered by an election under this section reside in housing  
5 of the United States at the beginning of the covered period  
6 of relocation, the spouse and dependents may continue to  
7 reside in such housing throughout the covered period of  
8 relocation, regardless of the date of the member’s perma-  
9 nent change of station.

10 “(3) If a spouse and any dependents of a member  
11 covered by an election under this section are eligible to  
12 reside in housing of the United States following the mem-  
13 ber’s permanent change of station, the spouse and depend-  
14 ents may commence residing in such housing at any time  
15 during the covered relocation period, regardless of the date  
16 of the member’s permanent change of station.

17 “(e) TRANSPORTATION OF PROPERTY.—(1) Trans-  
18 portation allowances authorized for the transportation of  
19 the personal property of a member and spouse making an  
20 election under subsection (a) may be allocated either to  
21 the relocation of the member or the relocation of the fam-  
22 ily, as the member and spouse shall elect.

23 “(2) In this subsection, the terms ‘transportation al-  
24 lowances’ and ‘personal property’ have the meaning given  
25 such terms in section 451(b) of title 37.

1       “(f) APPROVAL.—(1) The Secretary of Defense shall  
2 establish a single approval process for applications for cov-  
3 erage under this section. The process shall apply uniformly  
4 among the armed forces.

5       “(2) Applications for approval for coverage under this  
6 section shall consist of such elements (including documen-  
7 tary evidence) as the Secretary shall prescribe for pur-  
8 poses of the approval process required by this subsection.

9       “(3) The approval process required by this subsection  
10 shall ensure that the processing of applications for cov-  
11 erage under this section is completed in a timely manner  
12 that permits a spouse and any dependents to relocate  
13 whenever during the covered relocation period selected in  
14 the election concerned. In meeting that requirement, the  
15 approval process shall provide for the processing of appli-  
16 cations at the lowest level in the chain of command of  
17 members as it appropriate to ensure proper administration  
18 of this section.

19       “(g) REGULATIONS.—Each Secretary concerned shall  
20 prescribe regulations for the administration of this section  
21 with respect to the armed force or forces under the juris-  
22 diction of such Secretary.

23       “(h) COVERED RELOCATION PERIOD DEFINED.—In  
24 this section, the term ‘covered relocation period’, in con-

1 nection with the permanent change of station of a mem-  
 2 ber, means the period that—

3 “(1) begins 180 days before the date of the per-  
 4 manent change of station; and

5 “(2) ends 180 days after the date of the perma-  
 6 nent change of station.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-  
 8 tions at the beginning of subchapter I of chapter 88  
 9 of such title is amended by inserting after the item  
 10 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.”.

11 (3) EFFECTIVE DATE.—The amendments made  
 12 by this subsection shall take effect on the date of the  
 13 enactment of this Act and shall apply with respect  
 14 to permanent changes of station of members of the  
 15 Armed Forces that occur on or after the date that  
 16 is 180 days after such effective date.

17 (b) COMPTROLLER GENERAL OF THE UNITED  
 18 STATES REPORT.—

19 (1) REPORT REQUIRED.—Not later than one  
 20 year after the date of the enactment of this Act, the  
 21 Comptroller General of the United States shall sub-  
 22 mit to Congress a report on potential actions of the  
 23 Department of Defense to enhance the stability of



1 military families undergoing a permanent change of  
2 station.

3 (2) ELEMENTS.—The report required by para-  
4 graph (1) shall include the following:

5 (A) A comparison of the current percent-  
6 age of spouses in military families who work  
7 with the percentage of spouses in military fami-  
8 lies who worked in the recent past, and an as-  
9 sessment of the impact of the change in such  
10 percentage on military families.

11 (B) An assessment of the effects of reloca-  
12 tion of military families undergoing a perma-  
13 nent change of station on the employment, edu-  
14 cation, and licensure of spouses of military fam-  
15 ilies.

16 (C) An assessment of the effects of reloca-  
17 tion of military families undergoing a perma-  
18 nent change of station on military children, in-  
19 cluding effect on their mental health.

20 (D) An identification of potential actions  
21 of the Department to enhance the stability of  
22 military families undergoing a permanent  
23 change of station and to generate cost savings  
24 in connection with such changes of station.

1                   (E) Such other matters as the Comptroller  
2                   General considers appropriate.

3                   (3) ADDITIONAL ELEMENT ON FUNDING OF  
4                   MILITARY FAMILY SUPPORT PROGRAMS.—In addition  
5                   to the elements specified in paragraph (2), the re-  
6                   port required by paragraph (1) shall also include a  
7                   comparison of—

8                   (A) the average annual amount spent by  
9                   each Armed Force over the five-year period  
10                  ending on December 31, 2015, on recruiting  
11                  and retention bonuses and special pays for  
12                  members of such Armed Force; with

13                  (B) the average annual amount spent by  
14                  such Armed Force over such period on pro-  
15                  grams for military families and support of mili-  
16                  tary families.

1 **Subtitle D—Disability Pay, Retired**  
 2 **Pay, and Survivor Benefits**

3 **PART I—AMENDMENTS IN CONNECTION WITH**  
 4 **RETIRED PAY REFORM**

5 **SEC. 631. ELECTION PERIOD FOR MEMBERS IN THE SERV-**  
 6 **ICE ACADEMIES AND INACTIVE RESERVES TO**  
 7 **PARTICIPATE IN THE MODERNIZED RETIRE-**  
 8 **MENT SYSTEM.**

9 (a) IN GENERAL.—Paragraph (4)(C) of section  
 10 1409(b) of title 10, United States Code, is amended—

11 (1) in clause (i), by striking “and (iii)” and in-  
 12 serting “, (iii), (iv) and (v)”; and

13 (2) by adding at the end the following new  
 14 clauses:

15 “(iv) CADETS AND MIDSHIPMEN,  
 16 ETC.—A member of a uniformed service  
 17 who serves as a cadet, midshipman, or  
 18 member of the Senior Reserve Officers’  
 19 Training Corps during the election period  
 20 specified in clause (i) shall make the elec-  
 21 tion described in subparagraph (B)—

22 “(I) on or after the date on  
 23 which such cadet, midshipman, or  
 24 member of the Senior Reserve Offi-  
 25 cers’ Training Corps is appointed as a

1 commissioned officer or otherwise be-  
 2 gins to receive basic pay; and

3 “(II) not later than 30 days after  
 4 such date or the end of such election  
 5 period, whichever is later.

6 “(v) INACTIVE RESERVES.—A member  
 7 of a reserve component who is not in an  
 8 active status during the election period  
 9 specified in clause (i) shall make the elec-  
 10 tion described in subparagraph (B)—

11 “(I) on or after the date on  
 12 which such member is transferred  
 13 from an inactive status to an active  
 14 status or active duty; and

15 “(II) not later than 30 days after  
 16 such date or the end of such election  
 17 period, whichever is later.”.

18 (b) EFFECTIVE DATE.—The amendments made by  
 19 subsection (a) shall take effect on January 1, 2018, imme-  
 20 diately after the coming into effect of the amendments  
 21 made by section 631(a) of the National Defense Author-  
 22 ization Act for Fiscal Year 2016 (Public Law 114–92; 129  
 23 Stat. 842), to which the amendments made by subsection  
 24 (a) relate.

1 **SEC. 632. EFFECT OF SEPARATION OF MEMBERS FROM THE**  
 2 **UNIFORMED SERVICES ON PARTICIPATION**  
 3 **IN THE THRIFT SAVINGS PLAN.**

4 Effective as of the date of the enactment of this Act,  
 5 paragraph (2) of section 632(c) of the National Defense  
 6 Authorization Act for Fiscal Year 2016 (Public Law 114–  
 7 92; 129 Stat. 847) is repealed, and the amendment pro-  
 8 posed to be made by that paragraph shall not be made  
 9 or go into effect.

10 **SEC. 633. CONTINUATION PAY FOR MEMBERS WHO HAVE**  
 11 **COMPLETED 8 TO 12 YEARS OF SERVICE.**

12 (a) CONTINUATION PAY.—Section 356 of title 37,  
 13 United States Code, is amended—

14 (1) in subsection (a)—

15 (A) by striking paragraph (1) and insert-  
 16 ing the following new paragraph (1):

17 “(1) has completed not less than 8 and not  
 18 more than 12 years of service in a uniformed serv-  
 19 ice; and”; and

20 (B) in paragraph (2), by striking “an addi-  
 21 tional 4 years” and inserting “not less than 3  
 22 additional years”; and

23 (2) by striking subsection (d) and inserting the  
 24 following new subsection (d):

25 “(d) TIMING OF PAYMENT.—Continuation pay may  
 26 be paid to a full TSP member under subsection (a) at

1 any time after the member completes 8 years of service  
 2 in a uniformed service, but before the member completes  
 3 12 years of service, as the Secretary concerned shall elect  
 4 for purposes of this section.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) HEADING AMENDMENT.—The heading for  
 7 such section is amended to read as follows:

8 **“§ 356. Continuation pay: full TSP members with not**  
 9 **less than 8 and more than 12 years of**  
 10 **service”.**

11 (2) TABLE OF SECTIONS AMENDMENT.—The  
 12 table of sections at the beginning of chapter 5 of  
 13 such title is amended by striking the item relating  
 14 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.”.

15 (c) EFFECTIVE DATE.—The amendments made by  
 16 this section shall take effect on January 1, 2018, imme-  
 17 diately after the coming into effect of the amendments  
 18 made by section 634 of the National Defense Authoriza-  
 19 tion Act for Fiscal Year 2016 (Public Law 114–92; 129  
 20 Stat. 850), to which the amendments made by this section  
 21 relate.

1 **SEC. 634. COMBAT-RELATED SPECIAL COMPENSATION CO-**  
 2 **ORDINATING AMENDMENT.**

3 (a) IN GENERAL.—Section 1413a(b)(3)(B) of title  
 4 10, United States Code, is amended by striking “2½ per-  
 5 cent” and inserting “the retired pay percentage (deter-  
 6 mined for the member under section 1409(b) of this  
 7 title)”.

8 (b) EFFECTIVE DATE.—The amendment made by  
 9 subsection (a) shall take effect on January 1, 2018, imme-  
 10 diately after the coming into effect of the amendments  
 11 made by part I of subtitle D of title VI of the National  
 12 Defense Authorization Act for Fiscal Year 2016 (Public  
 13 Law 114–92; 129 Stat. 842), to which the amendment  
 14 made by subsection (a) relates.

15 **SEC. 635. SENSE OF CONGRESS ON ROTH CONTRIBUTIONS**  
 16 **AS DEFAULT CONTRIBUTIONS OF MEMBERS**  
 17 **OF THE ARMED FORCES PARTICIPATING IN**  
 18 **THE THRIFT SAVINGS PLAN UNDER RETIRED**  
 19 **PAY REFORM.**

20 It is the sense of Congress that—

21 (1) having the contribution of a member of the  
 22 Armed Forces participating in the Thrift Savings  
 23 Plan (TSP) under military retired pay reform (as  
 24 enacted pursuant to part I of subtitle C of title of  
 25 the National Defense Authorization Act for Fiscal  
 26 Year 2016 (Public Law 114–92)) default to Roth

1 contributions until the member elects not to des-  
 2 ignate such contributions as Roth contributions  
 3 would aid enlisted and junior commissioned members  
 4 of the Armed Forces in saving for their retirement;  
 5 and

6 (2) the Department of Defense should assess  
 7 the feasibility and advisability of making the con-  
 8 tributions of members participating in the Thrift  
 9 Savings Plan under military retired pay reform de-  
 10 fault to Roth contributions until members elect oth-  
 11 erwise.

## 12 **PART II—OTHER MATTERS**

### 13 **SEC. 641. EXTENSION OF ALLOWANCE COVERING MONTHLY** 14 **PREMIUM FOR SERVICEMEMBERS' GROUP** 15 **LIFE INSURANCE WHILE IN CERTAIN OVER-** 16 **SEAS AREAS TO COVER MEMBERS IN ANY** 17 **COMBAT ZONE OR OVERSEAS DIRECT SUP-** 18 **PORT AREA.**

19 (a) EXPANSION OF COVERAGE.—Subsection (a) of  
 20 section 437 of title 37, United States Code, is amended—

21 (1) by inserting “(1)” before “In the case of”;

22 (2) by striking “who serves in the theater of op-  
 23 erations for Operation Enduring Freedom or Oper-  
 24 ation Iraqi Freedom” and inserting “who serves in  
 25 a designated duty assignment”; and



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

3           “(2) In this subsection, the term ‘designated duty as-  
4 signment’ means a permanent or temporary duty assign-  
5 ment outside the United States or its possessions in sup-  
6 port of a contingency operation in an area that—

7           “(A) has been designated a combat zone; or

8           “(B) is in direct support of an area that has  
9 been designated a combat zone.”.

10       (b) CONFORMING AMENDMENTS.—

11           (1) CROSS-REFERENCE.—Subsection (b) of  
12 such section is amended by striking “theater of op-  
13 erations” and inserting “designated duty assign-  
14 ment”.

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

17 **“§ 437. Allowance to cover monthly premiums for**  
18 **Servicemembers’ Group Life Insurance:**  
19 **members serving in a designated duty as-**  
20 **signment”.**

21           (3) TABLE OF SECTIONS.—The item relating to  
22 section 437 in the table of sections at the beginning  
23 of chapter 7 of such title is amended to read as fol-  
24 lows:

“437. Allowance to cover monthly premium for Servicemembers’ Group Life In-  
surance: members serving in a designated duty assignment.”.

1       (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply to service by members of the  
 3 Armed Forces in a designated duty assignment (as defined  
 4 in subsection (a)(2) of section 437 of title 37, United  
 5 States Code) for any month beginning on or after the date  
 6 of the enactment of this Act.

7       **SEC. 642. USE OF MEMBER’S CURRENT PAY GRADE AND**  
 8                               **YEARS OF SERVICE, RATHER THAN FINAL RE-**  
 9                               **TIREMENT PAY GRADE AND YEARS OF SERV-**  
 10                              **ICE, IN A DIVISION OF PROPERTY INVOLVING**  
 11                              **DISPOSABLE RETIRED PAY.**

12       (a) IN GENERAL.—Section 1408(a)(4) of title 10,  
 13 United States Code, is amended—

14               (1) by redesignating subparagraphs (A), (B),  
 15               (C), (D) as clauses (i), (ii), (iii), (iv), respectively;

16               (2) by inserting “(A)” after “(4)”;

17               (3) in subparagraph (A), as designated by para-  
 18               graph (2), by inserting “(as determined pursuant to  
 19               subparagraph (B))” after “member is entitled”; and

20               (4) by adding at the end the following new sub-  
 21               paragraph: the following:

22               “(B) In calculating the total monthly retired  
 23               pay to which a member is entitled for purposes of  
 24               subparagraph (A), the following shall be used:

1           “(i) The member’s pay grade and years of  
2           service at the time of the court order.

3           “(ii) The amount of pay that is payable at  
4           the time of the member’s retirement to a mem-  
5           ber in the member’s pay grade and years of  
6           service as fixed pursuant to clause (i).”.

7           (b) APPLICATION OF AMENDMENTS.—The amend-  
8           ments made by subsection (a) shall apply with respect to  
9           any division of property as part of a final decree of di-  
10          vorce, dissolution, annulment, or legal separation involving  
11          a member of the Armed Forces to which section 1408 of  
12          title 10, United States Code, applies that becomes final  
13          after the date of the enactment of this Act.

14   **SEC. 643. PERMANENT EXTENSION OF PAYMENT OF SPE-**  
15                   **CIAL SURVIVOR INDEMNITY ALLOWANCES**  
16                   **UNDER THE SURVIVOR BENEFIT PLAN.**

17          Section 1450(m) of title 10, United States Code, is  
18          amended—

19               (1) in paragraph (2)(I), by striking “during fis-  
20          cal year 2017” and inserting “after fiscal year  
21          2016”; and

22               (2) by striking paragraph (6).

1 **SEC. 644. AUTHORITY TO DEDUCT SURVIVOR BENEFIT**  
2 **PLAN PREMIUMS FROM COMBAT-RELATED**  
3 **SPECIAL COMPENSATION WHEN RETIRED**  
4 **PAY NOT SUFFICIENT.**

5 (a) **AUTHORITY.**—Subsection (d) of section 1452 of  
6 title 10, United States Code, is amended—

7 (1) by redesignating paragraph (2) as para-  
8 graph (3); and

9 (2) by inserting after paragraph (1) the fol-  
10 lowing new paragraph (2):

11 “(2) **DEDUCTION FROM COMBAT-RELATED SPE-**  
12 **CIAL COMPENSATION WHEN RETIRED PAY NOT ADE-**  
13 **QUATE.**—In the case of a person who has elected to  
14 participate in the Plan and who has been awarded  
15 both retired pay and combat-related special com-  
16 pensation under section 1413a of this title, if a de-  
17 duction from the person’s retired pay for any period  
18 cannot be made in the full amount required, there  
19 shall be deducted from the person’s combat-related  
20 special compensation in lieu of deduction from the  
21 person’s retired pay the amount that would other-  
22 wise have been deducted from the person’s retired  
23 pay for that period.”.

24 (b) **CONFORMING AMENDMENTS TO SECTION**  
25 **1452.**—

1           (1) Subsection (d) of such section is further  
2 amended—

3           (A) in the subsection heading, by inserting  
4 “OR NOT SUFFICIENT” after “NOT PAID”;

5           (B) in paragraph (1), by inserting before  
6 the period at the end the following: “, except to  
7 the extent that the required deduction is made  
8 pursuant to paragraph (2)”; and

9           (C) in paragraph (3), as redesignated by  
10 subsection (a)(1), by striking “Paragraph (1)  
11 does not” and inserting “Paragraphs (1) and  
12 (2) do not”.

13          (2) Subsection (f)(1) of such section is amended  
14 by inserting “or combat-related special compensa-  
15 tion” after “from retired pay”.

16          (3) Subsection (g)(4) of such section is amend-  
17 ed—

18           (A) in the paragraph heading, by inserting  
19 “OR CRSC” after “RETIRED PAY”; and

20           (B) by inserting “or combat-related special  
21 compensation” after “from the retired pay”.

22          (c) CONFORMING AMENDMENTS TO OTHER PROVI-  
23 SIONS OF SBP STATUTE.—

24          (1) Section 1449(b)(2) of such title 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 retired pay”.

5 (2) Section 1450(e) of such title is amended—

6 (A) in the subsection heading, by inserting  
 7 “OR CRSC” after “RETIRED PAY”; and

8 (B) in paragraph (1), by inserting “or  
 9 combat-related special compensation” after  
 10 “from the retired pay”.

11 **SEC. 645. SENSE OF CONGRESS ON OPTIONS FOR MEMBERS**  
 12 **OF THE ARMED FORCES TO DESIGNATE PAY-**  
 13 **MENT OF THE DEATH GRATUITY TO A TRUST**  
 14 **FOR A SPECIAL NEEDS INDIVIDUAL.**

15 It is the sense of Congress that the Department of  
 16 Defense should explore options to allow members of the  
 17 Armed Forces to designate that, upon their death, the  
 18 death gratuity payable with respect to members of the  
 19 Armed Forces upon death may be paid to a trust that  
 20 is legally established under any Federal, State, or terri-  
 21 torial law in order to provide greater financial and estate  
 22 planning capability for members seeking to provide for  
 23 those who require the protections of a trust, such as minor  
 24 children or incapacitated adults, or those with special  
 25 needs.

1 **SEC. 646. INDEPENDENT ASSESSMENT OF THE SURVIVOR**  
2 **BENEFIT PLAN.**

3 (a) ASSESSMENT REQUIRED.—The Secretary of De-  
4 fense shall provide for an independent assessment of the  
5 Survivor Benefit Plan (SBP) under subchapter II of chap-  
6 ter 73 of title 10, United States Code, by a Federally-  
7 funded research and development center (FFRDC).

8 (b) ASSESSMENT ELEMENTS.—The assessment con-  
9 ducted pursuant to subsection (a) shall include, but not  
10 be limited to, the following:

11 (1) The purposes of the Survivor Benefit Plan,  
12 the manner in which the Plan interacts with other  
13 Federal programs to provide financial stability and  
14 resources for survivors of members of the Armed  
15 Forces and military retirees, and a comparison be-  
16 tween the benefits available under the Plan, on the  
17 one hand, and benefits available to Government and  
18 private sector employees, on the other hand, in-  
19 tended to provide financial stability and resources  
20 for spouses and other dependents when a primary  
21 family earner dies.

22 (2) The effectiveness of the Survivor Benefit  
23 Plan in providing survivors with intended benefits,  
24 including the provision of survivor benefits for sur-  
25 vivors of members of the Armed Forces dying on ac-

1       tive duty and members dying while in reserve active-  
2       status.

3           (3) The feasibility and advisability of providing  
4       survivor benefits through alternative insurance prod-  
5       ucts available commercially for similar purposes, the  
6       extent to which the Government could subsidize such  
7       products at no cost in excess of the costs of the Sur-  
8       vivor Benefit Plan, and the extent to which such  
9       products might meet the needs of survivors, espe-  
10      cially those on fixed incomes, to maintain financial  
11      stability.

12      (c) REPORT.—Not later than one year after the date  
13      of the enactment of this Act, the Secretary shall submit  
14      to the Committees on Armed Services of the Senate and  
15      House of Representatives a report setting forth the results  
16      of the assessment conducted pursuant to subsection (a),  
17      together with such recommendations as the Secretary con-  
18      siders appropriate for legislative or administration action  
19      in light of the results of the assessment.



1 **Subtitle E—Commissary and Non-**  
2 **Appropriated Fund Instrumen-**  
3 **talities Benefits and Operations**

4 **SEC. 661. PROTECTION AND ENHANCEMENT OF ACCESS TO**  
5 **AND SAVINGS AT COMMISSARIES AND EX-**  
6 **CHANGES.**

7 (a) OPTIMIZATION STRATEGY.—Section 2481(c) of  
8 title 10, United States Code, is amended by adding at the  
9 end the following paragraph:

10 “(3)(A) The Secretary of Defense shall develop and  
11 implement a comprehensive strategy to optimize manage-  
12 ment practices across the defense commissary system and  
13 the exchange system that reduce reliance of those systems  
14 on appropriated funding without reducing benefits to the  
15 patrons of those systems or the revenue generated by non-  
16 appropriated fund entities or instrumentalities of the De-  
17 partment of Defense for the morale, welfare, and recre-  
18 ation of members of the armed forces.

19 “(B) The Secretary shall ensure that savings gen-  
20 erated due to such optimization practices are shared by  
21 the defense commissary system and the exchange system  
22 through contracts or agreements that appropriately reflect  
23 the participation of the systems in the development and  
24 implementation of such practices.”.

1       (b) AUTHORITY TO SUPPLEMENT APPROPRIATIONS  
2 THROUGH BUSINESS OPTIMIZATION.—Section 2483(c) of  
3 such title is amended by adding at the end the following  
4 new sentence: “Such appropriated amounts may also be  
5 supplemented with additional funds derived from improved  
6 management practices implemented pursuant to sections  
7 2481(c)(3) and 2487(c) of this title and the alternative  
8 pricing program implemented pursuant to section 2484(i)  
9 of this title.”.

10       (c) ALTERNATIVE PRICING PROGRAM.—Section 2484  
11 of such title is amended by adding at the end the following  
12 new subsections:

13       “(i) ALTERNATIVE PRICING PROGRAM.—(1) The  
14 Secretary of Defense may establish and carry out, in ac-  
15 cordance with the requirements of this subsection, an al-  
16 ternative pricing program pursuant to which prices may  
17 be established in response to market conditions and cus-  
18 tomer demand. Prices under the alternative pricing pro-  
19 gram shall reflect the uniform sales price surcharge appli-  
20 cable under subsection (d)

21       “(2) Before establishing an alternative pricing pro-  
22 gram under this subsection, the Secretary shall establish  
23 the following:

24               “(A) Specific, measurable benchmarks for suc-  
25 cess in the provision of high quality grocery mer-

1       chandise, discount savings to patrons, and levels of  
2       customer satisfaction while achieving savings for the  
3       Department of Defense.

4           “(B) A baseline of overall savings to patrons  
5       achieved by commissary stores before the initiation  
6       of the alternative pricing program, based on a com-  
7       parison of prices charged by those stores on a re-  
8       gional basis with prices charged by relevant local  
9       competitors for a representative market basket of  
10      goods. In determining the savings baseline, the Sec-  
11     retary shall take into account the effect of the sur-  
12     charges added under the pricing program by reason  
13     of subsection (d).

14      “(3) The Secretary shall ensure that the defense com-  
15     missary system implements the alternative pricing pro-  
16     gram by conducting price comparisons using the method-  
17     ology established for paragraph (2)(B) and adjusting pric-  
18     ing as necessary to ensure that pricing in the alternative  
19     pricing program achieves overall savings to patrons that  
20     are reasonably consistent with the baseline savings estab-  
21     lished for the relevant region pursuant to such paragraph.

22      “(j) CONVERSION TO NONAPPROPRIATED FUND EN-  
23     TITY OR INSTRUMENTALITY.—(1) If the Secretary of De-  
24     fense determines that the alternative pricing program  
25     under subsection (i) has met the benchmarks for success

1 established pursuant to subsection (i)(2)(A) and the sav-  
2 ings requirements established pursuant to subsection  
3 (i)(3) over a period of at least six months, the Secretary  
4 may convert the defense commissary system to a non-  
5 appropriated fund entity or instrumentality, with oper-  
6 ating expenses financed in whole or in part by receipts  
7 from the sale of products and the sale of services. Upon  
8 such conversion, appropriated funds shall be transferred  
9 to the defense commissary system only in accordance with  
10 paragraph (2) or section 2491 of this title. The require-  
11 ments of section 2483 of this title shall not apply to the  
12 defense commissary system operating as a non-  
13 appropriated fund entity or instrumentality.

14 “(2) If the Secretary determines that the defense  
15 commissary system operating as a nonappropriated fund  
16 entity or instrumentality is not likely, in any fiscal year,  
17 to afford the level of patron savings required in subsection  
18 (i)(3), the Secretary may authorize a transfer of appro-  
19 priated funds available for such purpose to the com-  
20 missary system in an amount sufficient to offset the an-  
21 ticipated loss. Any funds so transferred shall be considered  
22 to be nonappropriated funds for such purpose.

23 “(3) The Secretary may identify positions of employ-  
24 ees in the defense commissary system who are paid with  
25 appropriated funds whose status may be converted to the

1 status of an employee of a nonappropriated fund entity  
 2 or instrumentality. The status and conversion of such em-  
 3 ployees shall be addressed as provided in section 2491(c)  
 4 of this title for employees in morale, welfare, and recre-  
 5 ation programs. No individual who is an employee of the  
 6 defense commissary system as of the date of the enact-  
 7 ment of this subsection shall suffer any loss of or decrease  
 8 in pay as a result of the conversion.”.

9 (d) ESTABLISHMENT OF COMMON BUSINESS PRAC-  
 10 TICES.—Section 2487 of such title is amended—

11 (1) by redesignating subsection (c) as sub-  
 12 section (d); and

13 (2) by inserting after subsection (b) the fol-  
 14 lowing new subsection (c):

15 “(c) COMMON BUSINESS PRACTICES.—(1) Notwith-  
 16 standing subsections (a) and (b), the Secretary of Defense  
 17 may establish common business processes, practices, and  
 18 systems—

19 “(A) to exploit synergies between the operations  
 20 of the defense commissary system and the exchange  
 21 system; and

22 “(B) to optimize the operations of the defense  
 23 retail systems as a whole and the benefits provided  
 24 by the commissaries and exchanges.

1       “(2) The Secretary may authorize the defense com-  
2       missary system and the exchange system to enter into con-  
3       tracts or other agreements for the following:

4               “(A) Products and services that are shared by  
5       the defense commissary system and the exchange  
6       system.

7               “(B) The acquisition of supplies, resale goods,  
8       and services on behalf of both the defense com-  
9       missary system and the exchange system.

10       “(3) For the purpose of a contract or agreement au-  
11       thorized under paragraph (2), the Secretary may—

12               “(A) use funds appropriated pursuant to sec-  
13       tion 2483 of this title to reimburse a non-  
14       appropriated fund entity or instrumentality for the  
15       portion of the cost of a contract or agreement en-  
16       tered by the nonappropriated fund entity or instru-  
17       mentality that is attributable to the defense com-  
18       missary system; and

19               “(B) authorize the defense commissary system  
20       to accept reimbursement from a nonappropriated  
21       fund entity or instrumentality for the portion of the  
22       cost of a contract or agreement entered by the de-  
23       fense commissary system that is attributable to the  
24       nonappropriated fund entity or instrumentality.”.

1       (e) CLARIFICATION OF REFERENCES TO “THE EX-  
 2 CHANGE SYSTEM”.—Section 2481(a) of such title is  
 3 amended by adding at the end the following new sentence:  
 4 “Any reference in this chapter to ‘the exchange system’  
 5 shall be treated as referring to each separate administra-  
 6 tive entity within the Department of Defense through  
 7 which the Secretary has implemented the requirement  
 8 under this subsection for a world-wide system of exchange  
 9 stores.”.

10       (f) OPERATION OF DEFENSE COMMISSARY SYSTEM  
 11 AS A NONAPPROPRIATED FUND ENTITY.—In the event  
 12 that the defense commissary system is converted to a non-  
 13 appropriated fund entity or instrumentality as authorized  
 14 by section 2484(j)(1) of title 10, United States Code, as  
 15 added by subsection (c) of this section, the Secretary of  
 16 Defense may—

17           (1) provide for the transfer of commissary as-  
 18 sets, including inventory and available funds, to the  
 19 nonappropriated fund entity or instrumentality; and  
 20           (2) ensure that revenues accruing to the de-  
 21 fense commissary system are appropriately credited  
 22 to the nonappropriated fund entity or instrumen-  
 23 tality.

24       (g) CONFORMING AMENDMENT.—Section 2643(b) of  
 25 title 10, United States Code, is amended by adding at the

1 end the following new sentence: “Such appropriated funds  
2 may be supplemented with additional funds derived from  
3 improved management practices implemented pursuant to  
4 sections 2481(c)(3) and 2487(c) of this title.”.

5 **SEC. 662. PILOT PROGRAM ON PRIVATIZATION OF THE DE-**  
6 **FENSE COMMISSARY SYSTEM.**

7 (a) PILOT PROGRAM REQUIRED.—Commencing not  
8 later than 180 days after the date of the enactment of  
9 this Act, the Secretary of Defense shall conduct a pilot  
10 program to assess the feasibility and advisability of the  
11 privatization of the Defense Commissary System. The Sec-  
12 retary may carry out the pilot program without regard to  
13 any requirement or limitation otherwise applicable to com-  
14 missaries of the Defense Commissary System under chap-  
15 ter 147 of title 10, United States Code.

16 (b) DURATION.—The pilot program conducted under  
17 subsection (a) shall be for such period, not less than two  
18 years, as the Secretary considers appropriate for purposes  
19 of the pilot program.

20 (c) ELEMENTS.—

21 (1) PARTICIPATING COMMISSARIES.—The pilot  
22 program conducted under subsection (a) shall be  
23 carried out at not more than five commissaries of  
24 the Defense Commissary System selected by the Sec-  
25 retary for participation in the pilot program.



1           (2) ELEMENTS.—The pilot program shall in-  
2       clude such elements as the Secretary considers ap-  
3       propriate to assess the feasibility and advisability of  
4       the privatization of the Defense Commissary System.

5           (3) ONLINE COMPONENT.—The pilot program  
6       may include a component, in catchment areas of the  
7       commissaries selected for purposes of this para-  
8       graph, in which eligible beneficiaries may order and  
9       purchase goods and products through the Internet  
10      and receive those items through home delivery.

11      (d) BENCHMARKS FOR EVALUATION.—

12           (1) BENCHMARKS REQUIRED.—In conducting  
13      the pilot program under subsection (a), the Sec-  
14      retary shall develop specific, measurable benchmarks  
15      for success in the provision of high quality grocery  
16      merchandise, discount savings to patrons, and levels  
17      of customer satisfaction at commissaries of the De-  
18      fense Commissary System participating in the pilot  
19      program.

20           (2) SCOPE OF BENCHMARK FOR MAINTAINING  
21      SAVINGS.—In developing a benchmark for success in  
22      maintaining discount savings to patrons, the Sec-  
23      retary shall establish a baseline of overall savings to  
24      patrons achieved by the commissary stores partici-  
25      pating in the pilot program before the commence-

1       ment of the pilot program, based on a comparison  
2       of the prices charged by such stores for a represent-  
3       ative market basket of goods with the prices charged  
4       by relevant local competitors for such market basket  
5       of goods.

6       (e) REPORT.—

7           (1) REPORT REQUIRED.—Not later than 180  
8       days after the completion of the pilot program, the  
9       Secretary shall submit to the Committees on Armed  
10      Services of the Senate and the House of Representa-  
11      tives a report on the pilot program.

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

14           (A) A complete description of the pilot pro-  
15      gram, including the location of the com-  
16      missaries of the Defense Commissary System  
17      selected to participate in the pilot program.

18           (B) A comparison of sales volumes at com-  
19      missaries participating in the pilot program be-  
20      fore and during the pilot program.

21           (C) An assessment of the impact of the  
22      pilot program on patron savings and patron  
23      satisfaction at the commissaries participating in  
24      the pilot program.

1 (D) A description of the cost savings  
2 achieved by the Department of Defense through  
3 the pilot program.

4 (E) An assessment, in light of the pilot  
5 program, of the feasibility and advisability of  
6 privatizing the Defense Commissary System,  
7 and, if privatization is determined to be feasible  
8 and advisable, such recommendations as the  
9 Secretary considers appropriate for legislative  
10 and administration action to privatize the De-  
11 fense Commissary System.

## 12 **Subtitle F—Other Matters**

### 13 **SEC. 671. COMPLIANCE WITH DOMESTIC SOURCE REQUIRE-** 14 **MENTS FOR FOOTWEAR FURNISHED TO EN-** 15 **LISTED MEMBERS OF THE ARMED FORCES** 16 **UPON THEIR INITIAL ENTRY INTO THE** 17 **ARMED FORCES.**

18 Section 418 of title 37, United States Code, is  
19 amended by adding at the end the following new sub-  
20 section:

21 “(d)(1) In the case of athletic footwear needed by  
22 members of the Army, Navy, Air Force, or Marine Corps  
23 upon their initial entry into the armed forces, the Sec-  
24 retary of Defense shall furnish such footwear directly to

1 the members instead of providing a cash allowance to the  
2 members for the purchase of such footwear.

3 “(2) In procuring athletic footwear to comply with  
4 paragraph (1), the Secretary of Defense shall comply with  
5 the requirements of section 2533a of title 10, without re-  
6 gard to the applicability of any simplified acquisition  
7 threshold under chapter 137 of title 10 (or any other pro-  
8 vision of law).

9 “(3) This subsection does not prohibit the provision  
10 of a cash allowance to a member described in paragraph  
11 (1) for the purchase of athletic footwear if such foot-  
12 wear—

13 “(A) is medically required to meet unique phys-  
14 iological needs of the member; and

15 “(B) cannot be met with athletic footwear that  
16 complies with the requirements of this subsection.”.

17 **SEC. 672. AUTHORITY FOR PAYMENT OF PAY AND ALLOW-**  
18 **ANCES AND RETIRED AND RETAINER PAY**  
19 **PURSUANT TO POWER OF ATTORNEY.**

20 Section 602 of title 37, United States Code, is  
21 amended—

22 (1) in subsection (a)—

23 (A) by striking “, in the opinion of a board  
24 of medical officers or physicians,”; and

1 (B) by striking “use or benefit” and all  
 2 that follows through “any person designated”  
 3 and inserting the following: “use or benefit to—  
 4 “(1) a legal committee, guardian, or other rep-  
 5 resentative that has been appointed by a court of  
 6 competent jurisdiction;

7 “(2) an individual to whom the member has  
 8 granted authority to manage such funds pursuant to  
 9 a valid and legally executed durable power of attor-  
 10 ney; or

11 “(3) any person designated”;  
 12 (2) in subsection (b)—

13 (A) by striking “The board shall consist”  
 14 and inserting “An individual may not be des-  
 15 ignated under subsection (a)(3) to receive pay-  
 16 ments unless a board consisting”; and

17 (B) by inserting “determines that the  
 18 member is mentally incapable of managing the  
 19 member’s affairs. Any such board shall be”  
 20 after “treatment of mental disorders,”;

21 (3) in subsection (c), by striking “designated”  
 22 and inserting “authorized to receive payments”;

23 (4) in subsection (d), by inserting “, unless a  
 24 court of competent jurisdiction orders payment of

1 such fee, commission, or other charge” before the  
2 period;

3 (5) by striking subsection (e);

4 (6) by redesignating subsection (f) as sub-  
5 section (e); and

6 (7) in subsection (e), as redesignated by para-  
7 graph (6)—

8 (A) by inserting “under subsection (a)(3)”  
9 after “who is designated”; and

10 (B) by striking “\$1,000” and inserting  
11 “\$25,000”.

## 12 **TITLE VII—HEALTH CARE** 13 **PROVISIONS**

### 14 **Subtitle A—TRICARE and Other** 15 **Health Care Benefits**

#### 16 **SEC. 701. REFORM OF HEALTH CARE PLANS AVAILABLE** 17 **UNDER THE TRICARE PROGRAM.**

18 (a) REFORM OF HEALTH CARE PLANS.—

19 (1) IN GENERAL.—Chapter 55 of title 10,  
20 United States Code, is amended by inserting after  
21 section 1074n the following new section:

#### 22 **“§ 1075. TRICARE program: health care plans**

23 “(a) HEALTH CARE PLANS.—This section establishes  
24 the following health care plans under which covered bene-  
25 ficiaries may enroll under the TRICARE program:

1           “(1) TRICARE Prime (the managed care op-  
2           tion).

3           “(2) TRICARE Choice (the self-managed op-  
4           tion).

5           “(3) TRICARE Supplemental.

6           “(b) BENEFICIARY CATEGORIES.—In this section,  
7 the beneficiary categories for purposes of eligibility to en-  
8 roll in a health care plan under subsection (a) and cost  
9 sharing requirements applicable to those health care plans  
10 are as follows:

11           “(1) ACTIVE-DUTY FAMILY MEMBERS.—The  
12 category of ‘active-duty family members’ consists of  
13 the following beneficiaries:

14           “(A) Beneficiaries covered by section 1079  
15 of this title.

16           “(B) Beneficiaries covered by section  
17 1086(c)(1) of this title by reason of being a re-  
18 tired member under chapter 61 of this title or  
19 a dependent of such a retired member.

20           “(C) Beneficiaries covered by section  
21 1086(c)(2) of this title.

22           “(2) RETIRED MEMBERS.—The category of ‘re-  
23 tired members’ consists of beneficiaries covered by  
24 section 1086(c) of this title who are not—

1           “(A) beneficiaries described in subpara-  
2           graph (B) or (C) of paragraph (1); or

3           “(B) beneficiaries described in section  
4           1086(d)(2) of this title.

5           “(c) TRICARE PRIME.—

6           “(1) IN GENERAL.—The Secretary of Defense  
7           shall establish the TRICARE Prime health care plan  
8           in areas described in paragraph (6).

9           “(2) BENEFITS.—TRICARE Prime is a man-  
10          aged care option that provides medical services to  
11          beneficiaries enrolled in such option at reduced cost-  
12          sharing amounts for beneficiaries whose care is man-  
13          aged by a designated primary care manager and pro-  
14          vided by a network provider.

15          “(3) ELIGIBILITY.—

16          “(A) ACTIVE-DUTY FAMILY MEMBERS.—  
17          Except as provided in subparagraph (C), a ben-  
18          eficiary in the active-duty family members cat-  
19          egory is eligible to enroll in TRICARE Prime  
20          under this subsection.

21          “(B) RETIRED MEMBERS.—Except as pro-  
22          vided in subparagraph (C), a beneficiary in the  
23          retired members category is eligible to enroll in  
24          TRICARE Prime under this subsection in loca-  
25          tions in which a facility of the uniformed serv-



ices has, in the judgment of the Secretary, a significant number of health care providers, including specialty care providers, and sufficient capability to support the efficient operation of TRICARE Prime for projected enrollees in that location.

“(C) EXCLUSION.—A beneficiary covered by section 1076d, 1076e, 1078a, or 1086(d)(2) of this title is not eligible to enroll in TRICARE Prime under this subsection.

“(4) REFERRAL REQUIRED.—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, a beneficiary enrolled in TRICARE Prime shall be required to obtain a referral for care through a designated primary care manager (or other care coordinator) prior to obtaining care under the TRICARE program.

“(B) EXCUSED REFERRAL.—The Secretary may excuse the requirement that a beneficiary obtain a referral under subparagraph (A) in such circumstances as the Secretary may establish for purposes of this section.

“(C) SPECIALTY CARE.—Beneficiaries enrolled in TRICARE Prime shall not be required

1 to obtain a pre-authorization for a referral for  
2 specialty care services.

3 “(D) COST-SHARING.—Notwithstanding  
4 subsections (f) and (g), the cost-sharing re-  
5 quirement for a beneficiary enrolled in  
6 TRICARE Prime who does not obtain a refer-  
7 ral for care as required under subparagraph (A)  
8 and is not excused from obtaining such a refer-  
9 ral under subparagraph (B) shall be an amount  
10 equal to 50 percent of the allowed point-of-serv-  
11 ice charge for such care.

12 “(5) ACCESS TO HEALTH CARE.—

13 “(A) IN GENERAL.—The Secretary shall  
14 ensure that beneficiaries enrolled in TRICARE  
15 Prime have access to primary care and specialty  
16 care services from facilities of the uniformed  
17 services or network providers in the applicable  
18 area within specific timeliness standards that  
19 meet or exceed those of high-performing health  
20 care systems in the United States, as deter-  
21 mined by the Secretary.

22 “(B) URGENT CARE SERVICES.—

23 “(i) IN GENERAL.—In implementing  
24 subparagraph (A), the Secretary shall  
25 make special provisions for appropriate ac-

1                   cess of beneficiaries to urgent care serv-  
2                   ices.

3                   “(ii)     PRE-AUTHORIZATION.—Bene-  
4                   ficiaries enrolled in TRICARE Prime shall  
5                   not be subject to a pre-authorization re-  
6                   quirement for urgent care services.

7                   “(6) AREAS DESCRIBED.—Areas described in  
8                   this paragraph are areas in which a facility of the  
9                   uniformed services is located (other than a facility  
10                  limited to members of the armed forces) that have  
11                  been designated by the Secretary for purposes of  
12                  this subsection.

13                  “(d) TRICARE CHOICE.—

14                  “(1) IN GENERAL.—The Secretary of Defense  
15                  shall establish, without limitation to certain areas,  
16                  the TRICARE Choice health care plan.

17                  “(2) BENEFITS.—TRICARE Choice is a self-  
18                  managed option under which beneficiaries enrolled in  
19                  such option may receive care from any health care  
20                  provider selected by the beneficiary, subject to such  
21                  restrictions as the Secretary may establish for pur-  
22                  poses of this subsection.

23                  “(3) ELIGIBILITY.—A beneficiary in the active-  
24                  duty family members category or the retired mem-

1       bers category is eligible to enroll in TRICARE  
2       Choice under this subsection.

3       “(e) TRICARE SUPPLEMENTAL.—

4               “(1) IN GENERAL.—The Secretary of Defense  
5       shall establish the TRICARE Supplemental health  
6       care plan.

7               “(2) BENEFITS.—Under TRICARE Supple-  
8       mental, the Secretary shall pay on behalf of a bene-  
9       ficiary the deductible and copayment amounts under  
10      a primary health care plan under which the bene-  
11      ficiary is covered, not to exceed the amount the Sec-  
12      retary would have paid as a primary payer to an  
13      out-of-network provider under this section.

14              “(3) ELIGIBILITY.—A beneficiary in the retired  
15      members category is eligible to enroll in TRICARE  
16      Supplemental under this subsection.

17              “(4) ENROLLMENT FEE.—A beneficiary who  
18      enrolls in TRICARE Supplemental shall pay an en-  
19      rollment fee of ½ of the enrollment fee applicable to  
20      a beneficiary in the retired members category who  
21      enrolls in TRICARE Choice.

22              “(5) REGULATIONS.—The regulations pre-  
23      scribed by the Secretary under subsection (i) may  
24      include such other limitations and provisions for

1 TRICARE Supplemental as the Secretary deter-  
 2 mines appropriate.

3 “(f) COST-SHARING AMOUNTS.—

4 “(1) IN GENERAL.—During calendar year  
 5 2018, beneficiaries enrolled in TRICARE Prime and  
 6 TRICARE Choice under this section shall be subject  
 7 to cost-sharing requirements, including an enroll-  
 8 ment fee, a deductible amount, and copayments, in  
 9 accordance with the amounts and percentages set  
 10 forth in the following table:

	<b>“ADFM Category</b>	<b>ADFM Category</b>	<b>Retired Category</b>	<b>Retired Category</b>
	<b>TRICARE Prime</b>	<b>TRICARE Choice</b>	<b>TRICARE Prime</b>	<b>TRICARE Choice</b>
<b>Enrollment Fees, Deductible, and Catastrophic Caps</b>				
Annual Enroll- ment Fee .....	\$0 .....	\$0 .....	\$350 Individual .....	\$150 Individual
			\$700 Family .....	\$300 Family
Annual Deduct- ible .....	\$0 .....	E4 and below (E4≤). \$100 Individual \$200 Family.	\$0 .....	\$300 Individual \$600 Family
		E5 and above (E5≥). \$300 Individual \$600 Family.		
Annual Catas- trophic Cap ...	\$1,500 .....	\$1,500 .....	\$4,000 .....	\$4,000
<b>Copayments (by Service Type)</b>				
Outpatient MTF Visit .....	\$0 .....	\$0 .....	\$0 .....	\$0

	<b>“ADFM Category</b>	<b>ADFM Category</b>	<b>Retired Category</b>	<b>Retired Category</b>
	<b>TRICARE Prime</b>	<b>TRICARE Choice</b>	<b>TRICARE Prime</b>	<b>TRICARE Choice</b>
Outpatient Pri- vate Sector				
Visit .....	\$0 .....	\$15 primary net- work without deductible. \$25 specialty net- work without deductible.	\$20 primary .....	\$25 primary net- work without de- ductible \$35 specialty net- work without de- ductible
		20% out of net- work after de- ductible.		25% out of network after deductible
ER Visit MTF ..	\$0 .....	\$0 .....	\$0 .....	\$0
ER Visit Private Sector .....	\$0 .....	\$50 network with- out deductible.	\$75 network .....	\$100 network with- out deductible
		20% out of net- work after de- ductible.		25% out of network after deductible
Urgent Care MTF .....	\$0 .....	\$0 .....	\$0 .....	\$0
Urgent Care Private Sector	\$0 .....	\$0 network with- out deductible.	\$30 network .....	\$40 network with- out deductible
		20% out of net- work after de- ductible.		25% out of network after deductible
Ambulatory Sur- gery MTF .....	\$0 .....	\$0 .....	\$0 .....	\$0
Ambulatory Sur- gery Private Sector .....	\$0 .....	\$50 network with- out deductible.	\$100 .....	\$125 network with- out deductible
		20% out of net- work after de- ductible.		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

	<b>“ADFM Category</b>	<b>ADFM Category</b>	<b>Retired Category</b>	<b>Retired Category</b>
	<b>TRICARE Prime</b>	<b>TRICARE Choice</b>	<b>TRICARE Prime</b>	<b>TRICARE Choice</b>
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.	\$200 per Admission	\$250 per admission - network without deductible
		20% out of net- work after de- ductible.		25% out of network after deductible
Inpatient Skilled Nursing/ Rehabili- tation - MTF/ Network .....	\$0 .....	\$25 per day - net- work without deductible.	\$25 per day .....	\$25 per day - net- work without de- ductible
		\$35 per day out of network without deduct- ible.		\$250 per day or 20% of billed charges (which- ever is less) out of network with- out deductible

1 “(2) ADJUSTMENTS TO AMOUNTS.—

2 “(A) ANNUAL ENROLLMENT FEES.—

3 “(i) CONSUMER PRICE INDEX.—

4 “(I) IN GENERAL.—With respect  
5 to enrollment in TRICARE Choice for  
6 beneficiaries in the retired members  
7 category, for each calendar year after  
8 calendar year 2023, and with respect  
9 to all other beneficiaries, for each cal-  
10 endar year after calendar year 2018,

1 each dollar amount for an annual en-  
2 rollment fee in the table set forth in  
3 paragraph (1) shall be increased by  
4 the annual percentage increase of the  
5 Consumer Price Index for Health  
6 Care Services published by the Bu-  
7 reau of Labor Statistics for such cal-  
8 endar year rounded to the next lower  
9 multiple of \$1.

10 “(II) ADDITION OF ROUNDED  
11 AMOUNT.—An amount equal to the  
12 amount rounded down under sub-  
13 clause (I) for an annual enrollment  
14 fee shall be accumulated with such  
15 amounts for subsequent years and  
16 added to the amount of the increase  
17 under such subclause when the aggre-  
18 gate accumulated amount under this  
19 subclause (and not yet so added) for  
20 such fee equals \$1 or more.

21 “(ii) TRICARE CHOICE FOR RETIRED  
22 MEMBERS.—With respect to enrollment in  
23 TRICARE Choice for beneficiaries in the  
24 retired members category, the annual en-



rollment fee for calendar years 2019  
through 2023 shall be—

“(I) for calendar year 2019—

“(aa) for enrollment as an  
individual, \$210; and

“(bb) for enrollment as a  
family, \$420;

“(II) for calendar year 2020—

“(aa) for enrollment as an  
individual, \$270; and

“(bb) for enrollment as a  
family, \$540;

“(III) for calendar year 2021—

“(aa) for enrollment as an  
individual, \$330; and

“(bb) for enrollment as a  
family, \$660;

“(IV) for calendar year 2022—

“(aa) for enrollment as an  
individual, \$390; and

“(bb) for enrollment as a  
family, \$780; and

“(V) for calendar year 2023—

“(aa) for enrollment as an  
individual, \$450; and

1                   “(bb) for enrollment as a  
2                   family, \$900.

3                   “(B) OTHER AMOUNTS.—

4                   “(i) IN GENERAL.—For each calendar  
5                   year after calendar year 2018, each dollar  
6                   amount (other than a dollar amount for an  
7                   annual enrollment fee) expressed as a fixed  
8                   dollar amount in the table set forth in  
9                   paragraph (1) shall be increased by an  
10                  amount equal to the percentage by which  
11                  retired pay is increased under section  
12                  1401a(b)(2) of this title for such calendar  
13                  year rounded to the next lower multiple of  
14                  \$1.

15                  “(ii) ADDITION OF ROUNDED  
16                  AMOUNT.—An amount equal to the  
17                  amount rounded down under clause (i) for  
18                  a fixed dollar amount specified in the table  
19                  set forth in paragraph (1) shall be accumu-  
20                  lated with such rounded amounts for sub-  
21                  sequent years and added to the amount in-  
22                  dexed under such clause when the aggre-  
23                  gate accumulated amount under this sub-  
24                  clause (and not yet so added) for such  
25                  fixed dollar amount equals \$1 or more.

1           “(3) SPECIAL COVERAGE AND REIMBURSE-  
2       MENT.—

3           “(A) IN GENERAL.—In the case of services  
4       and products furnished under a health care  
5       plan under this section, the Secretary may,  
6       under regulations prescribed by the Secretary,  
7       adopt special coverage and reimbursement  
8       methods, amounts, and procedures to encourage  
9       the use of high-value services and products and  
10      discourage the use of low-value services and  
11      products, as determined by the Secretary.

12          “(B) AFFECT ON COST-SHARING REQUIRE-  
13      MENTS.—The special coverage and reimburse-  
14      ment methods, amounts, and procedures adopt-  
15      ed under subparagraph (A) may include a re-  
16      duction, waiver, or increase, as the case may be,  
17      of cost-sharing requirements set forth in para-  
18      graph (1) (as modified under paragraph (2)).

19          “(4) DEDUCTIBLE AMOUNT.—The deductible  
20      amount specified in the table set forth in paragraph  
21      (1) (as modified under paragraph (2)) is the initial  
22      cost incurred by an individual or family enrolled in  
23      a health care plan under this section during a cal-  
24      endar year for services furnished by an out-of-net-

1 work provider before costs may be paid under the  
2 plan.

3 “(5) CATASTROPHIC CAP.—The catastrophic  
4 cap specified in the table set forth in paragraph (1)  
5 (as modified under paragraph (2)) is the annual  
6 limit on the amount of cost-sharing that an indi-  
7 vidual or family enrolled in a health care plan under  
8 this section may be required to pay under such plan.  
9 Enrollment fees and point-of-service charges do not  
10 count against the catastrophic cap.

11 “(6) CALENDAR YEAR ENROLLMENT PERIOD.—  
12 Enrollment fees, deductible amounts, and cata-  
13 strophic caps specified in the table set forth in para-  
14 graph (1) (as modified under paragraph (2)) are on  
15 a calendar-year basis.

16 “(7) DEFINITIONS.—For purposes of the table  
17 set forth in paragraph (1) (as modified under para-  
18 graph (2)):

19 “(A) ADFM CATEGORY.—The term  
20 ‘ADFM Category’ means the active-duty family  
21 members category.

22 “(B) MTF.—The term ‘MTF’, with re-  
23 spect to care or services, means care or services  
24 provided at a military treatment facility.

1           “(C) PRIVATE SECTOR.—The term ‘private  
2           sector’, with respect to care or services, means  
3           care or services provided in the private sector.

4           “(D) NETWORK.—The term ‘network’,  
5           with respect to care or services, means care or  
6           services provided by a network provider.

7           “(E) OUT OF NETWORK.—The term ‘out  
8           of network’, with respect to care or services,  
9           means care or services provided by an out-of-  
10          network provider.

11       “(g) SPECIAL RULES REGARDING COST SHARING.—

12       “(1) BENEFICIARIES.—

13           “(A)       TRICARE-FOR-LIFE       BENE-  
14           FICIARIES.—A Medicare-eligible beneficiary en-  
15           rolled in a health care plan under this section  
16           is not responsible for cost sharing for care cov-  
17           ered by section 1086(d)(3) of this title, except  
18           that the catastrophic cap specified in the table  
19           set forth in subsection (f)(1) (as modified under  
20           subsection (f)(2)) applies to such care.

21       “(B) REMOTE AREA DEPENDENTS.—

22           “(i) COST SHARING.—A remote area  
23           dependent (as described in section 1079(o)  
24           of this title) enrolled in TRICARE Choice

1 is subject to the cost-sharing requirements  
2 for beneficiaries under TRICARE Prime.

3 “(ii) REFERRAL.—The referral re-  
4 quirements for a beneficiary enrolled in  
5 TRICARE Prime shall not apply to a re-  
6 mote area dependent described in clause  
7 (i).

8 “(2) BENEFITS AND PROGRAMS.—

9 “(A) EXTENDED BENEFITS.—Cost sharing  
10 under this section does not apply to extended  
11 benefits under subsections (d) and (e) of section  
12 1079 of this title.

13 “(B) PHARMACY BENEFITS PROGRAM.—

14 “(i) COPAYMENTS.—Copayments for  
15 the receipt of pharmaceutical agents under  
16 a health care plan under this section shall  
17 be the copayments set forth in section  
18 1074g(6) of this title.

19 “(ii) OTHER COST SHARING.—The en-  
20 rollment fee, deductible, and catastrophic  
21 cap under this section shall apply to phar-  
22 maceutical agents furnished under a health  
23 care plan under this section.

24 “(iii) PHARMACEUTICAL AGENT DE-  
25 FINED.—In this subparagraph, the term

1           ‘pharmaceutical agent’ has the meaning  
2           given that term in section 1074g(2) of this  
3           title.

4           “(C) OTHER PROGRAMS.—If a beneficiary  
5           is enrolled in a program under this chapter for  
6           which an annual premium applies, including a  
7           premium under Medicare part B for care cov-  
8           ered under section 1086(d)(3) of this title, the  
9           beneficiary is not required to pay an enrollment  
10          fee to enroll in a health care plan under this  
11          section.

12          “(h) OPEN ENROLLMENT PERIOD.—The Secretary  
13 of Defense shall establish—

14           “(1) an annual open enrollment period for bene-  
15          ficiaries to enroll or modify enrollment in a health  
16          care plan under this section; and

17           “(2) other appropriate circumstances under  
18          which beneficiaries may enroll or modify enrollment  
19          in such a plan outside of that period.

20          “(i) REGULATIONS.—The Secretary of Defense, in  
21 consultation with the other administering Secretaries,  
22 shall prescribe regulations to carry out this section.

23          “(j) DEFINITIONS.—In this section:

1           “(1) NETWORK PROVIDER.—The term ‘network  
2           provider’ means an individual or institutional health  
3           care provider that—

4                   “(A) has met the requirements established  
5                   by the Secretary to become a preferred provider  
6                   under this section; and

7                   “(B) improves the experience of care,  
8                   meets established quality of care and effective-  
9                   ness metrics, and reduces the per capita costs  
10                  of health care.

11           “(2) OUT-OF-NETWORK PROVIDER.—The term  
12           ‘out-of-network provider’ means an individual or in-  
13           stitutional health care provider, other than a net-  
14           work provider, that has met the requirements estab-  
15           lished by the Secretary to be an authorized provider  
16           under this section.”.

17           (2) CONFORMING AMENDMENTS.—Such title is  
18           amended—

19                   (A) in section 1072, by amending para-  
20                   graph (7) to read as follows:

21                   “(7) The term ‘TRICARE program’ means the  
22                   various programs carried out by the Secretary of  
23                   Defense under this chapter and any other provision  
24                   of law providing for the furnishing of medical and  
25                   dental care and health benefits to members and



1 former members of the uniformed services and their  
 2 dependents, including care furnished under the fol-  
 3 lowing health care plans:

4 “(A) TRICARE Prime under section 1075  
 5 of this title (a managed care option).

6 “(B) TRICARE Choice under such section  
 7 1075 (a self-managed option).

8 “(C) TRICARE Supplemental under such  
 9 section 1075.

10 “(D) TRICARE-for-Life under section  
 11 1086(d) of this title.”;

12 (B) in section 1079—

13 (i) by amending subsection (b) to read  
 14 as follows:

15 “(b) Plans covered by subsection (a) shall include  
 16 provisions for the payment by the patient of cost-sharing  
 17 amounts as specified in section 1075 of this title.”;

18 (ii) by striking subsection (c); and

19 (iii) in subsection (g)—

20 (I) in paragraph (1), by striking

21 “(1) When” and inserting “When”;

22 and

23 (II) by striking paragraphs (2)

24 through (5);

1 (C) in section 1086, by amending sub-  
 2 section (b) to read as follows:

3 “(b) For persons covered by this section, plans con-  
 4 tracted for under section 1079(a) of this title shall include  
 5 provisions for the payment by the patient of cost-sharing  
 6 amounts as specified in section 1075 of this title.”;

7 (D) in section 1097, by amending sub-  
 8 section (e) to read as follows:

9 “(e) CHARGES FOR HEALTH CARE.—The charges for  
 10 health care provided under this section shall consist of  
 11 cost-sharing amounts as specified in section 1075 of this  
 12 title.”; and

13 (E) by striking section 1097a.

14 (3) CLERICAL AMENDMENTS.—The table of sec-  
 15 tions at the beginning of chapter 55 of such title is  
 16 amended—

17 (A) by inserting after the item relating to  
 18 section 1074n the following new item:

“1075. TRICARE program: health care plans.”; and

19 (B) by striking the item relating to section  
 20 1097a.

21 (b) REFORM OF HEALTH CARE ENROLLMENT SYS-  
 22 TEM.—

23 (1) IN GENERAL.—Subsection (c) of section  
 24 1099 of title 10, United States Code, is amended to  
 25 read as follows:

1       “(c) HEALTH CARE PLANS AVAILABLE UNDER SYS-  
 2   TEM.—Covered beneficiaries that seek to receive health  
 3   care services under this chapter shall enroll in one of the  
 4   following health care plans and pay an enrollment fee, if  
 5   any, applicable to such health care plan:

6           “(1) TRICARE Prime under section 1075 of  
 7   this title.

8           “(2) TRICARE Choice under such section  
 9   1075.

10          “(3) TRICARE Supplemental under such sec-  
 11   tion 1075.

12          “(4) TRICARE-for-Life under section 1086(d)  
 13   of this title.”.

14          (2) CONFORMING AMENDMENT.—Subsection  
 15   (b)(1) of such section is amended by striking “eligi-  
 16   ble health care plans designated by the Secretary of  
 17   Defense” and inserting “among health care plans  
 18   specified in subsection (c)”.

19          (c) CHANGES TO CLASSIFICATION OF CERTAIN  
 20   HEALTH CARE PLANS.—

21          (1) TRICARE RESERVE SELECT.—Section  
 22   1076d of title 10, United States Code, is amended—

23           (A) in the section heading, by striking

24           **“TRICARE Standard”** and inserting

25           **“TRICARE Reserve Select”**; and

1 (B) by striking “TRICARE Standard”  
 2 each place it appears and inserting “TRICARE  
 3 Reserve Select”.

4 (2) TRICARE RETIRED RESERVE.—Section  
 5 1076e of such title is amended—

6 (A) in the section heading, by striking  
 7 “**TRICARE Standard**” and inserting  
 8 “**TRICARE Retired Reserve**”;

9 (B) by striking “TRICARE Standard”  
 10 each place it appears, other than subsections  
 11 (b) and (c), and inserting “TRICARE Retired  
 12 Reserve”;

13 (C) in subsection (b)—

14 (i) in the subsection heading, by strik-  
 15 ing “TRICARE STANDARD”; and

16 (ii) by striking “TRICARE Standard”  
 17 the second place it appears; and

18 (D) in subsection (c), by striking  
 19 “TRICARE Standard” the fourth place it ap-  
 20 pears.

21 (3) CHAMPUS.—Section 1079a of such title is  
 22 amended—

23 (A) in the section heading, by striking  
 24 “**CHAMPUS**” and inserting “**TRICARE**  
 25 **program**”;

1 (B) by inserting “(including interagency  
2 transfers of funds or obligational authority and  
3 similar transactions)” after “amounts col-  
4 lected”; and

5 (C) by striking “the Civilian Health and  
6 Medical Program of the Uniformed Services”  
7 and inserting “the TRICARE program”.

8 (4) CLERICAL AMENDMENTS.—The table of sec-  
9 tions at the beginning of chapter 55 of such title is  
10 amended—

11 (A) by striking the item relating to section  
12 1076d and inserting the following new item:

“1076d. TRICARE program: TRICARE Reserve Select coverage for members  
of the Selected Reserve.”;

13 (B) by striking the item relating to section  
14 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

15 (C) by striking the item relating to section  
16 1079a and inserting the following new item:

“1079a. TRICARE Program: treatment of refunds and other amounts col-  
lected.”.

17 (d) TRANSITION RULES.—

18 (1) IN GENERAL.—With respect to cost-sharing  
19 requirements for covered beneficiaries under section  
20 1079, 1086, or 1097 of title 10, United States Code,

1 during the period beginning on October 1, 2017, and  
2 ending on December 31, 2017—

3 (A) any enrollment fee shall be one-fourth  
4 of the amount in effect during fiscal year 2017;

5 (B) any deductible amount applicable dur-  
6 ing fiscal year 2017 shall apply for the 15-  
7 month period beginning on October 1, 2016,  
8 and ending on December 31, 2017.

9 (C) any catastrophic cap applicable during  
10 fiscal year 2017 shall apply for the 15-month  
11 period beginning on October 1, 2016, and end-  
12 ing on December 31, 2017.

13 (2) COVERED BENEFICIARIES DEFINED.—In  
14 this subsection, the term “covered beneficiaries” has  
15 the meaning given that term in section 1072 of such  
16 title.

17 (e) EFFECTIVE DATE.—

18 (1) IN GENERAL.—Except as provided in para-  
19 graph (2), this section and the amendments made by  
20 this section shall take effect on January 1, 2018.

21 (2) TRANSITION RULES.—Subsection (d) shall  
22 take effect on October 1, 2017.

1 **SEC. 702. MODIFICATIONS OF COST-SHARING REQUIRE-**  
2 **MENTS FOR THE TRICARE PHARMACY BENE-**  
3 **FITS PROGRAM AND TREATMENT OF CER-**  
4 **TAIN PHARMACEUTICAL AGENTS.**

5 (a) IN GENERAL.—Paragraph (6) of section  
6 1074g(a) of title 10, United States Code, is amended to  
7 read as follows:

8 “(6)(A) In the case of any of the years 2017 through  
9 2025, the cost-sharing amounts under this subsection for  
10 eligible covered beneficiaries shall be determined in accord-  
11 ance with the following table:

“For:	The cost-shar- ing amount for 30-day supply of a re- tail generic is:	The cost-shar- ing amount for 30-day supply of a re- tail formulary is:	The cost-shar- ing amount for a 90-day supply of a mail order ge- neric is:	The cost-shar- ing amount for a 90-day supply of a mail order for- mulary is:	The cost-shar- ing 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

12 “(B) For any year after 2025, the cost-sharing  
13 amounts under this subsection for eligible covered bene-  
14 ficiaries shall be equal to the cost-sharing amounts for the  
15 previous year adjusted by an amount, if any, determined  
16 by the Secretary to reflect changes in the costs of pharma-

1 ceutical agents and prescription dispensing, rounded to  
2 the nearest dollar.

3 “(C) Notwithstanding subparagraphs (A) and (B),  
4 the cost-sharing amounts under this subsection for a de-  
5 pendent of a member of the uniformed services who dies  
6 while on active duty, a member retired under chapter 61  
7 of this title, or a dependent of a member retired under  
8 such chapter shall be equal to the cost-sharing amounts,  
9 if any, for 2016.”.

10 (b) TREATMENT OF CERTAIN PHARMACEUTICAL  
11 AGENTS.—

12 (1) PHARMACY BENEFITS PROGRAM.—Such sec-  
13 tion is amended by adding at the end the following  
14 new paragraph:

15 “(10) Notwithstanding paragraphs (2), (5), and (6),  
16 in order to encourage the use by covered beneficiaries of  
17 pharmaceutical agents that provide the greatest value to  
18 covered beneficiaries and the Department of Defense (as  
19 determined by the Secretary, including considerations of  
20 better care, healthier people, and smarter spending), the  
21 Secretary may, upon the recommendation of the Phar-  
22 macy and Therapeutics Committee established under sub-  
23 section (b) and review by the Uniform Formulary Bene-  
24 ficiary Advisory Panel established under subsection (c)—



1           “(A) exclude from the pharmacy benefits pro-  
2           gram any pharmaceutical agent that the Secretary  
3           determines provides very little or no value to covered  
4           beneficiaries and the Department under the pro-  
5           gram; and

6           “(B) give preferential status to any non-generic  
7           pharmaceutical agent on the uniform formulary by  
8           treating it, for purposes of cost-sharing under para-  
9           graph (6), as a generic product under the TRICARE  
10          retail pharmacy program and mail order pharmacy  
11          program.”.

12           (2) MEDICAL CONTRACTS.—Section 1079 of  
13          such title is amended by adding at the end the fol-  
14          lowing new subsection:

15          “(q) In the case of any pharmaceutical agent (as de-  
16          fined in section 1074g(g)(2) of this title) provided under  
17          a contract entered into under this section by a physician,  
18          in an outpatient department of a hospital, or otherwise  
19          as part of any medical services provided under such a con-  
20          tract, the Secretary of Defense may, under regulations  
21          prescribed by the Secretary, adopt special reimbursement  
22          methods, amounts, and procedures to encourage the use  
23          of high-value products and discourage the use of low-value  
24          products, as determined by the Secretary.”.

(3) REGULATIONS.—In order to implement expeditiously the reforms authorized by the amendments made by paragraphs (1) and (2), the Secretary of Defense may prescribe such changes to the regulations implementing the TRICARE program (as defined in section 1072 of title 10, United States Code) as the Secretary considers appropriate—

(A) by prescribing an interim final rule;

and

(B) not later than one year after prescribing such interim final rule and considering public comments with respect to such interim final rule, by prescribing a final rule.

**SEC. 703. ELIGIBILITY OF CERTAIN BENEFICIARIES UNDER  
THE TRICARE PROGRAM FOR PARTICIPATION  
IN THE FEDERAL EMPLOYEES DENTAL AND  
VISION INSURANCE PROGRAM.**

(a) IN GENERAL.—

(1) DENTAL BENEFITS.—Section 8951 of title 5, United States Code, is amended—

(A) in paragraph (3), by striking “paragraph (1) or (2)” and inserting “paragraph (1), (2), or (8)”; and

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

1           “(8) The term ‘covered TRICARE-eligible indi-  
 2           vidual’ means an individual entitled to dental care  
 3           under chapter 55 of title 10, pursuant to section  
 4           1076c of such title, who the Secretary of Defense  
 5           determines should be an eligible individual for pur-  
 6           poses of this chapter.”.

7           (2) VISION BENEFITS.—Section 8981 of title 5,  
 8           United States Code, is amended—

9                   (A) in paragraph (3), by striking “para-  
 10                  graph (1) or (2)” and inserting “paragraph (1),  
 11                  (2), or (8)”; and

12                  (B) by adding at the end the following new  
 13                  paragraph:

14           “(8)(A) The term ‘covered TRICARE-eligible  
 15           individual’—

16                   “(i) means an individual entitled to med-  
 17                  ical care under chapter 55 of title 10, pursuant  
 18                  to section 1076d, 1076e, 1079(a), 1086(c), or  
 19                  1086(d) of such title, who the Secretary of De-  
 20                  fense determines in accordance with an agree-  
 21                  ment entered into under subparagraph (B)  
 22                  should be an eligible individual for purposes of  
 23                  this chapter; and

24                   “(ii) does not include an individual covered  
 25                  under section 1110b of title 10.

1           “(B) The Secretary of Defense shall enter into  
 2           an agreement with the Director of the Office of Per-  
 3           sonnel Management relating to classes of individuals  
 4           described in subparagraph (A)(i) who should be eli-  
 5           gible individuals for purposes of this chapter.”.

6           (b) CONFORMING AMENDMENTS.—

7           (1) DENTAL BENEFITS.—Section 8958(c) of  
 8           title 5, United States Code, is amended—

9                   (A) in paragraph (1), by striking “or” at  
 10           the end;

11                   (B) in paragraph (2), by striking the pe-  
 12           riod at the end and inserting “; or”; and

13                   (C) by adding at the end the following new  
 14           paragraphs:

15           “(3) in the case of a covered TRICARE-eligible  
 16           individual who receives pay from the Federal Gov-  
 17           ernment or an annuity from the Federal Govern-  
 18           ment due to the death of a member of the uniformed  
 19           services (as defined in section 101 of title 10), and  
 20           is not a former spouse of a member of the uniformed  
 21           services, be withheld from—

22                   “(A) the pay (including retired pay) of  
 23           such individual; or

24                   “(B) the annuity paid to such individual;  
 25           and

1           “(4) in the case of a covered TRICARE-eligible  
2           individual who is not described in paragraph (3), be  
3           billed to such individual directly.”.

4           (2) VISION BENEFITS.—Section 8988(c) of title  
5           5, United States Code, is amended—

6                   (A) in paragraph (1), by striking “or” at  
7           the end;

8                   (B) in paragraph (2), by striking the pe-  
9           riod at the end and inserting “; or”; and

10                  (C) by adding at the end the following new  
11           paragraphs:

12           “(3) in the case of a covered TRICARE-eligible  
13           individual who receives pay from the Federal Gov-  
14           ernment or an annuity from the Federal Govern-  
15           ment due to the death of a member of the uniformed  
16           services (as defined in section 101 of title 10), and  
17           is not a former spouse of a member of the uniformed  
18           services, be withheld from—

19                   “(A) the pay (including retired pay) of  
20           such individual; or

21                   “(B) the annuity paid to such individual;  
22           and

23           “(4) in the case of a covered TRICARE-eligible  
24           individual who is not described in paragraph (3), be  
25           billed to such individual directly.”.

1           (3) PLAN FOR DENTAL INSURANCE FOR CER-  
2           TAIN RETIREES, SURVIVING SPOUSES, AND OTHER  
3           DEPENDENTS.—Subsection (a) of section 1076c of  
4           title 10, United States Code, is amended to read as  
5           follows:

6           “(a) REQUIREMENT FOR PLAN.—(1) The Secretary  
7           of Defense shall establish a dental insurance plan for retir-  
8           ees of the uniformed services, certain unremarried sur-  
9           viving spouses, and dependents in accordance with this  
10          section.

11          “(2) The Secretary may satisfy the requirement  
12          under paragraph (1) by entering into an agreement with  
13          the Director of the Office of Personnel Management to  
14          allow persons described in subsection (b) to enroll in an  
15          insurance plan under chapter 89A of title 5 that provides  
16          benefits similar to those benefits required to be provided  
17          under subsection (d).”.

18   **SEC. 704. COVERAGE OF MEDICALLY NECESSARY FOOD**  
19                   **AND VITAMINS FOR DIGESTIVE AND INHER-**  
20                   **ITED METABOLIC DISORDERS UNDER THE**  
21                   **TRICARE PROGRAM.**

22          (a) FINDINGS.—Congress finds the following:

23                  (1) Specialized food is often medically necessary  
24                  for the safe and effective management of many di-

gestive and inherited metabolic disorders that impact digestion, absorption, and metabolism of nutrients.

(2) Although medically necessary food is essential for patients, it is often expensive and not uniformly reimbursed by health insurance, leaving many families with an insurmountable financial burden.

(3) As a result, many patients who cannot afford medically necessary food may experience adverse health consequences from suboptimal disease management, including hospitalization, intellectual impairment, behavioral dysfunction, inadequate growth, nutrient deficiencies, and even death.

(b) AVAILABILITY UNDER THE TRICARE PROGRAM.—

(1) IN GENERAL.—Section 1077 of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (3), by inserting before the period at the end the following: “, including medically necessary vitamins”; and

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

“(18) Medically necessary food and the medical equipment and supplies necessary to administer such

1 food (other than medical equipment and supplies de-  
2 scribed in section 1861(n) of the Social Security Act  
3 (42 U.S.C. 1395x(n))).”; and

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

6 “(g)(1) For purposes of subsection (a)(3), the term  
7 ‘medically necessary vitamins’ means vitamins used for the  
8 management of a covered disease or condition pursuant  
9 to the prescription, order, or recommendation (as applica-  
10 ble) of a specified, duly authorized provider, such as a phy-  
11 sician (as defined in section 1861(r)(1) of the Social Secu-  
12 rity Act (42 U.S.C. 1395x(r)(1))), or a nurse practitioner,  
13 a clinical nurse specialist, or a physician assistant (as  
14 those terms are defined in section 1861(aa)(5) of such  
15 Act).

16 “(2) For purposes of subsection (a)(18), the term  
17 ‘medically necessary food’—

18 “(A) means food, including a low protein modi-  
19 fied food product or an amino acid preparation prod-  
20 uct, that is—

21 “(i) furnished pursuant to the prescription,  
22 order, or recommendation (as applicable) of a  
23 specified, duly authorized provider, such as a  
24 physician (as defined in section 1861(r)(1) of  
25 the Social Security Act (42 U.S.C.



1 1395x(r)(1))), or a nurse practitioner, a clinical  
2 nurse specialist, or a physician assistant (as  
3 those terms are defined in section 1861(aa)(5)  
4 of such Act), for the dietary management of a  
5 covered disease or condition;

6 “(ii) a specially formulated and processed  
7 product (as opposed to a naturally occurring  
8 foodstuff used in its natural state) for the par-  
9 tial or exclusive feeding of an individual by  
10 means of oral intake or enteral feeding by tube;

11 “(iii) intended for the dietary management  
12 of an individual who, because of therapeutic or  
13 chronic medical needs, has limited or impaired  
14 capacity to ingest, digest, absorb, or metabolize  
15 ordinary foodstuffs or certain nutrients, or who  
16 has other special medically determined nutrient  
17 requirements, the dietary management of which  
18 cannot be achieved by the modification of the  
19 normal diet alone;

20 “(iv) intended to be used under medical  
21 supervision, which may include in a home set-  
22 ting; and

23 “(v) intended only for an individual receiv-  
24 ing active and ongoing medical supervision  
25 wherein the individual requires medical care on

1 a recurring basis for, among other things, in-  
2 structions on the use of the food; and

3 “(B) does not include—

4 “(i) food taken as part of an overall diet  
5 designed to reduce the risk of a disease or med-  
6 ical condition or as weight loss products, even  
7 if they are recommended by a physician or  
8 other health professional;

9 “(ii) food marketed as gluten-free for the  
10 management of celiac disease or non-celiac glu-  
11 ten sensitivity;

12 “(iii) food marketed for the management  
13 of diabetes; or

14 “(iv) such other products as the Secretary  
15 determines appropriate.

16 “(3) In this subsection:

17 “(A) The term ‘covered disease or condition’  
18 means the following diseases or conditions:

19 “(i) Inflammatory bowel disease, including  
20 Crohn’s disease, ulcerative colitis, and indeter-  
21 minate colitis.

22 “(ii) Gastroesophageal reflux disease that  
23 is nonresponsive to standard medical therapies.

1           “(iii) Immunoglobulin E and non-  
2 Immunoglobulin E mediated allergies to food  
3 proteins.

4           “(iv) Food protein-induced enterocolitis  
5 syndrome.

6           “(v) Eosinophilic disorders, including  
7 eosinophilic esophagitis, eosinophilic  
8 gastroenteritis, eosinophilic colitis, and post-  
9 transplant eosinophilic disorders.

10          “(vi) Impaired absorption of nutrients  
11 caused by disorders affecting the absorptive  
12 surface, functional length, and motility of the  
13 gastrointestinal tract, including short bowel  
14 syndrome and chronic intestinal pseudo-obstruc-  
15 tion.

16          “(vii) Malabsorption due to liver or pan-  
17 creatic disease.

18          “(viii) Inherited metabolic disorders, in-  
19 cluding the following:

20               “(I) Disorders classified as metabolic  
21 disorders on the Recommended Uniform  
22 Screening Panel Core Conditions list of the  
23 Secretary of Health and Human Services’  
24 Advisory Committee on Heritable Dis-  
25 orders in Newborns and Children.

1 “(II) N-acetyl glutamate synthase de-  
2 ficiency.

3 “(III) Ornithine transcarbamylase de-  
4 ficiency.

5 “(IV) Carbamoyl phosphate synthe-  
6 tase deficiency.

7 “(V) Inherited disorders of  
8 mitochondrial functioning.

9 “(ix) Such other diseases or conditions as  
10 the Secretary determines appropriate.

11 “(B) The term ‘low protein modified food prod-  
12 uct’ means a product formulated to have less than  
13 one gram of protein per serving.”.

14 (2) EFFECTIVE DATE.—The amendments made  
15 by paragraph (1) shall apply to health care provided  
16 under chapter 55 of such title on or after the date  
17 that is one year after the date of the enactment of  
18 this Act.

19 **SEC. 705. ENHANCEMENT OF USE OF TELEHEALTH SERV-**  
20 **ICES IN MILITARY HEALTH SYSTEM.**

21 (a) INCORPORATION OF TELEHEALTH.—

22 (1) IN GENERAL.—Not later than one year  
23 after the date of the enactment of this Act, the Sec-  
24 retary of Defense shall incorporate, throughout the  
25 direct care and purchased care components of the

1 military health system, the use of telehealth services,  
2 including mobile health applications—

3 (A) to improve access to primary care, ur-  
4 gent care, behavioral health care, and specialty  
5 care;

6 (B) to perform health assessments;

7 (C) to provide diagnoses, interventions,  
8 and supervision;

9 (D) to monitor individual health outcomes  
10 of covered beneficiaries with chronic diseases or  
11 conditions;

12 (E) to improve communication between  
13 health care providers and patients; and

14 (F) to reduce health care costs for covered  
15 beneficiaries and the Department of Defense.

16 (2) TYPES OF TELEHEALTH SERVICES.—The  
17 telehealth services required to be incorporated under  
18 paragraph (1) shall include those telehealth services  
19 that—

20 (A) provide real-time interactive commu-  
21 nications and remote patient monitoring;

22 (B) allow covered beneficiaries to schedule  
23 appointments and communicate with health  
24 care providers; and

1 (C) allow health care providers, through  
2 video conference, telephone or tablet applica-  
3 tions, or home health monitoring devices—

4 (i) to assess and evaluate disease  
5 signs and symptoms;

6 (ii) to diagnose diseases;

7 (iii) to supervise treatments; and

8 (iv) to monitor health outcomes.

9 (b) COVERAGE OF ITEMS OR SERVICES.—An item or  
10 service furnished to a covered beneficiary via a tele-  
11 communications system shall be covered under the  
12 TRICARE program to the same extent as the item or  
13 service would be covered if furnished in the location of the  
14 covered beneficiary.

15 (c) REIMBURSEMENT RATES FOR TELEHEALTH  
16 SERVICES.—The Secretary shall develop standardized  
17 payment methods to reimburse health care providers for  
18 telehealth services provided to covered beneficiaries in the  
19 purchased care component of the TRICARE program, in-  
20 cluding by using reimbursement rates that incentivize the  
21 provision of telehealth services.

22 (d) LOCATION OF CARE.—For purposes of reim-  
23 bursement, licensure, professional liability, and other pur-  
24 poses relating to the provision of telehealth services under  
25 this section, providers of such services shall be considered

1 to be furnishing such services at their location and not  
2 at the location of the patient.

3 (e) REDUCTION OR ELIMINATION OF COPAY-  
4 MENTS.—The Secretary shall reduce or eliminate, as the  
5 Secretary considers appropriate, copayments or cost  
6 shares for covered beneficiaries in connection with the re-  
7 ceipt of telehealth services under the purchased care com-  
8 ponent of the TRICARE program.

9 (f) REPORTS.—

10 (1) INITIAL REPORT.—

11 (A) IN GENERAL.—Not later than 180  
12 days after the date of the enactment of this  
13 Act, the Secretary shall submit to the Commit-  
14 tees on Armed Services of the Senate and the  
15 House of Representatives a report describing  
16 the full range of telehealth services to be avail-  
17 able in the direct care and purchased care com-  
18 ponents of the military health system and the  
19 copayments and cost shares, if any, associated  
20 with those services.

21 (B) REIMBURSEMENT PLAN.—The report  
22 required under subparagraph (A) shall include  
23 a plan to develop standardized payment meth-  
24 ods to reimburse health care providers for tele-  
25 health services provided to covered beneficiaries

1 in the purchased care component of the  
2 TRICARE program, as required under sub-  
3 section (c).

4 (2) FINAL REPORT.—

5 (A) IN GENERAL.—Not later than three  
6 years after the date on which the Secretary be-  
7 gins incorporating, throughout the direct care  
8 and purchased care components of the military  
9 health system, the use of telehealth services as  
10 required under subsection (a), the Secretary  
11 shall submit to the Committees on Armed Serv-  
12 ices of the Senate and the House of Represent-  
13 atives a report describing the impact made by  
14 the use of telehealth services, including mobile  
15 health applications, to carry out the actions  
16 specified in subparagraphs (A) through (F) of  
17 subsection (a)(1).

18 (B) ELEMENTS.—The report required  
19 under subparagraph (A) shall include an assess-  
20 ment of the following:

21 (i) The satisfaction of covered bene-  
22 ficiaries with telehealth services furnished  
23 by the Department of Defense.



1           (ii) The satisfaction of health care  
2 providers in providing telehealth services  
3 furnished by the Department.

4           (iii) The effect of telehealth services  
5 furnished by the Department on the fol-  
6 lowing:

7               (I) The ability of covered bene-  
8 ficiaries to access health care services  
9 in the direct care and purchased care  
10 components of the military health sys-  
11 tem.

12              (II) The frequency of use of tele-  
13 health services by covered bene-  
14 ficiaries.

15              (III) The productivity of health  
16 care providers providing care fur-  
17 nished by the Department.

18              (IV) The reduction, if any, in the  
19 use by covered beneficiaries of health  
20 care services in military treatment fa-  
21 cilities or medical facilities in the pri-  
22 vate sector.

23              (V) The number and types of ap-  
24 pointments for the receipt of tele-

1 health services furnished by the De-  
2 partment.

3 (VI) The savings, if any, realized  
4 by the Department by furnishing tele-  
5 health services to covered bene-  
6 ficiaries.

7 (g) DEFINITIONS.—In this section, the terms “cov-  
8 ered beneficiary” and “TRICARE program” have the  
9 meaning given those terms in section 1072 of title 10,  
10 United States Code.

11 **SEC. 706. EVALUATION AND TREATMENT OF VETERANS**  
12 **AND CIVILIANS AT MILITARY TREATMENT FA-**  
13 **CILITIES.**

14 (a) IN GENERAL.—The Secretary of Defense may au-  
15 thorize a veteran (in consultation with the Secretary of  
16 Veterans Affairs) or civilian to be evaluated and treated  
17 at a military treatment facility if the Secretary of Defense  
18 determines that—

19 (1) the evaluation and treatment of the indi-  
20 vidual is necessary to attain the relevant mix and  
21 volume of medical casework required to maintain  
22 medical readiness skills and competencies of health  
23 care providers at the facility;

1           (2) the health care providers at the facility have  
2           the competencies, skills, and abilities required to  
3           treat the individual; and

4           (3) the facility has available space, equipment,  
5           and materials to treat the individual.

6           (b) REIMBURSEMENT FOR TREATMENT.—

7           (1) CIVILIANS.—A military treatment facility  
8           that evaluates or treats an individual (other than an  
9           individual described in paragraph (2)) under sub-  
10          section (a) may bill the individual and accept reim-  
11          bursement from the individual for the costs of any  
12          health care services provided to the individual under  
13          such subsection.

14          (2) VETERANS.—The Secretary of Defense  
15          shall enter into a memorandum of understanding  
16          with the Secretary of Veterans Affairs under which  
17          the Secretary of Veterans Affairs will reimburse a  
18          military treatment facility for the costs of any health  
19          care services provided at the facility under sub-  
20          section (a) to individuals eligible for such health care  
21          services from the Department of Veterans Affairs.

22          (3) USE OF AMOUNTS.—Any amounts collected  
23          by a military treatment facility under paragraph (1)  
24          or (2) for health care services provided to an indi-  
25          vidual under subsection (a) shall be made available

1 to such facility to improve access to health care, im-  
 2 prove health outcomes, and enhance the experience  
 3 of care for covered beneficiaries at such facility.

4 (c) 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. 707. PILOT PROGRAM TO PROVIDE HEALTH INSUR-**  
 9 **ANCE TO MEMBERS OF THE RESERVE COM-**  
 10 **ONENTS OF THE ARMED FORCES.**

11 (a) PILOT PROGRAM AUTHORIZED.—

12 (1) IN GENERAL.—The Secretary of Defense  
 13 and the Director may jointly carry out a pilot pro-  
 14 gram, at the election of the Secretary, under which  
 15 the Director provides commercial health insurance  
 16 coverage to eligible reserve component members who  
 17 enroll in a health benefits plan under subsection (b)  
 18 as an individual, for self plus one coverage, or for  
 19 self and family coverage.

20 (2) ELEMENTS.—The pilot program shall—

21 (A) provide for enrollment by eligible re-  
 22 serve component members, at the election of the  
 23 member, in a health benefits plan under sub-  
 24 section (b) during an open enrollment period es-

1           tablished by the Director for purposes of this  
2           section;

3           (B) include a variety of national and re-  
4           gional health benefits plans that—

5                   (i) meet the requirements of this sec-  
6                   tion;

7                   (ii) are broadly representative of the  
8                   health benefits plans available in the com-  
9                   mercial market; and

10                   (iii) do not contain unnecessary re-  
11                   strictions, as determined by the Director;  
12                   and

13           (C) offer a sufficient number of health  
14           benefits plans in order to provide eligible re-  
15           serve component beneficiaries with an ample  
16           choice of health benefits plans, as determined  
17           by the Director.

18           (3) DURATION.—If the Secretary elects to carry  
19           out the pilot program, the Secretary and the Direc-  
20           tor shall carry out the pilot program for not less  
21           than five years.

22           (b) HEALTH BENEFITS PLANS.—

23                   (1) IN GENERAL.—In providing health insur-  
24                   ance coverage under the pilot program, the Director

1 shall contract with qualified carriers for a variety of  
2 health benefits plans.

3 (2) DESCRIPTION OF PLANS.—Health benefits  
4 plans contracted for under this subsection—

5 (A) may vary by type of plan design, cov-  
6 ered benefits, geography, and price;

7 (B) shall include maximum limitations on  
8 out-of-pocket expenses paid by an eligible re-  
9 serve component beneficiary for the health care  
10 provided; and

11 (C) may not exclude an eligible reserve  
12 component member who chooses to enroll.

13 (3) QUALITY OF PLANS.—The Director shall  
14 ensure that each health benefits plan offered under  
15 this section offers a high degree of quality, as deter-  
16 mined by criteria such as—

17 (A) access to an ample number of medical  
18 providers, as determined by the Director;

19 (B) adherence to industry-accepted quality  
20 measurements, as determined by the Director;

21 (C) access to benefits described in sub-  
22 section (c), including ease of referral for health  
23 care services; and

24 (D) inclusion in the services covered by the  
25 plan of advancements in medical treatments

1           and technology as soon as practicable in accord-  
2           ance with generally accepted standards of medi-  
3           cine.

4           (c) BENEFITS.—A health benefits plan offered by the  
5 Director under this section shall include, at a minimum,  
6 the following benefits:

7           (1) The health care benefits provided under  
8 chapter 55 of title 10, United States Code, excluding  
9 pharmaceutical, dental, and extended health care op-  
10 tion benefits.

11           (2) The essential health benefits described in  
12 section 1302 of the Patient Protection and Afford-  
13 able Care Act (42 U.S.C. 18022), excluding pharma-  
14 ceutical and dental benefits.

15           (3) Such other benefits as the Director deter-  
16 mines appropriate.

17           (d) CARE AT FACILITIES OF UNIFORMED SERV-  
18 ICES.—

19           (1) IN GENERAL.—If an eligible reserve compo-  
20 nent beneficiary receives benefits described in sub-  
21 section (c) at a facility of the uniformed services, the  
22 health benefits plan under which the beneficiary is  
23 covered shall be treated as a third party payer under  
24 section 1095 of title 10, United States Code, and  
25 shall pay reasonable charges for such benefits.

1           (2) MILITARY TREATMENT FACILITIES.—The  
2       Secretary, in consultation with the Director—

3           (A) may contract with qualified carriers  
4       with which the Director has contracted under  
5       subsection (b) to provide health insurance cov-  
6       erage for health care services provided at mili-  
7       tary treatment facilities under this section; and

8           (B) may receive payments under section  
9       1095 of title 10, United States Code, from  
10      qualified carriers for health care services pro-  
11      vided at military treatment facilities under this  
12      section.

13      (e) SPECIAL RULE RELATING TO ACTIVE DUTY PE-  
14      RIOD.—

15           (1) IN GENERAL.—An eligible reserve compo-  
16      nent member may not receive benefits under a  
17      health benefits plan under this section during any  
18      period in which the member is serving on active duty  
19      for more than 30 days.

20           (2) TREATMENT OF DEPENDENTS.—Paragraph  
21      (1) does not affect the coverage under a health bene-  
22      fits plan of any dependent of an eligible reserve com-  
23      ponent member.

24      (f) ELIGIBILITY FOR FEDERAL EMPLOYEES HEALTH  
25      BENEFITS PROGRAM.—An individual is not eligible to en-



1 roll in or be covered under a health benefits plan under  
2 this section if the individual is eligible to enroll in a health  
3 benefits plan under the Federal Employees Health Bene-  
4 fits Program.

5 (g) COST SHARING.—

6 (1) RESPONSIBILITY FOR PAYMENT.—

7 (A) IN GENERAL.—Except as provided in  
8 subparagraph (B), an eligible reserve compo-  
9 nent member shall pay an annual premium  
10 amount calculated under paragraph (2) for cov-  
11 erage under a health benefits plan under this  
12 section and additional amounts described in  
13 paragraph (3) for health care services in con-  
14 nection with such coverage.

15 (B) ACTIVE DUTY PERIOD.—

16 (i) IN GENERAL.—During any period  
17 in which an eligible reserve component  
18 member is serving on active duty for more  
19 than 30 days, the eligible reserve compo-  
20 nent member is not responsible for paying  
21 any premium amount under paragraph (2)  
22 or additional amounts under paragraph  
23 (3).

24 (ii) COVERAGE OF DEPENDENTS.—

25 With respect to a dependent of an eligible

1           reserve component member that is covered  
2           under a health benefits plan under this  
3           section, during any period described in  
4           clause (i) with respect to the member, the  
5           Secretary shall, on behalf of the dependent,  
6           pay 100 percent of the total annual  
7           amount of a premium for coverage of the  
8           dependent under the plan and such cost  
9           sharing amounts as may be applicable  
10          under the plan.

11          (2) PREMIUM AMOUNT.—

12           (A) IN GENERAL.—The annual premium  
13           calculated under this paragraph is an amount  
14           equal to 28 percent of the total annual amount  
15           of a premium under the health benefits plan se-  
16           lected.

17           (B) TYPES OF COVERAGE.—The premium  
18           amounts calculated under this paragraph shall  
19           include separate calculations for—

- 20                   (i) coverage as an individual;  
21                   (ii) self plus one coverage; and  
22                   (iii) self and family coverage.

23          (3) ADDITIONAL AMOUNTS.—The additional  
24          amounts described in this paragraph with respect to  
25          an eligible reserve component member are such cost

1 sharing amounts as may be applicable under the  
2 health benefits plan under which the member is cov-  
3 ered.

4 (h) CONTRACTING.—

5 (1) IN GENERAL.—In contracting for health  
6 benefits plans under subsection (b), the Director  
7 may contract with qualified carriers in a manner  
8 similar to the manner in which the Director con-  
9 tracts with carriers under section 8902 of title 5,  
10 United States Code, including that—

11 (A) a contract under this section shall be  
12 for a uniform term of not less than one year,  
13 but may be made automatically renewable from  
14 term to term in the absence of notice of termi-  
15 nation by either party;

16 (B) a contract under this section shall con-  
17 tain a detailed statement of benefits offered and  
18 shall include such maximums, limitations, exclu-  
19 sions, and other definitions of benefits as the  
20 Director considers necessary or desirable;

21 (C) a contract under this section shall en-  
22 sure that an eligible reserve component member  
23 who is eligible to enroll in a health benefits plan  
24 pursuant to such contract is able to enroll in  
25 such plan; and

1 (D) the terms of a contract under this sec-  
2 tion relating to the nature, provision, or extent  
3 of coverage or benefits (including payments  
4 with respect to benefits) shall supersede and  
5 preempt any conflicting State or local law.

6 (2) EVALUATION OF FINANCIAL SOLVENCY.—

7 The Director shall perform a thorough evaluation of  
8 the financial solvency of an insurance carrier before  
9 entering into a contract with the insurance carrier  
10 under paragraph (1).

11 (i) RECOMMENDATIONS AND DATA.—

12 (1) IN GENERAL.—The Secretary of Defense, in  
13 consultation with the Secretary of Homeland Secu-  
14 rity, shall provide recommendations and data to the  
15 Director with respect to—

16 (A) matters involving military treatment  
17 facilities;

18 (B) matters unique to eligible reserve com-  
19 ponent members and their dependents; and

20 (C) such other strategic guidance nec-  
21 essary for the Director to administer this sec-  
22 tion as the Secretary of Defense, in consulta-  
23 tion with the Secretary of Homeland Security,  
24 considers appropriate.

1           (2) LIMITATION ON IMPLEMENTATION.—The  
2       Director shall not implement any recommendation  
3       provided by the Secretary of Defense under para-  
4       graph (1) if the Director determines that the imple-  
5       mentation of the recommendation would result in eli-  
6       gible reserve components beneficiaries receiving less  
7       generous health benefits under this section than the  
8       health benefits commonly available to individuals  
9       under the Federal Employees Health Benefits Pro-  
10      gram during the same period.

11      (j) FUNDING.—

12           (1) IN GENERAL.—The Secretary of Defense  
13      and the Director shall jointly establish an appro-  
14      priate mechanism to fund the pilot program under  
15      this section.

16           (2) AVAILABILITY OF AMOUNTS.—Amounts  
17      shall be made available to the Director pursuant to  
18      the mechanism established under paragraph (1),  
19      without fiscal year limitation—

20                   (A) for payments to health benefits plans  
21                   under this section; and

22                   (B) to pay the costs of administering this  
23                   section.

24      (k) DEFINITIONS.—In this section:

1           (1) DIRECTOR.—The term “Director” means  
2           the Director of the Office of Personnel Management.

3           (2) ELIGIBLE RESERVE COMPONENT BENE-  
4           FICIARY.—The term “eligible reserve component  
5           beneficiary” means an eligible reserve component  
6           member enrolled in, or a dependent of such a mem-  
7           ber described in subparagraph (A), (D), or (I) of  
8           section 1072(2) of title 10, United States Code, cov-  
9           ered under, a health benefits plan under this section.

10          (3) ELIGIBLE RESERVE COMPONENT MEM-  
11          BER.—The term “eligible reserve component mem-  
12          ber” means a member of the Selected Reserve of the  
13          Ready Reserve of an Armed Force.

14          (4) EXTENDED HEALTH CARE OPTION.—The  
15          term “extended health care option” means the pro-  
16          gram of extended benefits under subsections (d) and  
17          (e) of section 1079 of title 10, United States Code.

18          (5) FEDERAL EMPLOYEES HEALTH BENEFITS  
19          PROGRAM.—The term “Federal Employees Health  
20          Benefits Program” means the health insurance pro-  
21          gram under chapter 89 of title 5, United States  
22          Code.

23          (6) QUALIFIED CARRIER.—The term “qualified  
24          carrier” means an insurance carrier that is licensed

1 to issue group health insurance in any State or the  
2 District of Columbia.

3 **SEC. 708. PILOT PROGRAM ON TREATMENT OF MEMBERS**  
4 **OF THE ARMED FORCES FOR POST-TRAU-**  
5 **MATIC STRESS DISORDER RELATED TO MILI-**  
6 **TARY SEXUAL TRAUMA.**

7 (a) IN GENERAL.—The Secretary of Defense may  
8 carry out a pilot program to assess the feasibility and ad-  
9 visability of using intensive outpatient programs to treat  
10 members of the Armed Forces suffering from post-trau-  
11 matic stress disorder resulting from military sexual trau-  
12 ma, including treatment for substance use disorder, de-  
13 pression, and other issues related to such conditions.

14 (b) GRANTS TO COMMUNITY PARTNERS.—

15 (1) IN GENERAL.—The pilot program author-  
16 ized by subsection (a) shall be carried out using  
17 grants, awarded on a competitive basis, to commu-  
18 nity partners described in paragraph (2).

19 (2) COMMUNITY PARTNERS.—A community  
20 partner described in this paragraph is a private  
21 health care organization or institution that—

22 (A) provides health care to members of the  
23 Armed Forces;

24 (B) provides evidence-based treatment for  
25 psychological and neurological conditions that

1           are common among members of the Armed  
2           Forces, including post-traumatic stress dis-  
3           order, traumatic brain injury, substance use  
4           disorder, and depression;

5           (C) provides health care, support, and  
6           other benefits to family members of members of  
7           the Armed Forces; and

8           (D) provides health care under the  
9           TRICARE program (as that term is defined in  
10          section 1072 of title 10, United States Code).

11       (c) REQUIREMENTS OF GRANT RECIPIENTS.—Each  
12       community partner awarded a grant under subsection (b)  
13       shall—

14           (1) carry out intensive outpatient programs of  
15           short duration to treat members of the Armed  
16           Forces suffering from post-traumatic stress disorder  
17           resulting from military sexual trauma, including  
18           treatment for substance use disorder, depression,  
19           and other issues related to such conditions;

20           (2) use evidence-based and evidence-informed  
21           treatment strategies in carrying out such programs;

22           (3) share clinical and outreach best practices  
23           with other community partners participating in the  
24           pilot program authorized by subsection (a); and



1           (4) annually assess outcomes for members of  
2           the Armed Forces individually and throughout the  
3           community partners with respect to the treatment of  
4           conditions described in paragraph (1).

5           (d) FEDERAL SHARE.—The Federal share of the  
6           costs of programs carried out by a community partner  
7           awarded a grant under subsection (b) using a grant under  
8           that subsection may not exceed 50 percent.

9           (e) TERMINATION.—The Secretary may not carry out  
10          the pilot program authorized by subsection (a) after the  
11          date that is three years after the date of the enactment  
12          of this Act.

## 13                   **Subtitle B—Health Care** 14                   **Administration**

### 15   **SEC. 721. CONSOLIDATION OF THE MEDICAL DEPART-** 16                   **MENTS OF THE ARMY, NAVY, AND AIR FORCE** 17                   **INTO THE DEFENSE HEALTH AGENCY.**

18          (a) IN GENERAL.—Not earlier than the date that is  
19          60 days after the Committees on Armed Services of the  
20          Senate and the House of Representatives receive the con-  
21          solidation plan submitted under subsection (d), the Sec-  
22          retary of Defense shall disestablish the medical depart-  
23          ments of the Armed Forces and consolidate all activities  
24          of such departments into the Defense Health Agency in  
25          a manner that—

1           (1) ensures continuity in the provision of health  
2       care services to members of the Armed Forces and  
3       other eligible beneficiaries; and

4           (2) maintains the medical force readiness capa-  
5       bilities of the military health system.

6       (b) MEDICAL OPERATIONS WITHIN DEFENSE  
7       HEALTH AGENCY.—

8           (1) IN GENERAL.—The consolidation required  
9       by this section shall, at a minimum, meet the re-  
10      quirements of this subsection.

11          (2) MEDICAL OPERATIONS.—All medical oper-  
12      ations of the Department of Defense (including all  
13      military medical treatment facilities, training organi-  
14      zations, and medical research entities of the military  
15      departments) shall be discharged through a single  
16      agency established or organized within, and assigned  
17      to, the Defense Health Agency.

18          (3) DIRECTOR.—The Director of the Defense  
19      Health Agency shall be an officer of the Armed  
20      Forces who, while so serving, holds the grade of lieu-  
21      tenant general or, in the case of the Navy, vice ad-  
22      miral. The Director shall be appointed from among  
23      officers of the Armed Services who are members of  
24      the medical corps, the dental corps, the medical  
25      service corps (including the biomedical service

1 corps), or the nurse corps. An individual appointed  
2 as the Director shall serve a term of not fewer than  
3 four years.

4 (4) SUBORDINATE ORGANIZATIONS.—

5 (A) IN GENERAL.—The Defense Health  
6 Agency shall have four subordinate organiza-  
7 tions as follows:

8 (i) An organization that includes all  
9 military medical treatment facilities, in-  
10 cluding facilities or elements that are com-  
11 bined or operating jointly with a medical  
12 facility of another department or agency of  
13 the Federal Government.

14 (ii) An organization responsible for  
15 the following:

16 (I) All medical professional re-  
17 cruitment and retention activities of  
18 the Department.

19 (II) All medical training, edu-  
20 cation, research, and development ac-  
21 tivities of the Department

22 (III) Any organizations des-  
23 igned as executive agents of the De-  
24 partment for medical operations or ac-

1                   activities of the Department as of De-  
2                   cember 31, 2016.

3                   (iii) An organization responsible for  
4                   the activities and duties of the Defense  
5                   Health Agency as of December 31, 2016.

6                   (iv) An organization responsible for  
7                   all activities and duties of the Department  
8                   to improve and maintain medical force  
9                   readiness capabilities and to ensure the  
10                  combat casualty care and trauma readiness  
11                  of military health care providers.

12                (B) HEADS OF ORGANIZATIONS.—The  
13                head of each subordinate organization under  
14                this paragraph shall, while so serving, be an of-  
15                ficer of the Armed Forces who holds the grade  
16                of major general or, in the case of the Navy,  
17                rear admiral, or a civilian of equivalent grade.  
18                The head of each subordinate organization, if  
19                an officer of the Armed Forces, shall be a mem-  
20                ber of the medical corps, the dental corps, the  
21                medical service corps (including the biomedical  
22                service corps), or the nurse corps

23                (5) AUTHORITY OF DIRECTOR.—The Director  
24                of the Defense Health Agency shall, subject to the  
25                supervision and control of the Assistant Secretary of

1       Defense for Health Affairs, be responsible for and  
2       have the authority to conduct the following functions  
3       relating to the medical operations activities of the  
4       Department:

5               (A) Development of programs and doc-  
6       trine.

7               (B) Preparation and submittal of program  
8       recommendations and budget proposals to the  
9       Secretary of Defense.

10              (C) Exercise of authority, direction, and  
11       control over the expenditure of funds of the De-  
12       fense Health Program.

13              (D) Planning, budgeting, and expenditure  
14       of military construction funds within the De-  
15       fense Health Program.

16              (E) Training assigned medical forces and  
17       conducting specialized medical instruction for  
18       military personnel.

19              (F)   Validation,   establishment,   and  
20       prioritizing of requirements.

21              (G) Ensuring interoperability of equipment  
22       and forces.

23              (H) Monitoring promotions, assignments,  
24       retention, training, and professional military  
25       education of military health care providers.

1           (6) MAINTENANCE OF UNIQUE MEDICAL CAPA-  
 2           BILITIES AND EXPERTISE OF THE ARMED  
 3           FORCES.—Notwithstanding a single agency structure  
 4           for medical operations of the Department, the  
 5           unique operational medical capabilities and expertise  
 6           of health care professionals of each of the Armed  
 7           Forces shall, to the extent practicable, be preserved  
 8           and maintained.

9           (c) POSITIONS OF SURGEON GENERAL IN THE  
 10          ARMED FORCES.—

11           (1) SURGEON GENERAL OF THE ARMY.—Sec-  
 12          tion 3036 of title 10, United States Code, is amend-  
 13          ed—

14                   (A) in subsection (d), by striking “(1)”;

15                   (B) by redesignating subsection (e) as sub-  
 16          section (g);

17                   (C) by redesignating paragraphs (2) and  
 18          (3) of subsection (d) as paragraphs (1) and (2),  
 19          respectively, of a new subsection (e); and

20                   (D) by adding after subsection (e), as pro-  
 21          vided for by subparagraph (C), the following  
 22          new subsection (f):

23          “(f)(1) The Surgeon General serves as the principal  
 24          advisor to the Secretary of the Army and the Chief of  
 25          Staff of the Army on all health and medical matters of

1 the Army, including strategic planning and policy develop-  
2 ment relating to such matters.

3 “(2) The Surgeon General serves as the chief medical  
4 advisor of Army to the Defense Health Agency on matters  
5 pertaining to military health readiness requirements and  
6 safety of members of the Army.”.

7 (2) SURGEON GENERAL OF THE NAVY.—

8 (A) IN GENERAL.—Section 5137 of title  
9 10, United States Code, is amended to read as  
10 follows:

11 **“§ 5137. Surgeon General: appointment; duties**

12 “(a) APPOINTMENT.—The Surgeon General of the  
13 Navy shall be appointed by the President, by and with the  
14 advice and consent of the Senate.

15 “(b) DUTIES.—(1) The Surgeon General shall per-  
16 form duties prescribed by the Secretary of the Navy and  
17 by law.

18 “(2) The Surgeon General serves as the principal ad-  
19 visor to the Secretary of the Navy and the Chief of Naval  
20 Operations on all health and medical matters of the Navy  
21 and the Marine Corps, including strategic planning and  
22 policy development relating to such matters.

23 “(3) The Surgeon General serves as the chief medical  
24 advisor of the Navy and the Marine Corps to the Defense  
25 Health Agency on matters pertaining to military health

1 readiness requirements and safety of members of the Navy  
2 and the Marine Corps.”.

3 (B) CLERICAL AMENDMENT.—The table of  
4 sections at the beginning of chapter 513 of such  
5 title is amended by striking the item relating to  
6 section 5137 and inserting the following new  
7 item:

“5137. Surgeon General: appointment; duties.”.

8 (3) SURGEON GENERAL OF THE AIR FORCE.—

9 (A) IN GENERAL.—Section 8036 of title  
10 10, United States Code, is amended to read as  
11 follows:

12 **“§ 8036. Surgeon General: appointment; duties**

13 “(a) APPOINTMENT.—The Surgeon General of the  
14 Air Force shall be appointed by the President, by and with  
15 the advice and consent of the Senate.

16 “(b) DUTIES.—(1) The Surgeon General shall per-  
17 form duties prescribed by the Secretary of the Air Force  
18 and by law.

19 “(2) The Surgeon General serves as the principal ad-  
20 visor to the Secretary of the Air Force and the Chief of  
21 Staff of the Air Force on all health and medical matters  
22 of the Air Force, including strategic planning and policy  
23 development relating to such matters.

24 “(3) The Surgeon General serves as the chief medical  
25 advisor of the Air Force to the Defense Health Agency



1 on matters pertaining to military health readiness require-  
2 ments and safety of members of the Air Force.”.

3 (B) CLERICAL AMENDMENT.—The table of  
4 sections at the beginning of chapter 805 of such  
5 title is amended by striking the item relating to  
6 section 8036 and inserting the following new  
7 item:

“8036. Surgeon General: appointment; duties.”.

8 (d) CONSOLIDATION PLAN.—

9 (1) IN GENERAL.—Before taking any action  
10 under subsection (a) to consolidate the activities of  
11 the medical departments of the Armed Forces, the  
12 Secretary of Defense shall submit to Committees on  
13 Armed Services of the Senate and the House of Rep-  
14 resentatives a plan to consolidate such activities.

15 (2) ELEMENTS.—The plan submitted under  
16 paragraph (1) with respect to the consolidation of  
17 the activities of the medical departments of the  
18 Armed Forces under subsection (a) shall include, at  
19 a minimum, the following:

20 (A) A description of the organizational  
21 structure of the Defense Health Agency under  
22 such consolidation.

23 (B) A description of the manning and  
24 management of all medical personnel under  
25 such consolidation.

1           (C) A description of the command respon-  
2           sibilities of the Director of the Defense Health  
3           Agency, the head of each subordinate organiza-  
4           tion within the Defense Health Agency, and the  
5           Surgeons General of the Army, Navy, and Air  
6           Force under such consolidation.

7           (D) A description of the authorities and  
8           responsibilities of each commander of an instal-  
9           lation or military service under such consolida-  
10          tion.

11          (E) A description of the activities carried  
12          out by all elements of the Defense Health Agen-  
13          cy under such consolidation.

14          (F) An assessment of the impact of such  
15          consolidation on—

16               (i) health care provided by the De-  
17               partment of Defense, including the cost ef-  
18               fectiveness of such care;

19               (ii) the military readiness of members  
20               of the Armed Forces; and

21               (iii) the ability of members of the  
22               Armed Forces to meet deployment require-  
23               ments.

1                   (G) An assessment of the delineation of ac-  
2                   countability across the military health system  
3                   under such consolidation.

4                   (3) COMPTROLLER GENERAL REVIEW.—Not  
5                   later than 180 days after the Secretary of Defense  
6                   submits the plan under paragraph (1), the Comp-  
7                   troller General of the United States shall submit to  
8                   the Committees on Armed Services of the Senate  
9                   and the House of Representatives a review of such  
10                  plan.

11               (e) REPORT.—Not later than January 1, 2017, the  
12               Secretary of the Defense shall submit to the Committees  
13               on Armed Services of the Senate and the House of Rep-  
14               resentatives a report on the consolidation required by this  
15               section.

16               (1) The number of military, civilian, and con-  
17               tractor positions to be eliminated from headquarters  
18               staffs by the disestablishment of the medical depart-  
19               ments of the Armed Forces and the consolidation of  
20               all activities of such departments into the Defense  
21               Health Agency.

22               (2) The number of general and flag officer bil-  
23               lets to be eliminated from each Armed Force by the  
24               disestablishment and consolidation.

1           (3) The cost savings expected to be realized as  
2           a result of the disestablishment and consolidation.

3           (4) The complete schedule for the disestablish-  
4           ment and consolidation.

5           (5) A description of the additional legislative  
6           authorities, if any, required to fully carry out the  
7           disestablishment and consolidation.

8   **SEC. 722. ACCOUNTABILITY FOR THE PERFORMANCE OF**  
9                   **THE MILITARY HEALTH CARE SYSTEM OF**  
10                   **CERTAIN POSITIONS IN THE SYSTEM.**

11       (a) IN GENERAL.—Commencing not later than 180  
12       days after the date of the enactment of this Act, the Sec-  
13       retary of Defense and the Secretaries of the military de-  
14       partments, as appropriate, shall incorporate into the an-  
15       nual performance review of each position specified in sub-  
16       section (b) measures of accountability for the performance  
17       of the military health care system described in subsection  
18       (c) for which such position should be held accountable.

19       (b) POSITIONS.—The positions specified in this sub-  
20       section are the following:

21           (1) The Director of the Defense Health Agency.

22           (2) The heads of the subordinate organizations  
23       of the Defense Health Agency established pursuant  
24       to section 721(b)(4).

1           (3) The commanders of the military medical  
2           treatment facilities of each Armed Force.

3           (4) The subordinate commanders of the mili-  
4           tary medical treatment facilities of each Armed  
5           Force.

6           (c) MEASURES OF ACCOUNTABILITY FOR PERFORM-  
7           ANCE.—The measures of accountability for the perform-  
8           ance of the military health care system incorporated into  
9           the annual performance reviews of a position pursuant to  
10          this section shall include measures to assess performance  
11          and assure accountability for the following:

12           (1) Quality of care.

13           (2) Beneficiaries' access to care.

14           (3) Improvement in beneficiaries' health out-  
15          comes.

16           (4) Patient safety.

17           (5) Such other matters as the Secretary of De-  
18          fense or the Secretaries of the military departments,  
19          as appropriate, consider appropriate.

20          (d) LIMITATION ON PERFORMANCE BONUS PAY-  
21          MENTS.—Commencing upon the incorporation of meas-  
22          ures of accountability for the performance of the military  
23          health care system into the annual performance reviews  
24          of a position specified in subsection (b), a performance  
25          bonus payment may not be paid to a civilian employee of the

1 Department of Defense occupying such position unless the  
2 performance of the military health care system for which  
3 such position is held responsible met or exceeded expecta-  
4 tions for performance during the period for which the per-  
5 formance bonus payment would otherwise be made.

6 (e) REPORT ON IMPLEMENTATION.—Not later than  
7 180 days after the date of the enactment of this Act, the  
8 Secretary of Defense shall submit to the Committees on  
9 Armed Services of the Senate and the House of Represent-  
10 atives a report on the incorporation of measures of ac-  
11 countability for the performance of the military health  
12 care system into the annual performance reviews of posi-  
13 tions as required by this section. The report shall include  
14 the following:

15 (1) A comprehensive plan for the use of meas-  
16 ures of accountability for performance in annual per-  
17 formance reviews pursuant to this section as a  
18 means of assessing and assuring accountability for  
19 the performance of the military health care system.

20 (2) For each position specified in subsection  
21 (b), a description of the specific measures of ac-  
22 countability for performance incorporated into the  
23 annual performance reviews of such position pursu-  
24 ant to this section.

1 **SEC. 723. SELECTION OF COMMANDERS AND DIRECTORS**  
2 **OF MILITARY TREATMENT FACILITIES AND**  
3 **TOURS OF DUTY OF COMMANDERS OF SUCH**  
4 **FACILITIES.**

5 (a) IN GENERAL.—Not later than January 1, 2018,  
6 the Secretary of Defense shall do the following:

7 (1) Develop the common qualifications and core  
8 competencies required of individuals for selection as  
9 commanders or directors of military treatment facili-  
10 ties.

11 (2) Establish a minimum length for the tour of  
12 duty of an individual as a commander of a military  
13 treatment facility.

14 (b) QUALIFICATIONS AND COMPETENCIES.—

15 (1) STANDARDS.—In developing common quali-  
16 fications and core competencies required of individ-  
17 uals for selection as commanders or directors of  
18 military treatment facilities pursuant to subsection  
19 (a)(1), the Secretary shall include standards with re-  
20 spect to the following:

21 (A) Professional competence.

22 (B) Moral and ethical integrity and char-  
23 acter.

24 (C) Formal education in healthcare execu-  
25 tive leadership and healthcare management.

1 (D) Such other matters as the Secretary  
2 considers appropriate.

3 (2) OBJECTIVE.—The objective of the Secretary  
4 in developing such qualifications and competencies  
5 shall be to ensure that the individuals selected as  
6 commanders or directors of military treatment facili-  
7 ties are highly qualified to serve as health system ex-  
8 ecutives in any medical treatment facility of the  
9 Armed Forces.

10 (c) TOURS OF DUTY.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (2), the length of the tour of duty as a com-  
13 mander of a military treatment facility of any indi-  
14 vidual assigned to such position after January 1,  
15 2018, may not be shorter than the longer of—

16 (A) the length established pursuant to sub-  
17 section (a)(2); or

18 (B) four years.

19 (2) WAIVER.—The Secretary of the military de-  
20 partment concerned may authorize a tour of duty of  
21 an individual as a commander of a military treat-  
22 ment facility of a shorter length than is otherwise  
23 provided for in paragraph (1) if the Secretary deter-  
24 mines, in the discretion of the Secretary, that there  
25 is good cause for a tour of duty in such position of



1 shorter length. Any such determination shall be  
 2 made on a case-by-case basis.

3 **SEC. 724. AUTHORITY TO CONVERT MILITARY MEDICAL**  
 4 **AND DENTAL POSITIONS TO CIVILIAN MED-**  
 5 **ICAL AND DENTAL POSITIONS.**

6 (a) LIMITED AUTHORITY FOR CONVERSION.—Chap-  
 7 ter 49 of title 10, United States Code, is amended by in-  
 8 serting after section 976 the following new section:

9 **“§ 977. Conversion of military medical and dental po-**  
 10 **sitions to civilian medical and dental po-**  
 11 **sitions: limitation**

12 “(a) REQUIREMENTS RELATING TO CONVERSION.—  
 13 A military medical or dental position within the Depart-  
 14 ment of Defense may not be converted to a civilian medical  
 15 or dental position unless the Secretary of Defense deter-  
 16 mines that—

17 “(1) the position is not a military essential po-  
 18 sition;

19 “(2) conversion of the position would not result  
 20 in the degradation of medical care or the medical  
 21 readiness of the armed forces; and

22 “(3) conversion of the position to a civilian  
 23 medical or dental position is more cost effective than  
 24 retaining the position as a military medical or dental

1 position, consistent with Department of Defense In-  
2 struction 7041.04.

3 “(b) DEFINITIONS.—In this section:

4 “(1) The term ‘military medical or dental posi-  
5 tion’ means a position for the performance of health  
6 care functions within the armed forces held by a  
7 member of the armed forces.

8 “(2) The term ‘civilian medical or dental posi-  
9 tion’ means a position for the performance of health  
10 care functions within the Department of Defense  
11 held by an employee of the Department or of a con-  
12 tractor of the Department.

13 “(3) The term ‘military essential’, with respect  
14 to a position, means that the position must be held  
15 by a member of the armed forces, as determined in  
16 accordance with regulations prescribed by the Sec-  
17 retary.

18 “(4) The term ‘conversion’, with respect to a  
19 military medical or dental position, means a change  
20 of the position to a civilian medical or dental posi-  
21 tion, effective as of the date of the manning author-  
22 ization document of the military department making  
23 the change (through a change in designation from  
24 military to civilian in the document, the elimination  
25 of the listing of the position as a military position

1 in the document, or through any other means indi-  
 2 cating the change in the document or otherwise).”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 at the beginning of chapter 49 of such title is amended  
 5 by inserting after the item relating to section 976 the fol-  
 6 lowing new item:

“977. Conversion of military medical and dental positions to civilian medical and  
 dental positions: limitation.”.

7 (c) REPEAL OF RELATED PROHIBITION.—Section  
 8 721 of the National Defense Authorization Act for Fiscal  
 9 Year 2008 (Public Law 110–181; 10 U.S.C. 129c note)  
 10 is repealed.

11 **SEC. 725. AUTHORITY TO REALIGN INFRASTRUCTURE OF**  
 12 **AND HEALTH CARE SERVICES PROVIDED BY**  
 13 **MILITARY TREATMENT FACILITIES.**

14 (a) IN GENERAL.—Except as provided in subsection  
 15 (b), the Secretary of a military department may realign  
 16 the infrastructure of or modify the health care services  
 17 provided by a military treatment facility under the juris-  
 18 diction of such Secretary if such realignment or modifica-  
 19 tion will better serve to—

20 (1) ensure the provision of safe, high quality  
 21 health care services to covered beneficiaries at the  
 22 facility;

1           (2) adapt the delivery of health care at the fa-  
2           cility to rapid changes in health care delivery models  
3           in the private sector; or

4           (3) maintain the medical readiness skills and  
5           core competencies of health care providers at the fa-  
6           cility.

7           (b) EXCEPTION.—A Secretary of a military depart-  
8           ment may not realign the infrastructure of or modify the  
9           health care services provided by a military treatment facil-  
10          ity under subsection (a) unless such Secretary can ensure  
11          that any covered beneficiary who may be affected by such  
12          realignment or modification will be able to receive through  
13          the purchased care component of the TRICARE program  
14          the health care services that will not be available to the  
15          covered beneficiary at the facility as a result of such re-  
16          alignment or modification.

17          (c) REPORT.—

18               (1) IN GENERAL.—Before taking any action  
19               under subsection (a) to realign the infrastructure of  
20               or modify the health care services provided by a mili-  
21               tary treatment facility, the Secretary of Defense  
22               shall submit to the Committees on Armed Services  
23               of the Senate and the House of Representatives a  
24               report on any such proposed realignments or modi-  
25               fications.

1           (2) ELEMENTS.—The report required by para-  
2       graph (1) shall include, at a minimum, the following:

3           (A) With respect to each military treat-  
4       ment facility for which realignments or modi-  
5       fications are proposed, the following:

6           (i) A comprehensive assessment of the  
7       health care services provided at the facility.

8           (ii) A description of the current acces-  
9       sibility of covered beneficiaries to health  
10      care services provided at the facility and  
11      proposed modifications to that accessi-  
12      bility, including with respect to types of  
13      services provided.

14          (iii) A description of the current man-  
15      ning levels at the facility and proposed  
16      modifications to such manning levels.

17          (iv) A description of the current avail-  
18      ability of urgent care, emergent care, and  
19      specialty care at the facility and in the  
20      TRICARE provider network in the area in  
21      which the facility is located, and proposed  
22      modifications to the availability of such  
23      care.

24          (v) A description of the current level  
25      of coordination between the facility and

1 local health care providers in the area in  
2 which the facility is located and proposed  
3 modifications to such level of coordination.

4 (vi) A description of any unique chal-  
5 lenges to providing health care at the facil-  
6 ity, with a focus on challenges relating to  
7 rural, remote, and insular areas, as appro-  
8 priate.

9 (B) An assessment of the current accessi-  
10 bility of covered beneficiaries to health care  
11 from sources other than military treatment fa-  
12 cilities and any changes that may be necessary  
13 to meet requirements relating to health care for  
14 covered beneficiaries from such sources, includ-  
15 ing access to and receipt of health care.

16 (d) COMPTROLLER GENERAL REVIEW.—Not later  
17 than 60 days after the Secretary of Defense submits a  
18 report under subsection (c), the Comptroller General of  
19 the United States shall submit to the Committees on  
20 Armed Services of the Senate and the House of Represent-  
21 atives a review of such report.

22 (e) DEFINITIONS.—In this section, the terms “cov-  
23 ered beneficiary” and “TRICARE program” have the  
24 meaning given those terms in section 1072 of title 10,  
25 United States Code.

1 **SEC. 726. ACQUISITION OF MEDICAL SUPPORT CONTRACTS**  
2 **FOR TRICARE PROGRAM.**

3 (a) ACQUISITION OF CONTRACTS.—

4 (1) NEW COMPETITION.—

5 (A) IN GENERAL.—Beginning not later  
6 than January 1, 2018, the Secretary of Defense  
7 shall conduct a new competition of all medical  
8 support contracts with private sector entities  
9 under the TRICARE program, other than the  
10 overseas medical support contract, upon the ex-  
11 piration of each such contract and enter into  
12 new medical support contracts with private sec-  
13 tor entities—

14 (i) to improve access to health care  
15 for covered beneficiaries;

16 (ii) to improve health outcomes for  
17 covered beneficiaries;

18 (iii) to improve the quality of health  
19 care received by covered beneficiaries;

20 (iv) to enhance the experience of cov-  
21 ered beneficiaries in receiving health care;  
22 and

23 (v) to lower per capita costs to the  
24 Department of Defense of health care pro-  
25 vided to covered beneficiaries.

1 (B) EXERCISE OF OPTIONS.—The Sec-  
2 retary may not exercise an option to extend any  
3 medical support contract with a private sector  
4 entity under the TRICARE program that would  
5 delay the award of a new medical support con-  
6 tract pursuant to the competition of that con-  
7 tract under subparagraph (A).

8 (2) CONTINUOUS COMPETITION.—

9 (A) IN GENERAL.—Not later than one year  
10 after entering into a medical support contract  
11 under paragraph (1), the Secretary shall issue  
12 an open broad agency announcement to allow  
13 potential contractors under the TRICARE pro-  
14 gram to propose innovative ideas and solutions  
15 to meet the medical support contract needs of  
16 the Department under the TRICARE program.

17 (B) COMPETITION REQUIREMENT.—A  
18 medical support contract awarded pursuant to  
19 the broad agency announcement issued under  
20 subparagraph (A) shall be deemed to meet the  
21 requirements under section 2304 of title 10,  
22 United States Code, relating to the use of com-  
23 petitive procedures to procure services.

24 (b) TYPES OF CONTRACTS.—



1           (1) IN GENERAL.—Each contract entered into  
2           under subsection (a) shall be competitively procured  
3           and automatically renewable for a period of not  
4           more than 10 years unless notice for termination is  
5           provided by either party not later than 180 days be-  
6           fore such termination.

7           (2) SCOPE.—The Secretary shall enter into  
8           under subsection (a) a combination of local, regional,  
9           and national contracts to develop individual and in-  
10          stitutional high-performing networks of health care  
11          providers.

12          (c) ELEMENTS OF CONTRACTS.—Each contract en-  
13          tered into under subsection (a) shall, to the extent prac-  
14          ticable, provide for the following:

15               (1) The maximization of flexibility in the design  
16               and configuration of networks of individual and in-  
17               stitutional health care providers, including a focus  
18               on the development of high-performing networks of  
19               health care providers.

20               (2) The creation of an integrated medical man-  
21               agement system between military treatment facilities  
22               and health care providers in the private sector that,  
23               when appropriate, effectively coordinates and inte-  
24               grates health care across the continuum of care.

25               (3) With respect to telehealth services—

1 (A) the maximization of the use of such  
2 services to provide real-time interactive commu-  
3 nications between patients and health care pro-  
4 viders and remote patient monitoring; and

5 (B) the use of standardized payment meth-  
6 ods to reimburse health care providers for the  
7 provision of such services.

8 (4) The use of value-based reimbursement  
9 methodologies that transfer financial risk to health  
10 care providers and medical support contractors.

11 (5) The use of financial incentives for contrac-  
12 tors and health care providers to receive an equitable  
13 share in the cost savings to the Department result-  
14 ing from improvement in health outcomes for cov-  
15 ered beneficiaries and the experience of covered  
16 beneficiaries in receiving health care.

17 (6) The use of incentives, emphasizing preven-  
18 tion and wellness, for covered beneficiaries receiving  
19 health care services from private sector entities to  
20 seek such services from high-value health care pro-  
21 viders.

22 (7) The adoption of a streamlined process for  
23 enrollment of covered beneficiaries to receive health  
24 care and timely assignment of primary care man-  
25 agers to covered beneficiaries.

1           (8) The elimination of the requirement to re-  
2       ceive authorization for a referral for specialty care  
3       services from the direct or purchased care compo-  
4       nent of the military health system.

5           (9) The use of incentives to encourage covered  
6       beneficiaries to participate in medical and lifestyle  
7       intervention programs.

8       (d) RURAL, REMOTE, AND ISOLATED AREAS.—

9           (1) IN GENERAL.—In entering into medical  
10      support contracts under subsection (a) and imple-  
11      menting such contracts, the Secretary shall—

12           (A) assess the unique characteristics of  
13      providing health care services in rural, remote,  
14      or isolated locations, such as Alaska and Ha-  
15      waii and locations in the contiguous 48 States;

16           (B) consider the various challenges inher-  
17      ent in developing robust networks of health care  
18      providers in those locations; and

19           (C) develop a provider reimbursement rate  
20      structure in those locations that ensures—

21           (i) timely access of covered bene-  
22      ficiaries to health care services;

23           (ii) the delivery of high-quality pri-  
24      mary and specialty care;

- 1 (iii) improvement in health outcomes
- 2 for covered beneficiaries; and
- 3 (iv) an enhanced experience of care
- 4 for covered beneficiaries.

5 (2) CERTIFICATION.—The Secretary of Defense  
6 may not modify existing medical support contracts  
7 under the TRICARE program in rural, remote, or  
8 isolated locations, such as Alaska and Hawaii and  
9 locations in the contiguous 48 States, or enter into  
10 new medical support contracts under subsection (a)  
11 in those locations, until the Secretary certifies to the  
12 Committees on Armed Services of the Senate and  
13 the House of Representatives that medical support  
14 contracts in those locations will—

15 (A) establish individual and institutional  
16 provider networks that will ensure timely access  
17 to care for covered beneficiaries; and

18 (B) deliver high-quality care, better health  
19 outcomes, and a better experience of care for  
20 covered beneficiaries.

21 (e) COMPTROLLER GENERAL REPORT.—

22 (1) IN GENERAL.—Not later than January 1,  
23 2019, the Comptroller General of the United States  
24 shall submit to the Committees on Armed Services  
25 of the Senate and the House of Representatives a

1 report that assesses the compliance of the Secretary  
2 of Defense with the requirements of this section.

3 (2) ELEMENTS.—The report required by para-  
4 graph (1) shall include an assessment of the fol-  
5 lowing:

6 (A) Whether the approach of the Depart-  
7 ment of Defense to acquiring medical support  
8 contracts under this section would—

9 (i) improve access to care;

10 (ii) improve health outcomes;

11 (iii) improve the experience of care for  
12 covered beneficiaries; and

13 (iv) lower per capita health care costs.

14 (B) Whether the Department has, in its  
15 requirements for medical support contracts en-  
16 tered into under this section, allowed for—

17 (i) maximum flexibility in network de-  
18 sign and development;

19 (ii) integrated medical management  
20 between military treatment facilities and  
21 network providers;

22 (iii) the maximum use of the full  
23 range of telehealth services;

24 (iv) the use of value-based reimburse-  
25 ment methods that transfer financial risk

1 to health care providers and medical sup-  
2 port contractors;

3 (v) the use of prevention and wellness  
4 incentives to encourage covered bene-  
5 ficiaries to seek health care services from  
6 high-value providers;

7 (vi) a streamlined enrollment process  
8 and timely assignment of primary care  
9 managers;

10 (vii) the elimination of the require-  
11 ment to seek authorization for referrals for  
12 specialty care services;

13 (viii) the use of incentives to encour-  
14 age certain covered beneficiaries to engage  
15 in medical and lifestyle intervention pro-  
16 grams; and

17 (ix) the use of financial incentives for  
18 contractors and health care providers to  
19 receive an equitable share in cost savings  
20 resulting from improvements in health out-  
21 comes and the experience of care for cov-  
22 ered beneficiaries.

23 (C) Whether the Department has devel-  
24 oped a plan for continuous competition of med-  
25 ical support contracts to enable the Department

1 to incorporate innovative ideas and solutions  
2 into those contracts.

3 (D) Whether the Department has consid-  
4 ered, in developing requirements for medical  
5 support contracts, the following:

6 (i) The unique characteristics of pro-  
7 viding health care services in rural, remote,  
8 or isolated locations, such as Alaska and  
9 Hawaii and locations in the contiguous 48  
10 states.

11 (ii) The various challenges inherent in  
12 developing robust networks of health care  
13 providers in those locations.

14 (iii) A provider reimbursement rate  
15 structure in those locations that ensures—

16 (I) timely access of covered bene-  
17 ficiaries to health care services;

18 (II) the delivery of high-quality  
19 primary and specialty care;

20 (III) improvement in health out-  
21 comes for covered beneficiaries; and

22 (IV) an enhanced experience of  
23 care for covered beneficiaries.

24 (f) DEFINITIONS.—In this section:

1           (1) COVERED BENEFICIARY; TRICARE PRO-  
2       GRAM.—The terms “covered beneficiary” and  
3       “TRICARE program” have the meaning given those  
4       terms in section 1072 of title 10, United States  
5       Code.

6           (2) HIGH-PERFORMING NETWORKS OF HEALTH  
7       CARE PROVIDERS.—The term “high-performing net-  
8       works of health care providers” means networks of  
9       health care providers that, in addition to such other  
10      requirements as the Secretary may specify for pur-  
11      poses of this section, do the following:

12           (A) Deliver high quality health care as  
13      measured by leading health quality measure-  
14      ment organizations such as the National Com-  
15      mittee for Quality Assurance and the Agency  
16      for Healthcare Research and Quality.

17           (B) Achieve greater efficiency in the deliv-  
18      ery of health care by identifying and imple-  
19      menting within such network improvement op-  
20      portunities that guide patients through the en-  
21      tire continuum of care, thereby reducing vari-  
22      ations in the delivery of health care and pre-  
23      venting medical errors and duplication of med-  
24      ical services.



1 (C) Improve population-based health out-  
2 comes by using a team approach to deliver case  
3 management, prevention, and wellness services  
4 to high-need and high-cost patients.

5 (D) Focus on preventive care that empha-  
6 sizes—

7 (i) early detection and timely treat-  
8 ment of disease;

9 (ii) periodic health screenings; and

10 (iii) education regarding healthy life-  
11 style behaviors.

12 (E) Coordinate and integrate health care  
13 across the continuum of care, connecting all as-  
14 pects of the health care received by the patient,  
15 including the patient's health care team.

16 (F) Facilitate access to health care pro-  
17 viders, including—

18 (i) after-hours care;

19 (ii) urgent care; and

20 (iii) through telehealth appointments,  
21 when appropriate.

22 (G) Encourage patients to participate in  
23 making health care decisions.

24 (H) Use evidence-based treatment proto-  
25 cols that improve the consistency of health care

1           and eliminate ineffective, wasteful health care  
2           practices.

3   **SEC. 727. AUTHORITY TO ENTER INTO HEALTH CARE CON-**  
4                   **TRACTS WITH CERTAIN ENTITIES TO PRO-**  
5                   **VIDE CARE UNDER THE TRICARE PROGRAM.**

6           (a) IN GENERAL.—The Secretary of Defense may  
7   enter into contracts to provide health care to covered bene-  
8   ficiaries, including behavioral health care, with any of the  
9   following:

10           (1) The Department of Veterans Affairs.

11           (2) An Indian tribe or tribal organization that  
12   is party to the Alaska Native Health Compact with  
13   the Indian Health Service.

14           (3) An Indian tribe or tribal organization that  
15   has entered into a contract with the Indian Health  
16   Service to provide health care in rural Alaska or  
17   other locations in the United States.

18           (b) DEFINITIONS.—

19           (1) COVERED BENEFICIARY.—The term “cov-  
20   ered beneficiary” has the meaning given that term  
21   in section 1072 of title 10, United States Code.

22           (2) INDIAN TRIBE, TRIBAL ORGANIZATION.—  
23   The terms “Indian tribe” and “tribal organization”  
24   have the meaning given those terms in section 4 of

1 the Indian Self-Determination and Education Assist-  
2 ance Act (25 U.S.C. 450b).

3 **SEC. 728. IMPROVEMENT OF HEALTH OUTCOMES AND CON-**  
4 **TROL OF COSTS OF HEALTH CARE UNDER**  
5 **TRICARE PROGRAM THROUGH PROGRAMS TO**  
6 **INVOLVE COVERED BENEFICIARIES.**

7 (a) IN GENERAL.—Not later than January 1, 2018,  
8 the Secretary of Defense shall implement the programs  
9 established under subsections (b) and (c)—

10 (1) to increase the involvement of covered bene-  
11 ficiaries in making health care decisions; and

12 (2) to encourage covered beneficiaries to share  
13 more responsibility for the improvement of their  
14 health outcomes.

15 (b) MEDICAL INTERVENTION INCENTIVE PRO-  
16 GRAM.—

17 (1) IN GENERAL.—The Secretary shall establish  
18 a program to incentivize covered beneficiaries to par-  
19 ticipate in medical intervention programs established  
20 by the Secretary, such as comprehensive disease  
21 management programs, by lowering fees for enroll-  
22 ment in the TRICARE program by a certain per-  
23 centage or by lowering copayment and cost share  
24 amounts for health care services during a particular  
25 year for covered beneficiaries with chronic diseases

1 or conditions described in paragraph (2) who met  
2 participation milestones in the previous year in such  
3 medical intervention programs, as determined by the  
4 Secretary.

5 (2) CHRONIC DISEASES OR CONDITIONS DE-  
6 SCRIBED.—Chronic diseases or conditions described  
7 in this paragraph include diabetes, chronic obstruc-  
8 tive pulmonary disease, asthma, congestive heart  
9 failure, hypertension, history of stroke, coronary ar-  
10 tery disease, mood disorders, obesity, and such other  
11 diseases or conditions as the Secretary determines  
12 appropriate.

13 (c) LIFESTYLE INTERVENTION INCENTIVE PRO-  
14 GRAM.—The Secretary shall establish a program to  
15 incentivize lifestyle interventions, such as smoking ces-  
16 sation and weight reduction, by lowering fees for enroll-  
17 ment in the TRICARE program by a certain percentage  
18 or by lowering copayment and cost share amounts for  
19 health care services during a particular year for covered  
20 beneficiaries who met participation milestones in the pre-  
21 vious year with respect to such lifestyle interventions, such  
22 as quitting smoking or achieving a lower body mass index  
23 by a certain percentage, as determined by the Secretary.

24 (d) FEE FOR MISSING SCHEDULED APPOINT-  
25 MENT.—

1           (1) IN GENERAL.—The Secretary may establish  
2           a program to charge and collect a fee from a covered  
3           beneficiary, other than a member of the Armed  
4           Forces on active duty, for failure to notify a military  
5           treatment facility within 24 hours of a scheduled ap-  
6           pointment with a health care provider at such facil-  
7           ity that the covered beneficiary will not attend the  
8           appointment.

9           (2) USE OF FEE.—Any amounts collected under  
10          paragraph (1) from a covered beneficiary for failure  
11          to notify a military treatment facility that the cov-  
12          ered beneficiary will not attend an appointment at  
13          such facility shall be made available to such facility  
14          to improve access to health care, improve health out-  
15          comes, and enhance the experience of care for cov-  
16          ered beneficiaries at such facility.

17       (e) REPORT.—

18           (1) IN GENERAL.—Not later than January 1,  
19          2020, the Secretary shall submit to the Committees  
20          on Armed Services of the Senate and the House of  
21          Representatives a report on the implementation of  
22          the programs established under subsections (b), (c),  
23          and (d).

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

1 (A) A detailed description of the programs  
2 implemented under subsections (b), (c), and  
3 (d).

4 (B) An assessment of the impact of the  
5 programs implemented under subsection (b)  
6 and (c) on—

7 (i) improving health outcomes for cov-  
8 ered beneficiaries; and

9 (ii) lowering per capita health care  
10 costs for the Department of Defense.

11 (C) An assessment of any reduction in  
12 numbers and types of appointments missed by  
13 covered beneficiaries at military treatment fa-  
14 cilities resulting from charging fees under sub-  
15 section (d) for failure to timely notify such fa-  
16 cility of the inability to attend a scheduled ap-  
17 pointment.

18 (f) REGULATIONS.—Not later than January 1, 2017,  
19 the Secretary shall prescribe an interim final rule to carry  
20 out this section.

21 (g) DEFINITIONS.—In this section, the terms “cov-  
22 ered beneficiary” and “TRICARE program” have the  
23 meaning given those terms in section 1072 of title 10,  
24 United States Code.

1 **SEC. 729. ESTABLISHMENT OF CENTERS OF EXCELLENCE**  
2 **FOR SPECIALTY CARE IN THE MILITARY**  
3 **HEALTH SYSTEM.**

4 (a) CENTERS OF EXCELLENCE.—

5 (1) IN GENERAL.—Not later than one year  
6 after the date of the enactment of this Act, the Sec-  
7 retary of Defense shall establish regional centers of  
8 excellence for the provision of military specialty care  
9 to covered beneficiaries at existing major medical  
10 centers of the Department of Defense.

11 (2) SATELLITE CENTERS.—The Secretary may  
12 establish satellite centers of excellence to provide  
13 specialty care for certain conditions, such as—

14 (A) post-traumatic stress;

15 (B) traumatic brain injury; and

16 (C) such other conditions as the Secretary  
17 considers appropriate.

18 (3) READINESS AND IMPROVEMENT OF CARE.—  
19 Centers of excellence established under this sub-  
20 section shall—

21 (A) ensure the military medical force read-  
22 iness of the Department and the medical readi-  
23 ness of the Armed Forces;

24 (B) improve the quality of health care re-  
25 ceived by covered beneficiaries from the Depart-  
26 ment; and

1 (C) improve health outcomes for covered  
2 beneficiaries.

3 (b) TYPES OF CENTERS OF EXCELLENCE.—

4 (1) IN GENERAL.—Centers of excellence may be  
5 established under subsection (a) for the following  
6 areas of specialty care:

7 (A) Cancer care.

8 (B) Care for burns, wounds, and other  
9 trauma.

10 (C) Emergency medicine.

11 (D) Rehabilitative care.

12 (E) Care for psychological health and trau-  
13 matic brain injury.

14 (F) Amputation and prosthetic care.

15 (G) Health care for women.

16 (H) Neurosurgical care.

17 (I) Orthopedic care and sports medicine.

18 (J) Treatment for substance use disorder,  
19 which may include medication-assisted treat-  
20 ment.

21 (K) Infectious diseases.

22 (L) Such other areas of specialty care as  
23 the Secretary considers appropriate to ensure  
24 the military medical force readiness of the De-



1           partment and the medical readiness of the  
2           Armed Forces.

3           (2) MULTIPLE SPECIALTIES.—A major medical  
4           center of the Department may be established as a  
5           center of excellence for more than one area of spe-  
6           cialty care.

7           (c) PRIMARY SOURCE FOR SPECIALTY CARE.—

8           (1) IN GENERAL.—Centers of excellence estab-  
9           lished under subsection (a) shall be the primary  
10          source within the military health system for the re-  
11          ceipt by covered beneficiaries of specialty care.

12          (2) REFERRAL.—Covered beneficiaries seeking  
13          specialty care services through the military health  
14          system shall be referred to a center of excellence es-  
15          tablished under subsection (a) or to an appropriate  
16          specialty care provider in the private sector.

17          (d) REPORT.—

18          (1) IN GENERAL.—Not later than 180 days  
19          after the date of the enactment of this Act, the Sec-  
20          retary of Defense shall submit to the Committees on  
21          Armed Services of the Senate and the House of Rep-  
22          resentatives a report that sets forth a plan for the  
23          Department to establish centers of excellence under  
24          this section.

1           (2) ELEMENTS.—The report required by para-  
2 graph (1) shall include the following:

3           (A) A list of the centers of excellence to be  
4 established under this section and the locations  
5 of such centers.

6           (B) A description of the specialty care  
7 services to be provided at each such center and  
8 a staffing plan for each such center.

9           (C) A comprehensive plan to refer covered  
10 beneficiaries for specialty care services at cen-  
11 ters of excellence established under this section  
12 and centers of excellence in the private sector.

13          (D) A plan to assist covered beneficiaries  
14 with travel and lodging, if necessary, in connec-  
15 tion with the receipt of specialty care services at  
16 centers of excellence established under this sec-  
17 tion or centers of excellence in the private sec-  
18 tor.

19          (E) A plan to transfer the majority of spe-  
20 cialty care providers of the Department to cen-  
21 ters of excellence established under this section,  
22 in a number as determined by the Secretary to  
23 be required to provide specialty care services to  
24 covered beneficiaries at such centers.

1 (e) COVERED BENEFICIARY DEFINED.—In this sec-  
2 tion, the term “covered beneficiary” has the meaning  
3 given that term in section 1072 of title 10, United States  
4 Code.

5 **SEC. 730. PROGRAM TO ELIMINATE VARIABILITY IN**  
6 **HEALTH OUTCOMES AND IMPROVE QUALITY**  
7 **OF HEALTH CARE SERVICES DELIVERED IN**  
8 **MILITARY TREATMENT FACILITIES.**

9 (a) IN GENERAL.—Beginning not later than January  
10 1, 2018, the Secretary of Defense shall conduct a pro-  
11 gram—

12 (1) to establish best practices for the delivery of  
13 health care services for certain diseases or conditions  
14 at military treatment facilities;

15 (2) to incorporate those best practices into the  
16 daily operations of military treatment facilities se-  
17 lected by the Secretary for purposes of the program,  
18 with priority in selection given to military treatment  
19 facilities that are or will be established as regional  
20 centers of excellence for the provision of military  
21 specialty care under section 729; and

22 (3) to eliminate variability in health outcomes  
23 and to improve the quality of health care services de-  
24 livered at military treatment facilities selected by the  
25 Secretary for purposes of the program.

1       (b) PHASES OF PROGRAM.—The Secretary shall  
2 carry out the program in phases as follows:

3           (1) PHASE 1.—

4               (A) IN GENERAL.—During phase 1 of the  
5 program, the Secretary shall conduct a baseline  
6 assessment of health care delivery and outcomes  
7 at military treatment facilities—

8                   (i) to evaluate and determine evi-  
9 dence-based best practices, within the di-  
10 rect care component of the military health  
11 system and the private sector, for treating  
12 not fewer than three diseases or conditions  
13 identified by the Secretary for purposes of  
14 the program; and

15                   (ii) to select not more than five mili-  
16 tary treatment facilities to participate as  
17 test sites under the program by incor-  
18 porating the evidence-based best practices  
19 determined under subparagraph (A) into  
20 the treatment at those facilities of the dis-  
21 eases or conditions identified under such  
22 subparagraph.

23           (B) TIMING.—The Secretary shall initiate  
24 phase 1 of the program not later than January

1 1, 2018, and complete such phase not later  
2 than July 1, 2018.

3 (2) PHASE 2.—

4 (A) IN GENERAL.—During phase 2 of the  
5 program, the Secretary shall—

6 (i) incorporate the evidence-based best  
7 practices determined under paragraph  
8 (1)(A)(i) for the treatment of diseases or  
9 conditions identified under such paragraph  
10 into the treatment for those diseases or  
11 conditions at all military treatment facili-  
12 ties that provide treatment for those dis-  
13 eases or conditions; and

14 (ii) at the military treatment facilities  
15 selected as test sites under paragraph  
16 (1)(A)(ii), evaluate and determine evi-  
17 dence-based best practices for treating not  
18 more than 12 additional diseases or condi-  
19 tions identified by the Secretary for pur-  
20 poses of the program.

21 (B) TIMING.—The Secretary shall initiate  
22 phase 2 of the program immediately following  
23 the completion of phase 1 under paragraph (1)  
24 and complete phase 2 not later than 180 days  
25 after initiating phase 2.

1 (3) PHASE 3.—

2 (A) IN GENERAL.—During phase 3 of the  
3 program, the Secretary shall incorporate the  
4 evidence-based best practices determined under  
5 paragraph (2)(A)(ii) for the treatment of the  
6 additional diseases or conditions identified  
7 under such paragraph into treatment for those  
8 diseases or conditions at all military treatment  
9 facilities that provide treatment for those dis-  
10 eases or conditions.

11 (B) TIMING.—The Secretary shall initiate  
12 phase 3 of the program immediately following  
13 the completion of phase 2 under paragraph (2)  
14 and complete phase 3 not later than 180 days  
15 after initiating phase 3.

16 (c) ADJUSTMENT OF SERVICES PROVIDED AT MILI-  
17 TARY TREATMENT FACILITIES.—During the period in  
18 which the program is being carried out, the Secretary shall  
19 continuously monitor and adjust the health care services  
20 delivered at military treatment facilities and the number  
21 of patients enrolled at military treatment facilities—

22 (1) to ensure a high degree of safety and qual-  
23 ity in the provision of health care at those facilities;  
24 and

1           (2) to ensure that those facilities provide only  
2           the health care services that are critical for main-  
3           taining operational medical force readiness and the  
4           medical readiness of the Armed Forces.

5 **SEC. 731. ESTABLISHMENT OF ADVISORY COMMITTEES FOR**  
6 **MILITARY TREATMENT FACILITIES.**

7           (a) IN GENERAL.—The Secretary of Defense shall es-  
8           tablish an advisory committee for each military treatment  
9           facility.

10          (b) MEMBERS.—

11           (1) IN GENERAL.—The members of each advi-  
12           sory committee established under subsection (a)  
13           shall include the following individuals selected by the  
14           Secretary:

15           (A) Six individuals who are eligible for  
16           health care under the military health system,  
17           selected as follows:

18           (i) Two members of the Armed Forces  
19           on active duty, including one officer and  
20           one enlisted member.

21           (ii) Two family members of a member  
22           of the Armed Forces on active duty.

23           (iii) Two former members of the  
24           Armed Forces.

1 (B) Such employees of the Federal Govern-  
 2 ment as the Secretary considers appropriate for  
 3 purposes of the advisory committee.

4 (2) STATUS OF CERTAIN MEMBERS.—A member  
 5 selected under paragraph (1)(A) who is not a mem-  
 6 ber of the Armed Forces on active duty or a em-  
 7 ployee of the Federal Government shall, with the ap-  
 8 proval of the commanding officer or director of the  
 9 military treatment facility concerned, be treated as  
 10 a volunteer under section 1588 of title 10, United  
 11 States Code, in carrying out the duties of the mem-  
 12 ber under this section.

13 (c) DUTIES.—Each advisory committee established  
 14 under subsection (a) for a military treatment facility shall  
 15 provide to the commanding officer or director of such fa-  
 16 cility advice on the administration and activities of such  
 17 facility.

18 **SEC. 732. STANDARDIZED SYSTEM FOR SCHEDULING MED-**  
 19 **ICAL APPOINTMENTS AT MILITARY TREAT-**  
 20 **MENT FACILITIES.**

21 (a) STANDARDIZED SYSTEM.—

22 (1) IN GENERAL.—Not later than January 1,  
 23 2018, the Secretary of Defense shall implement a  
 24 system for scheduling medical appointments at mili-  
 25 tary treatment facilities that is standardized



1 throughout the military health system to enable  
2 timely access to care for covered beneficiaries.

3 (2) LACK OF VARIANCE.—The system imple-  
4 mented under paragraph (1) shall ensure that the  
5 appointment scheduling processes and procedures  
6 used within the military health system do not vary  
7 among military treatment facilities.

8 (b) SOLE SYSTEM.—Upon implementation of the sys-  
9 tem under subsection (a), no military treatment facility  
10 may use an appointment scheduling process other than  
11 such system.

12 (c) APPOINTMENT SCHEDULING PROCESS.—

13 (1) IN GENERAL.—Under the system imple-  
14 mented under subsection (a), each military treat-  
15 ment facility shall make a centralized appointment  
16 scheduling process available to covered beneficiaries  
17 that includes the ability to schedule appointments  
18 manually via telephone or automatically via a device  
19 that is connected to the Internet through an online  
20 scheduling system described in paragraph (2).

21 (2) ONLINE SYSTEM.—

22 (A) IN GENERAL.—The Secretary shall im-  
23 plement an online scheduling system that is  
24 available 24 hours per day, seven days per  
25 week, for purposes of scheduling appointments

1 under the system implemented under subsection  
2 (a).

3 (B) CAPABILITIES OF ONLINE SYSTEM.—

4 The online scheduling system implemented  
5 under subparagraph (A) shall have the fol-  
6 lowing capabilities:

7 (i) An ability to send automated email  
8 and text message reminders, including re-  
9 peat reminders, to patients regarding up-  
10 coming appointments.

11 (ii) An ability to store appointment  
12 records to ensure rapid access by medical  
13 personnel to appointment data.

14 (d) PLAN.—

15 (1) IN GENERAL.—Not later than January 1,  
16 2017, the Secretary shall submit to the Committees  
17 on Armed Services of the Senate and the House of  
18 Representatives a comprehensive plan to implement  
19 the system required under subsection (a).

20 (2) ELEMENTS.—The plan required under  
21 paragraph (1) shall include the following:

22 (A) A description of the manual appoint-  
23 ment process to be used at military treatment  
24 facilities under the system required under sub-  
25 section (a).

1 (B) A description of the automated ap-  
 2 pointment process to be used at military treat-  
 3 ment facilities under such system.

4 (C) A timeline for the full implementation  
 5 of such system throughout the military health  
 6 system.

7 (e) COVERED BENEFICIARY DEFINED.—In this sec-  
 8 tion, the term “covered beneficiary” has the meaning  
 9 given that term in section 1072 of title 10, United States  
 10 Code.

11 **SEC. 733. DISPLAY OF WAIT TIMES AT URGENT CARE CLIN-**  
 12 **ICS, EMERGENCY DEPARTMENTS, AND PHAR-**  
 13 **MACIES OF MILITARY TREATMENT FACILI-**  
 14 **TIES.**

15 (a) URGENT CARE CLINICS AND EMERGENCY DE-  
 16 PARTMENTS.—

17 (1) PLACEMENT.—Not later than January 1,  
 18 2018, the commander or director of a military treat-  
 19 ment facility shall place in a conspicuous location at  
 20 each urgent care clinic and emergency department of  
 21 the military treatment facility an electronic sign that  
 22 displays the current average wait time determined  
 23 under paragraph (2) for a patient to be seen by a  
 24 qualified medical professional.

1           (2) DETERMINATION.—In carrying out para-  
2       graph (1), every 30 minutes, the commander or di-  
3       rector, as the case may be, shall determine the aver-  
4       age wait time to display under such paragraph by  
5       calculating, for the four-hour period preceding the  
6       calculation, the average length of time beginning at  
7       the time of the arrival of a patient at the urgent  
8       care clinic or emergency department, as the case  
9       may be, and ending at the time at which the patient  
10      is first seen by a qualified medical professional.

11      (b) PHARMACIES.—

12           (1) PLACEMENT.—Not later than January 1,  
13      2018, the commander or director of a military treat-  
14      ment facility shall place in a conspicuous location at  
15      each pharmacy of the military treatment facility an  
16      electronic sign that displays the current average wait  
17      time to receive a filled prescription for a pharma-  
18      ceutical agent.

19           (2) DETERMINATION.—In carrying out para-  
20      graph (1), every 30 minutes, the commander or di-  
21      rector, as the case may be, shall determine the aver-  
22      age wait time to display under such paragraph by  
23      calculating, for the four-hour period preceding the  
24      calculation, the average length of time beginning at  
25      the time of submission by a patient of a prescription

1       for a pharmaceutical agent and ending at the time  
2       at which the pharmacy dispenses the pharmaceutical  
3       agent to the patient.

4       (c) **QUALIFIED MEDICAL PROFESSIONAL DE-**  
5 **FINED.**—In this section, the term “qualified medical pro-  
6 fessional” means a doctor of medicine, a doctor of osteop-  
7 athy, a physician assistant, or an advanced registered  
8 nurse practitioner.

9 **SEC. 734. IMPROVEMENT AND MAINTENANCE OF COMBAT**  
10 **CASUALTY CARE AND TRAUMA CARE SKILLS**  
11 **OF HEALTH CARE PROVIDERS OF DEPART-**  
12 **MENT OF DEFENSE.**

13       (a) **IN GENERAL.**—Not later than January 1, 2018,  
14 the Secretary of Defense shall implement measures to im-  
15 prove and maintain the combat casualty care and trauma  
16 care skills of health care providers of the Department of  
17 Defense.

18       (b) **MEASURES TO BE IMPLEMENTED.**—The meas-  
19 ures required to be implemented under subsection (a) shall  
20 include the following:

21           (1) The conduct of a comprehensive review of  
22 combat casualty care and wartime trauma systems  
23 during the period beginning on January 1, 2001,  
24 and ending on the date of submittal of the report,

1 including an assessment of lessons learned to im-  
2 prove combat casualty care in future conflicts.

3 (2) The expansion of the network of military-ci-  
4 vilian trauma combat casualty care training sites to  
5 provide integrated combat trauma teams, such as  
6 forward surgical teams, with maximum exposure to  
7 a high volume of patients with critical injuries.

8 (3) The establishment of a personnel manage-  
9 ment plan for important wartime medical specialties,  
10 as determined by the Secretary, such as emergency  
11 medical services and prehospital care, trauma sur-  
12 gery, critical care, anesthesiology, and emergency  
13 medicine, that includes, at a minimum—

14 (A) the number of positions required in  
15 each such medical specialty;

16 (B) crucial organizational and operational  
17 assignments for personnel in each such medical  
18 specialty; and

19 (C) career pathways for personnel in each  
20 such medical specialty.

21 (4) The development of standardized tactical  
22 combat casualty care instruction for all members of  
23 the Armed Forces, including the use of standardized  
24 trauma training platforms.

1           (5) The development of a comprehensive trauma care registry to compile relevant data from point  
2           of injury through rehabilitation of members of the  
3           Armed Forces.

5           (6) The development of quality of care outcome  
6           measures for combat casualty care.

7           (7) The conduct of research on the leading  
8           causes of morbidity and mortality of members of the  
9           Armed Forces in combat.

10 **SEC. 735. ADJUSTMENT OF MEDICAL SERVICES, PERSONNEL AUTHORIZED STRENGTHS, AND INFRASTRUCTURE IN MILITARY HEALTH SYSTEM TO MAINTAIN READINESS AND CORE COMPETENCIES OF HEALTH CARE PROVIDERS.**

16           (a) IN GENERAL.—Not later than 180 days after the  
17           date of the enactment of this Act, the Secretary of Defense  
18           shall implement measures to maintain the critical wartime  
19           medical readiness skills and core competencies of health  
20           care providers within the Armed Forces.

21           (b) MEASURES TO BE IMPLEMENTED.—The measures required to be implemented under subsection (a) shall  
22           include the following:

24           (1) The Secretary shall ensure that each medical specialty required for the military medical force  
25

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 covered  
11       beneficiaries (as that term is defined in section 1072  
12       of title 10, United States Code) unable to receive  
13       health care services at military treatment facilities  
14       due to reductions in personnel and infrastructure in  
15       the military health system have access to primary  
16       and specialty health care services from the private  
17       sector.

18       (c) COMPTROLLER GENERAL REPORT.—

19           (1) IN GENERAL.—Not later than 18 months  
20       after the date of the enactment of this Act, the  
21       Comptroller General of the United States shall sub-  
22       mit to the Committees on Armed Services of the  
23       Senate and the House of Representatives a report  
24       assessing the implementation by the Secretary of  
25       Defense of measures to maintain the critical wartime

1 medical readiness skills and core competencies of  
2 health care providers within the Armed Forces, as  
3 required under subsection (a).

4 (2) ELEMENTS.—The report required by para-  
5 graph (1) shall include the following:

6 (A) An assessment of whether the Depart-  
7 ment of Defense provides any medical services  
8 at military treatment facilities that are not  
9 services directly required—

10 (i) to maintain the critical wartime  
11 medical readiness skills and core com-  
12 petencies of health care providers within  
13 the Armed Forces; and

14 (ii) to ensure the medical readiness of  
15 the Armed Forces.

16 (B) An assessment of whether the Depart-  
17 ment has maintained authorized strengths for  
18 military and civilian personnel throughout the  
19 military health system at manning levels that  
20 are higher than the levels required—

21 (i) to maintain the critical wartime  
22 medical readiness skills and core com-  
23 petencies of health care providers within  
24 the Armed Forces; and

1 (ii) to ensure the medical readiness of  
2 the Armed Forces.

3 (C) An assessment of whether the Depart-  
4 ment has maintained infrastructure in the mili-  
5 tary health system, including infrastructure of  
6 military treatment facilities, that—

7 (i) does not maintain the critical war-  
8 time medical readiness skills and core com-  
9 petencies of health care providers within  
10 the Armed Forces; or

11 (ii) does not ensure the medical readi-  
12 ness of the Armed Forces.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “critical wartime medical readi-  
15 ness skills and core competencies” means those es-  
16 sential medical capabilities, including clinical and  
17 logistical capabilities, that are—

18 (A) necessary to be maintained by health  
19 care providers within the Armed Forces for na-  
20 tional security purposes; and

21 (B) vital to the provision of effective and  
22 timely health care during contingency oper-  
23 ations.

24 (2) The term “clinical and logistical capabili-  
25 ties” means those capabilities relating to the provi-

1 sion of health care that are necessary to accomplish  
2 operational requirements, including—

3 (A) combat casualty care;

4 (B) medical response to and treatment of  
5 injuries sustained from chemical, biological, ra-  
6 diological, nuclear, or explosive incidents;

7 (C) diagnosis and treatment of infectious  
8 diseases;

9 (D) aerospace medicine;

10 (E) undersea medicine;

11 (F) diagnosis, treatment, and rehabilita-  
12 tion of specialized medical conditions;

13 (G) diagnosis and treatment of diseases  
14 and injuries that are not related to battle; and

15 (H) humanitarian assistance.

16 **SEC. 736. ESTABLISHMENT OF HIGH PERFORMANCE MILI-**  
17 **TARY-CIVILIAN INTEGRATED HEALTH DELIV-**  
18 **ERY SYSTEMS.**

19 (a) IN GENERAL.—Not later than January 1, 2018,  
20 the Secretary of Defense shall establish military-civilian  
21 integrated health delivery systems through partnerships  
22 with other health systems, including local or regional  
23 health systems in the private sector and the Veterans  
24 Health Administration—

1           (1) to improve access to health care for covered  
2 beneficiaries;

3           (2) to enhance the experience of covered bene-  
4 ficiaries in receiving health care;

5           (3) to improve health outcomes for covered  
6 beneficiaries;

7           (4) to share resources between the Department  
8 of Defense, the Department of Veterans Affairs, and  
9 the private sector, including such staff, equipment,  
10 and training assets as may be required to carry out  
11 such integrated health delivery systems; and

12           (5) to transfer health care services from mili-  
13 tary treatment facilities to other health systems that  
14 are not essential for the maintenance of operational  
15 medical force readiness skills of health care pro-  
16 viders of the Department.

17       (b) ELEMENTS OF SYSTEMS.—Each military-civilian  
18 integrated health delivery system established under para-  
19 graph (a) shall do the following:

20           (1) Deliver high quality health care as meas-  
21 ured by leading health quality measurement organi-  
22 zations such as the National Committee for Quality  
23 Assurance and the Agency for Healthcare Research  
24 and Quality.

1           (2) Achieve greater efficiency in the delivery of  
2       health care by identifying and implementing within  
3       each such system improvement opportunities that  
4       guide patients through the entire continuum of care,  
5       thereby reducing variations in the delivery of health  
6       care and preventing medical errors and duplication  
7       of medical services.

8           (3) Improve population-based health outcomes  
9       by using a team approach to deliver case manage-  
10      ment, prevention, and wellness services to high-need  
11      and high-cost patients.

12          (4) Focus on preventive care that emphasizes—

13               (A) early detection and timely treatment of  
14      disease;

15               (B) periodic health screenings; and

16               (C) education regarding healthy lifestyle  
17      behaviors.

18          (5) Coordinate and integrate health care across  
19      the continuum of care, connecting all aspects of the  
20      health care received by the patient, including the pa-  
21      tient's health care team.

22          (6) Facilitate access to health care providers,  
23      including—

24               (A) after-hours care;

25               (B) urgent care; and

1 (C) through telehealth appointments, when  
2 appropriate.

3 (7) Encourage patients to participate in making  
4 health care decisions.

5 (8) Use evidence-based treatment protocols that  
6 improve the consistency of health care and eliminate  
7 ineffective, wasteful health care practices.

8 (9) Improve coordination of behavioral health  
9 services with primary health care.

10 (c) AGREEMENTS.—

11 (1) IN GENERAL.—In establishing military-civil-  
12 ian integrated health delivery systems through part-  
13 nerships under subsection (a), the Secretary shall  
14 seek to enter into memoranda of understanding or  
15 contracts between military treatment facilities and  
16 health maintenance organizations, healthcare centers  
17 of excellence, public or private academic medical in-  
18 stitutions, regional health organizations, integrated  
19 health systems, accountable care organizations, and  
20 such other health systems as the Secretary considers  
21 appropriate.

22 (2) PRIVATE SECTOR CARE.—Memoranda of  
23 understanding and contracts entered into under  
24 paragraph (1) shall ensure that covered beneficiaries  
25 are eligible to enroll in and receive medical services

1 under the private sector components of military-civil-  
 2 ian integrated health delivery systems established  
 3 under subsection (a).

4 (3) VALUE-BASED REIMBURSEMENT METH-  
 5 ODOLOGIES.—The Secretary shall incorporate value-  
 6 based reimbursement methodologies, such as  
 7 capitated payments, bundled payments, or pay for  
 8 performance, into memoranda of understanding and  
 9 contracts entered into under paragraph (1) to reim-  
 10 burse entities for medical services provided to cov-  
 11 ered beneficiaries under such memoranda of under-  
 12 standing and contracts.

13 (d) COVERED BENEFICIARY DEFINED.—In this sec-  
 14 tion, the term “covered beneficiary” has the meaning  
 15 given that term in section 1072 of title 10, United States  
 16 Code.

17 **SEC. 737. CONTRACTS WITH PRIVATE SECTOR ENTITIES TO**  
 18 **PROVIDE CERTAIN HEALTH CARE SERVICES**  
 19 **AT MILITARY TREATMENT FACILITIES.**

20 (a) IN GENERAL.—Not later than January 1, 2018,  
 21 the Secretary of Defense shall enter into centrally-man-  
 22 aged, performance-based contracts under this section with  
 23 private sector entities to augment the delivery of health  
 24 care services at military treatment facilities that have a



1 limited or restricted ability to provide health care services,  
2 such as primary care or expanded-hours urgent care.

3 (b) CONTRACTS.—In entering into contracts with pri-  
4 vate sector entities under this section, the Secretary  
5 shall—

6 (1) consider the demand by covered bene-  
7 ficiaries for health care services, such as primary  
8 care or expanded-hours urgent care services;

9 (2) project the workload gaps at military treat-  
10 ment facilities associated with the demand for such  
11 health care services; and

12 (3) seek to—

13 (A) improve the health of covered bene-  
14 ficiaries;

15 (B) improve the access of covered bene-  
16 ficiaries to health care services;

17 (C) produce cost savings for the Depart-  
18 ment of Defense; and

19 (D) maximize the use by covered bene-  
20 ficiaries of the direct care component of the  
21 military health system to maintain operational  
22 medical force readiness and the medical readi-  
23 ness of the Armed Forces.

24 (c) PLAN.—

1           (1) IN GENERAL.—Not later than 180 days  
 2           after the date of the enactment of this Act, the Sec-  
 3           retary of Defense shall submit to the Committees on  
 4           Armed Services of the Senate and the House of Rep-  
 5           resentatives a plan to carry out this section.

6           (2) PLAN.—The plan required under paragraph  
 7           (1) shall include the following:

8                   (A) A description of the number and types  
 9                   of contracts that the Secretary intends to enter  
 10                  into under this section.

11                  (B) A description of the performance  
 12                  measures to be used by the Secretary in pro-  
 13                  curing performance-based contracts under this  
 14                  section.

15           (d) COVERED BENEFICIARY DEFINED.—In this sec-  
 16           tion, the term “covered beneficiary” has the meaning  
 17           given that term in section 1072 of title 10, United States  
 18           Code.

19   **SEC. 738. MODIFICATION OF ACQUISITION STRATEGY FOR**  
 20                   **HEALTH CARE PROFESSIONAL STAFFING**  
 21                   **SERVICES.**

22           Section 725(a) of the Carl Levin and Howard P.  
 23           “Buck” McKeon National Defense Authorization Act for  
 24           Fiscal Year 2015 (Public Law 113–291; 10 U.S.C. 1091  
 25           note) is amended—

1 (1) in paragraph (2)—

2 (A) by redesignating subparagraph (G) as  
3 subparagraph (H); and

4 (B) by inserting after subparagraph (F)  
5 the following new subparagraph (G):

6 “(G) A plan to implement throughout the  
7 Department a performance-based, strategic-  
8 sourcing contract for acquiring such services for  
9 the military health system that includes the fol-  
10 lowing:

11 “(i) Except as provided in clause (ii),  
12 a requirement that all components of the  
13 military health system use such contract.

14 “(ii) A process for obtaining a waiver  
15 of such requirement based on a docu-  
16 mented rationale to use another contract  
17 or acquisition approach.”; and

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

20 “(3) EVALUATION OF RESULTS.—The Secretary  
21 shall use methods and metrics established as part of  
22 the acquisition strategy under paragraph (1) to  
23 evaluate the results of the acquisition strategy and  
24 revise the acquisition strategy as the Secretary con-  
25 siders appropriate.”.

1 **SEC. 739. REDUCTION OF ADMINISTRATIVE REQUIRE-**  
2 **MENTS RELATING TO AUTOMATIC RENEWAL**  
3 **OF ENROLLMENTS IN TRICARE PRIME.**

4 Section 1097a(b) of title 10, United States Code, is  
5 amended—

6 (1) in paragraph (1), by striking “(1) An” and  
7 inserting “An”; and

8 (2) by striking paragraph (2).

9 **Subtitle C—Reports and Other**  
10 **Matters**

11 **SEC. 751. PILOT PROGRAM ON EXPANSION OF USE OF PHY-**  
12 **SICIAN ASSISTANTS TO PROVIDE MENTAL**  
13 **HEALTH CARE TO MEMBERS OF THE ARMED**  
14 **FORCES.**

15 (a) PILOT PROGRAM.—Not later than one year after  
16 the date of the enactment of this Act, the Secretary of  
17 Defense shall commence the conduct of a pilot program  
18 to assess the feasibility and advisability of expanding the  
19 use by the Department of Defense of physician assistants  
20 specializing in psychiatric medicine at medical facilities of  
21 the Department of Defense in order to meet the increasing  
22 demand for mental health care providers at such facilities  
23 through the use of a psychiatry fellowship program for  
24 physician assistants.

1 (b) ELIGIBLE INDIVIDUALS.—An individual eligible  
2 for participation in the pilot program is an individual  
3 who—

4 (1) has successfully graduated with a masters  
5 degree in physician assistant studies from an accredited  
6 physician assistant program;

7 (2) is certified by the National Commission on  
8 Certification of Physician Assistants;

9 (3) has a valid license, certification, and registration  
10 necessary to practice medicine;

11 (4) does not have any pending challenge, investigation,  
12 revocation, restriction, disciplinary action, suspension,  
13 reprimand, probation, denial, or withdrawal with respect to  
14 any license, certification, or registration described in paragraph (3);

15 (5) is a commissioned officer in the Armed  
16 Forces; and

17 (6) meets the requirements necessary to be deployed  
18 as such an officer throughout the world.

19 (c) SELECTION OF INDIVIDUALS.—The Secretary  
20 shall select not fewer than five individuals described in  
21 subsection (b) to participate in the pilot program for each  
22 round of the psychiatric fellowship program conducted  
23 under subsection (d).

24 (d) PSYCHIATRIC FELLOWSHIP PROGRAM.—  
25

1           (1) IN GENERAL.—In carrying out the pilot  
2           program, the Secretary shall establish a psychiatric  
3           fellowship program for physician assistants.

4           (2) ROUNDS OF PROGRAM.—The psychiatric fel-  
5           lowship program under paragraph (1) shall consist  
6           of two rounds, each with a maximum duration of  
7           two years.

8           (3) USE OF OTHER PROGRAMS.—In carrying  
9           out the psychiatric fellowship program under para-  
10          graph (1), the Secretary shall use resources available  
11          under existing graduate medical education programs  
12          of the Department of Defense to the greatest extent  
13          possible.

14         (e) REPORTS ON PILOT PROGRAM.—

15                 (1) INITIAL REPORT.—

16                         (A) IN GENERAL.—Not later than 180  
17                         days after the date on which the Secretary com-  
18                         pletes the first round of the psychiatric fellow-  
19                         ship program under subsection (d), the Sec-  
20                         retary shall submit to the Committees on  
21                         Armed Services of the Senate and the House of  
22                         Representatives a report on the pilot program.

23                         (B) ELEMENTS.—The report required by  
24                         subparagraph (A) shall include the following:

1 (i) A description of the implementa-  
2 tion of the pilot program, including a de-  
3 tailed description of the education and  
4 training provided under the pilot program.

5 (ii) An assessment of potential cost  
6 savings, if any, to the Federal Government  
7 resulting from the pilot program.

8 (iii) A description of improvements, if  
9 any, to the access of members of the  
10 Armed Forces to mental health care result-  
11 ing from the pilot program.

12 (iv) A description of recommenda-  
13 tions, if any, of the Secretary of alternative  
14 methods to improve the access of members  
15 of the Armed Forces to mental health care  
16 other than through the pilot program.

17 (v) A recommendation as to the feasi-  
18 bility and advisability of extending or ex-  
19 panding the pilot program.

20 (2) FINAL REPORT.—Not later than 90 days  
21 after the date on which the pilot program terminates  
22 under subsection (f), the Secretary shall submit to  
23 the Committees on Armed Services of the Senate  
24 and the House of Representatives an update to the  
25 report submitted under paragraph (1).

1       (f) TERMINATION.—The authority of the Secretary to  
2 carry out the pilot program shall terminate upon the com-  
3 pletion of the second round of the psychiatric fellowship  
4 program under subsection (d).

5       **SEC. 752. IMPLEMENTATION OF PLAN TO ELIMINATE CER-**  
6                               **TAIN GRADUATE MEDICAL EDUCATION PRO-**  
7                               **GRAMS OF DEPARTMENT OF DEFENSE.**

8       (a) IN GENERAL.—Not later than one year after the  
9 date of the enactment of this Act, the Secretary of Defense  
10 shall implement a phased plan to eliminate graduate med-  
11 ical education programs of the Department of Defense  
12 that do not directly support the operational medical force  
13 readiness requirements for health care providers within  
14 the Armed Forces or the medical readiness of the Armed  
15 Forces.

16       (b) REPORT.—

17               (1) IN GENERAL.—Not later than 180 days  
18 after the date of the enactment of this Act, the Sec-  
19 retary shall submit to the Committees on Armed  
20 Services of the Senate and the House of Representa-  
21 tives a report that sets forth the phased plan of the  
22 Secretary that is required to be implemented under  
23 subsection (a).

24               (2) ELEMENTS.—The report required to be  
25 submitted under paragraph (1) shall include the fol-



1       lowing with respect to the phased plan of the Sec-  
2       retary:

3               (A) An identification of locations at which  
4       training under a graduate medical education  
5       program will be eliminated under the plan, in-  
6       cluding training at civilian institutions,  
7       disaggregated by military department.

8               (B) An identification of the types of grad-  
9       uate medical education programs to be elimi-  
10      nated under the plan, such as intern, residency,  
11      subspecialty, and fellowship programs, and the  
12      number of participants affected, disaggregated  
13      by military department.

14              (C) An assessment of the amount of time  
15      required to eliminate the graduate medical edu-  
16      cation programs under the plan, including a  
17      timeline for the elimination of each such pro-  
18      gram.

19              (D) An assessment of the annual cost sav-  
20      ings to the Department resulting from the  
21      elimination of graduate medical education pro-  
22      grams under the plan.

1 **SEC. 753. MODIFICATION OF AUTHORITY OF UNIFORMED**  
2 **SERVICES UNIVERSITY OF THE HEALTH**  
3 **SCIENCES TO INCLUDE UNDERGRADUATE**  
4 **AND OTHER MEDICAL EDUCATION AND**  
5 **TRAINING PROGRAMS.**

6 (a) IN GENERAL.—Section 2112(a) of title 10,  
7 United States Code, is amended to read as follows:

8 “(a)(1) There is established a Uniformed Services  
9 University of the Health Sciences (in this chapter referred  
10 to as the ‘University’) with authority to grant appropriate  
11 certificates, certifications, undergraduate degrees, and ad-  
12 vanced degrees.

13 “(2) The University shall be so organized as to grad-  
14 uate not fewer than 100 medical students annually.

15 “(3) The headquarters of the University shall be at  
16 a site or sites selected by the Secretary of Defense within  
17 25 miles of the District of Columbia.”.

18 (b) ADMINISTRATION.—Section 2113 of such title is  
19 amended—

20 (1) in subsection (d)—

21 (A) in the first sentence, by striking “lo-  
22 cated in or near the District of Columbia”;

23 (B) in the third sentence, by striking “in  
24 or near the District of Columbia”; and

25 (C) by striking the fifth sentence; and

1           (2) in subsection (e)(3), by inserting after “pro-  
 2       grams” the following: “, including certificate, certifi-  
 3       cation, and undergraduate degree programs,”.

4       (c) REPEAL OF EXPIRED PROVISION.—Section  
 5       2112a of such title is amended—

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

7           (2) in subsection (a), by striking “(a) CLOSURE  
 8       PROHIBITED.—”.

9       **SEC. 754. MEMORANDA OF AGREEMENT WITH INSTITU-**  
 10                               **TIONS OF HIGHER EDUCATION THAT OFFER**  
 11                               **DEGREES IN ALLOPATHIC OR OSTEOPATHIC**  
 12                               **MEDICINE.**

13       (a) IN GENERAL.—The Secretary of Defense shall  
 14       enter into memoranda of agreement with local or regional  
 15       institutions of higher education that offer degrees in  
 16       allopathic or osteopathic medicine to establish affiliations  
 17       between such institutions and military treatment facilities.

18       (b) AFFILIATION WITH MILITARY TREATMENT FA-  
 19       CILITY.—Under each memorandum of agreement entered  
 20       into with an institution of higher education under sub-  
 21       section (a), not fewer than one military treatment facility  
 22       located in the area of such institution shall serve as an  
 23       affiliated teaching hospital for such institution, including  
 24       by sharing training facilities, staff, and material resources

1 between the military treatment facility and such institu-  
2 tion.

3 **SEC. 755. EXTENSION OF AUTHORITY FOR JOINT DEPART-**  
4 **MENT OF DEFENSE-DEPARTMENT OF VET-**  
5 **ERANS AFFAIRS MEDICAL FACILITY DEM-**  
6 **ONSTRATION FUND.**

7 Section 1704(e) of the National Defense Authoriza-  
8 tion Act for Fiscal Year 2010 (Public Law 111–84; 123  
9 Stat. 2573), as amended by section 722 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) and section 723 of the National Defense Authoriza-  
13 tion Act for Fiscal Year 2016 (Public Law 114–92), is  
14 further amended by striking “September 30, 2017” and  
15 inserting “September 30, 2018”.

16 **SEC. 756. PROHIBITION ON CONDUCT OF CERTAIN MED-**  
17 **ICAL RESEARCH AND DEVELOPMENT**  
18 **PROJECTS.**

19 The Secretary of Defense and each Secretary of a  
20 military department may not fund or conduct a medical  
21 research and development project unless the Secretary  
22 funding or conducting the project determines that the  
23 project is designed to directly protect, enhance, or restore  
24 the health and safety of members of the Armed Forces.

1 **SEC. 757. AUTHORIZATION OF REIMBURSEMENT BY DE-**  
2 **PARTMENT OF DEFENSE TO ENTITIES CAR-**  
3 **RYING OUT STATE VACCINATION PROGRAMS**  
4 **FOR COSTS OF VACCINES PROVIDED TO COV-**  
5 **ERED BENEFICIARIES.**

6 (a) REIMBURSEMENT.—

7 (1) IN GENERAL.—The Secretary of Defense  
8 may reimburse an amount determined under para-  
9 graph (2) to an entity carrying out a State vaccina-  
10 tion program for the cost of vaccines provided to  
11 covered beneficiaries through such program.

12 (2) AMOUNT OF REIMBURSEMENT.—

13 (A) IN GENERAL.—Except as provided in  
14 subparagraph (B), the amount determined  
15 under this paragraph with respect to a State  
16 vaccination program shall be the amount as-  
17 sessed by the entity carrying out such program  
18 to purchase vaccines provided to covered bene-  
19 ficiaries through such program.

20 (B) LIMITATION.—The amount determined  
21 under this paragraph may not exceed the  
22 amount that the Department would reimburse  
23 an entity for providing vaccines to covered  
24 beneficiaries under the TRICARE program.

25 (b) DEFINITIONS.—In this section:

1           (1) COVERED BENEFICIARY; TRICARE PRO-  
2       GRAM.—The terms “covered beneficiary” and  
3       “TRICARE program” have the meanings given  
4       those terms in section 1072 of title 10, United  
5       States Code.

6           (2) STATE VACCINATION PROGRAM.—The term  
7       “State vaccination program” means a vaccination  
8       program that provides vaccinations to individuals in  
9       a State and is carried out by an entity (including an  
10      agency of the State) within the State.

11 **SEC. 758. MAINTENANCE OF CERTAIN REIMBURSEMENT**  
12                   **RATES FOR CARE AND SERVICES TO TREAT**  
13                   **AUTISM SPECTRUM DISORDER UNDER DEM-**  
14                   **ONSTRATION PROGRAM.**

15       Effective as of the date of the enactment of this Act,  
16       in order to maintain access to care and services to treat  
17       autism spectrum disorder under the Comprehensive Au-  
18       tism Care Demonstration program of the Department of  
19       Defense conducted under section 705 of the National De-  
20       fense Authorization Act for Fiscal Year 2013 (Public Law  
21       112–239; 10 U.S.C. 1092 note), as extended and modified  
22       by the Secretary of Defense, the Secretary shall reinstate  
23       the reimbursement rates for the provision of applied be-  
24       havior analysis therapy under such program that were in

1 effect on March 31, 2016, and may not modify such reim-  
2 bursement rates throughout the duration of such program.

3 **SEC. 759. INCORPORATION INTO CERTAIN SURVEYS BY DE-**  
4 **PARTMENT OF DEFENSE OF QUESTIONS ON**  
5 **SERVICEWOMEN EXPERIENCES WITH FAMILY**  
6 **PLANNING SERVICES AND COUNSELING.**

7 (a) IN GENERAL.—Not later than 90 days after the  
8 date of the enactment of this Act, the Secretary shall ini-  
9 tiate action to integrate into the surveys by the Depart-  
10 ment of Defense specified in subsection (b) questions de-  
11 signed to obtain information on the experiences of women  
12 members of the Armed Forces—

13 (1) in accessing family planning services and  
14 counseling; and

15 (2) in using family planning methods, including  
16 information on which method was preferred and  
17 whether deployment conditions affected the decision  
18 on which family planning method or methods to be  
19 used.

20 (b) COVERED SURVEYS.—The surveys into which  
21 questions shall be integrated as described in subsection (a)  
22 are the following:

23 (1) The Health Related Behavior Survey of Ac-  
24 tive Duty Military Personnel.

1           (2) The Health Care Survey of Department of  
2       Defense Beneficiaries.

3   **SEC. 760. ASSESSMENT OF TRANSITION TO TRICARE PRO-**  
4                   **GRAM BY FAMILIES OF MEMBERS OF RE-**  
5                   **SERVE COMPONENTS CALLED TO ACTIVE**  
6                   **DUTY AND ELIMINATION OF CERTAIN**  
7                   **CHARGES FOR SUCH FAMILIES.**

8       (a) ASSESSMENT OF TRANSITION TO TRICARE  
9   PROGRAM.—

10           (1) IN GENERAL.—Not later than 180 days  
11       after the date of the enactment of this Act, the Sec-  
12       retary of Defense shall complete an assessment of  
13       the extent to which families of members of the re-  
14       serve components of the Armed Forces serving on  
15       active duty pursuant to a call or order to active duty  
16       for a period of more than 30 days experience dif-  
17       ficulties in transitioning from health care arrange-  
18       ments relied upon when the member is not in such  
19       an active duty status to health care benefits under  
20       the TRICARE program.

21           (2) ELEMENTS.—The assessment under para-  
22       graph (1) shall address the following:

23                   (A) The extent to which family members of  
24               members of the reserve components of the  
25               Armed Forces are required to change health



1 care providers when they become eligible for  
2 health care benefits under the TRICARE pro-  
3 gram.

4 (B) The extent to which health care pro-  
5 viders in the private sector with whom such  
6 family members have established relationships  
7 when not covered under the TRICARE program  
8 are providers who—

9 (i) are in a preferred provider network  
10 under the TRICARE program;

11 (ii) are participating providers under  
12 the TRICARE program; or

13 (iii) will agree to treat covered bene-  
14 ficiaries at a rate not to exceed 115 per-  
15 cent of the maximum allowable charge  
16 under the TRICARE program.

17 (C) The extent to which such family mem-  
18 bers encounter difficulties associated with a  
19 change in health care claims administration,  
20 health care authorizations, or other administra-  
21 tive matters when transitioning to health care  
22 benefits under the TRICARE program.

23 (D) Any particular reasons for, or cir-  
24 cumstances that explain, the conditions de-  
25 scribed in subparagraphs (A), (B), and (C).

1           (E) The effects of the conditions described  
2           in subparagraphs (A), (B), and (C) on such  
3           family members and the Department of De-  
4           fense.

5           (F) Recommendations for changes in poli-  
6           cies and procedures under the TRICARE pro-  
7           gram, or other administrative action by the Sec-  
8           retary, to remedy or mitigate difficulties faced  
9           by such family members in transitioning to  
10          health care benefits under the TRICARE pro-  
11          gram.

12          (G) Recommendations for legislative action  
13          to remedy or mitigate such difficulties.

14          (H) Such other matters as the Secretary  
15          determines relevant to the assessment.

16       (3) REPORT.—

17           (A) IN GENERAL.—Not later than 180  
18           days after completing the assessment under  
19           paragraph (1), the Secretary shall submit to the  
20           Committees on Armed Services of the Senate  
21           and the House of Representatives a report de-  
22           tailing the results of the assessment.

23           (B) ANALYSIS OF RECOMMENDATIONS.—  
24           The report required by subparagraph (A) shall  
25           include an analysis of each recommendation for

1 legislative action addressed under paragraph  
2 (2)(G), together with a cost estimate for imple-  
3 menting each such action.

4 (b) EXPANSION OF AUTHORITY TO ELIMINATE BAL-  
5 ANCE BILLING.—Section 1079(h)(4)(C)(ii) of title 10,  
6 United States Code, is amended by striking “in support  
7 of a contingency operation under a provision of law re-  
8 ferred to in section 101(a)(13)(B) of this title”.

9 (c) DEFINITIONS.—In this section, the terms “cov-  
10 ered beneficiary” and “TRICARE program” have the  
11 meanings given those terms in section 1072 of title 10,  
12 United States Code.

13 **SEC. 761. REQUIREMENT TO REVIEW AND MONITOR PRE-**  
14 **SCRIBING PRACTICES AT MILITARY TREAT-**  
15 **MENT FACILITIES OF PHARMACEUTICAL**  
16 **AGENTS FOR TREATMENT OF POST-TRAU-**  
17 **MATIC STRESS.**

18 (a) IN GENERAL.—Not later than 180 days after the  
19 date of the enactment of this Act, the Secretary of Defense  
20 shall—

21 (1) conduct a comprehensive review of the pre-  
22 scribing practices at military treatment facilities of  
23 pharmaceutical agents for the treatment of post-  
24 traumatic stress;

1           (2) implement a process or processes to monitor  
 2           the prescribing practices at military treatment facili-  
 3           ties of pharmaceutical agents that are discouraged  
 4           from use under the VA/DOD Clinical Practice  
 5           Guideline for Management of Post-Traumatic  
 6           Stress;

7           (3) implement a plan to address any deviations  
 8           from such guideline in prescribing practices of phar-  
 9           maceutical agents for management of post-traumatic  
 10          stress at such facilities; and

11          (4) implement a plan to address any instances  
 12          in which benzodiazepines and opioids are concur-  
 13          rently prescribed.

14          (b) PHARMACEUTICAL AGENT DEFINED.—In this  
 15          section, the term “pharmaceutical agent” has the meaning  
 16          given that term in section 1074g(g) of title 10, United  
 17          States Code.

18      **SEC. 762. REPORT ON PLAN TO IMPROVE PEDIATRIC CARE**  
 19                              **AND RELATED SERVICES FOR CHILDREN OF**  
 20                              **MEMBERS OF THE ARMED FORCES.**

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 submit to the Committees on Armed Services of the  
 24          Senate and the House of Representatives a report setting  
 25          forth a plan of the Department of Defense to improve pe-

1 diatric care and related services for children of members  
2 of the Armed Forces.

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

5 (1) In order to ensure that children receive de-  
6 velopmentally-appropriate and age-appropriate  
7 health care services from the Department, a plan to  
8 align preventive pediatric care under the TRICARE  
9 program with—

10 (A) standards for such care as required by  
11 the Patient Protection and Affordable Care Act  
12 (Public Law 111–148);

13 (B) guidelines established for such care by  
14 the Early and Periodic Screening, Diagnosis,  
15 and Treatment program under the Medicaid  
16 program carried out under title XIX of the So-  
17 cial Security Act (42 U.S.C. 1396 et seq.); and

18 (C) recommendations by organizations that  
19 specialize in pediatrics.

20 (2) A plan to develop a uniform definition of  
21 “pediatric medical necessity” for the Department  
22 that aligns with recommendations of organizations  
23 that specialize in pediatrics in order to ensure that  
24 a consistent definition of such term is used in pro-  
25 viding health care in military treatment facilities and

1 by health care providers under the TRICARE pro-  
2 gram.

3 (3) A plan to revise certification requirements  
4 for residential treatment centers of the Department  
5 to expand the access of children of members of the  
6 Armed Forces to services at such centers.

7 (4) A plan to develop measures to evaluate and  
8 improve access to pediatric care, coordination of pe-  
9 diatric care, and health outcomes for such children.

10 (5) A plan to include an assessment of access  
11 to pediatric specialty care in the annual report to  
12 Congress on the effectiveness of the TRICARE pro-  
13 gram.

14 (6) A plan to improve the quality of and access  
15 to behavioral health care under the TRICARE pro-  
16 gram for such children, including intensive out-  
17 patient and partial hospitalization services.

18 (7) A plan to mitigate the impact of permanent  
19 changes of station and other service-related reloca-  
20 tions of members of the Armed Forces on the con-  
21 tinuity of health care services received by such chil-  
22 dren who have special medical or behavioral health  
23 needs.

24 (8) A plan to mitigate deficiencies in data col-  
25 lection, data utilization, and data analysis to im-

1       prove pediatric care and related services for children  
2       of members of the Armed Forces.

3       (c) TRICARE PROGRAM DEFINED.—In this section,  
4 the term “TRICARE program” has the meaning given  
5 such term in section 1072 of title 10, United States Code.

6 **SEC. 763. COMPTROLLER GENERAL REPORT ON HEALTH**  
7                   **CARE DELIVERY AND WASTE IN MILITARY**  
8                   **HEALTH SYSTEM.**

9       (a) COMPTROLLER GENERAL REPORTS.—Not later  
10 than one year after the date of the enactment of this Act,  
11 and not less frequently than once each year thereafter for  
12 four years, the Comptroller General of the United States  
13 shall submit to the Committees on Armed Services of the  
14 Senate and the House of Representatives a report assess-  
15 ing various issues relating to the delivery of health care  
16 in the military health system, with an emphasis on identi-  
17 fying potential waste and inefficiency.

18       (b) ELEMENTS.—

19           (1) IN GENERAL.—Each report submitted  
20 under subsection (a) shall, within the direct and pur-  
21 chased care components of the military health sys-  
22 tem, evaluate the following:

23           (A) Processes for ensuring that health care  
24 providers adhere to clinical practice guidelines.

1 (B) Processes for reporting and resolving  
2 adverse medical events.

3 (C) Processes for ensuring program integ-  
4 rity by identifying and resolving medical fraud  
5 and waste.

6 (D) Processes for coordinating care within  
7 and between the direct and purchased care  
8 components of the military health system.

9 (E) Procedures for administering the  
10 TRICARE program.

11 (F) Processes for assessing and overseeing  
12 the efficiency of clinical operations of military  
13 hospitals and clinics, including access to care  
14 for covered beneficiaries at such facilities.

15 (2) ADDITIONAL INFORMATION.—Each report  
16 submitted under subsection (a) may include, if the  
17 Comptroller General considers feasible—

18 (A) an estimate of the costs to the Depart-  
19 ment of Defense relating to any waste or ineffi-  
20 ciency identified in the report; and

21 (B) such recommendations for action by  
22 the Secretary of Defense as the Comptroller  
23 General considers appropriate, including elimi-  
24 nating waste and inefficiency in the direct and



1 purchased care components of the military  
2 health system.

3 (c) DEFINITIONS.—In this section, the terms “cov-  
4 ered beneficiary” and “TRICARE program” have the  
5 meaning given those terms in section 1072 of title 10,  
6 United States Code.

7 **TITLE VIII—ACQUISITION POL-**  
8 **ICY, ACQUISITION MANAGE-**  
9 **MENT, AND RELATED MAT-**  
10 **TERS**

11 **Subtitle A—Acquisition Policy**  
12 **Management**

13 **SEC. 801. RAPID ACQUISITION AUTHORITY AMENDMENTS.**

14 Section 806 of the Bob Stump National Defense Au-  
15 thorization Act for Fiscal Year 2003 (Public Law 107–  
16 314; 10 U.S.C. 2302 note) is amended—

17 (1) in subsection (a)(1)—

18 (A) in subparagraph (A), by striking “;  
19 or” and inserting a semicolon;

20 (B) in subparagraph (B), by striking “;  
21 and” and inserting “; or”; and

22 (C) by adding at the end the following new  
23 subparagraph:

24 “(C) developed or procured under the rapid  
25 fielding or rapid prototyping acquisition pathways

1 under section 804 of the National Defense Author-  
2 ization Act for Fiscal Year 2016 (Public Law 114–  
3 92; 10 U.S.C. 2302 note); and”;

4 (2) in subsection (b), by adding at the end the  
5 following new paragraph:

6 “(3) Specific procedures in accordance with the  
7 guidance developed under section 804(a) of the Na-  
8 tional Defense Authorization Act for Fiscal Year  
9 2016 (Public Law 114–92; 10 U.S.C. 2302 note).”;

10 and

11 (3) in subsection (c)—

12 (A) in paragraph (2)(A)—

13 (i) by striking “Whenever the Sec-  
14 retary” and inserting “(i) Except as pro-  
15 vided under clause (ii), whenever the Sec-  
16 retary”; and

17 (ii) by adding at the end the following  
18 new clause:

19 “(ii) Clause (i) does not apply to acquisitions  
20 initiated in the case of a determination by the Sec-  
21 retary that funds are necessary to immediately ini-  
22 tiate a project under the rapid fielding or rapid  
23 prototyping acquisition pathways under section 804  
24 of the National Defense Authorization Act for Fiscal  
25 Year 2016 (Public Law 114–92; 10 U.S.C. 2302

note) if the designated official for acquisitions using such pathways is the Service Acquisition Executive.”;

(B) in paragraph (3)—

(i) in subparagraph (A), by inserting “or upon the Secretary making a determination that funds are necessary to immediately initiate a project under the rapid fielding or rapid prototyping acquisition pathways under section 804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. 2302 note) based on a compelling national security need” after “of paragraph (1)”;

(ii) in subparagraph (B)—

(I) by striking “The authority” and inserting “Except as provided under subparagraph (C), the authority”;

(II) in clause (ii), by striking “; and” and inserting a semicolon;

(III) in clause (iii), by striking the period at the end and inserting “; and”; and

1 (IV) by adding at the end the fol-  
2 lowing new clause:

3 “(iv) in the case of a determination by the  
4 Secretary that funds are necessary to imme-  
5 diately initiate a project under the rapid field-  
6 ing or rapid prototyping acquisition pathways  
7 under section 804 of the National Defense Au-  
8 thorization Act for Fiscal Year 2016 (Public  
9 Law 114–92; 10 U.S.C. 2302 note), in an  
10 amount not more than \$200,000,000 during  
11 any fiscal year.”; and

12 (iii) by adding at the end the fol-  
13 lowing new subparagraph:

14 “(C) For each of fiscal years 2017 and 2018,  
15 the limits set forth in clauses (i) and (ii) of subpara-  
16 graph (B) do not apply to the exercise of authority  
17 under such clauses provided that the total amount of  
18 supplies and associated support services acquired as  
19 provided under such subparagraph does not exceed  
20 \$800,000,000 during such fiscal year.”;

21 (C) in paragraph (4)—

22 (i) by redesignating subparagraphs  
23 (C), (D), and (E) as subparagraphs (D),  
24 (E), and (F), respectively; and

1 (ii) by inserting after subparagraph

2 (B) the following new subparagraph:

3 “(C) In the case of a determination by the Sec-  
4 retary under paragraph (3)(A) that funds are nec-  
5 essary to immediately initiate a project under the  
6 rapid fielding or rapid prototyping acquisition path-  
7 ways under section 804 of the National Defense Au-  
8 thorization Act for Fiscal Year 2016 (Public Law  
9 114–92; 10 U.S.C. 2302 note), the Secretary shall  
10 notify the congressional defense committees of the  
11 determination within 10 days after the date of the  
12 use of such funds.”; and

13 (D) in paragraph (5)—

14 (i) by striking “Any acquisition” and  
15 inserting “(A) Any acquisition”; and

16 (ii) by adding at the end the following  
17 new subparagraph:

18 “(B) Subparagraph (A) does not apply to ac-  
19 quisitions initiated in the case of a determination by  
20 the Secretary that funds are necessary to imme-  
21 diately initiate a project under the rapid fielding or  
22 rapid prototyping acquisition pathways under section  
23 804 of the National Defense Authorization Act for  
24 Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.  
25 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 (c)(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        ices, systems engineering and technical assistance  
2        services, or other knowledge-based professional serv-  
3        ices.

4        (c) AVOIDANCE OF USE OF LOWEST PRICE TECH-  
5        NICALLY ACCEPTABLE SOURCE SELECTION CRITERIA IN  
6        PROCUREMENTS OF INFORMATION TECHNOLOGY.—To  
7        the maximum extent practicable, the use of Lowest Price  
8        Technically Acceptable source selection criteria shall be  
9        avoided when the procurement is predominately for the ac-  
10       quisition of information technology services, systems engi-  
11       neering and technical assistance services, or other knowl-  
12       edge-based professional services.

13       (d) REPORTING.—Not later than 180 days after the  
14       date of the enactment of this Act, and annually thereafter  
15       for 3 years, the Secretary of Defense shall submit to the  
16       congressional defense committees a report on the number  
17       of instances in which Lowest Price Technically Acceptable  
18       source selection criteria is used, including an explanation  
19       of how the criteria in subsection (b) was considered when  
20       making a determination to use Lowest Price Technically  
21       Acceptable source selection criteria.

22       **SEC. 826. PENALTIES FOR THE USE OF COST-TYPE CON-**  
23       **TRACTS.**

24       (a) PENALTIES.—Except as provided under sub-  
25       section (d), for each fiscal year beginning with fiscal year

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 (a) REPEAL OF SUNSET.—Section 2332 of title 10,  
11 United States Code, is amended by striking subsection (d).

12 (b) TRAINING.—Such section, as amended by sub-  
13 section (a), is further amended by adding at the end the  
14 following new subsection:

15 “(d) TRAINING.—Not later than 180 days after the  
16 date of the enactment of the National Defense Authoriza-  
17 tion Act for Fiscal Year 2017, the Defense Acquisition  
18 University shall develop and implement a training pro-  
19 gram for Department of Defense acquisition personnel on  
20 share-in-savings contracts.”.

1 **SEC. 829B. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**  
 2 **ITY TO FACILITATE THE DEFENSE AGAINST**  
 3 **OR RECOVERY FROM A CYBER, NUCLEAR, BI-**  
 4 **OLOGICAL, CHEMICAL, OR RADIOLOGICAL**  
 5 **ATTACK.**

6 (a) IN GENERAL.—Chapter 137 of title 10, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing new section:

9 **“§ 2338. Special emergency procurement authority**

10 “(a) APPLICABILITY.—The authorities provided in  
 11 subsections (b) and (c) apply with respect to a procure-  
 12 ment of property or services by or for the Department of  
 13 Defense that the Secretary of Defense determines are to  
 14 be used—

15 “(1) in support of a contingency operation; or

16 “(2) to facilitate the defense against or recovery  
 17 from cyber, nuclear, biological, chemical, or radio-  
 18 logical attack against the United States.

19 “(b) INCREASED THRESHOLDS AND LIMITATION.—  
 20 For a procurement to which this section applies under  
 21 subsection (a)—

22 “(1) the amount specified in subsections (a),  
 23 (d), and (e) of section 1902 of title 41 shall be  
 24 deemed to be—

1           “(A) \$15,000 in the case of a contract to  
2           be awarded and performed, or purchase to be  
3           made, in the United States; and

4           “(B) \$25,000 in the case of a contract to  
5           be awarded and performed, or purchase to be  
6           made, outside the United States;

7           “(2) the term ‘simplified acquisition threshold’  
8           means—

9           “(A) \$750,000 in the case of a contract to  
10          be awarded and performed, or purchase to be  
11          made, in the United States; and

12          “(B) \$1,500,000 in the case of a contract  
13          to be awarded and performed, or purchase to be  
14          made, outside the United States; and

15          “(3) the \$5,000,000 limitation in section  
16          1901(a)(2) of title 41 and sections 3305(a)(2) and  
17          2304(g)(1)(B) of this title is deemed to be  
18          \$10,000,000.

19          “(c) AUTHORITY TO TREAT PROPERTY OR SERVICE  
20          AS COMMERCIAL ITEM.—

21          “(1) IN GENERAL.—The Secretary of Defense,  
22          in carrying out a procurement of property or a serv-  
23          ice to which this section applies under subsection  
24          (a)(2), may treat the property or service as a com-

1       mercerial item for the purpose of carrying out the pro-  
2       curement.

3               “(2) CERTAIN CONTRACTS NOT EXEMPT FROM  
4       STANDARDS OR REQUIREMENTS.—A contract in an  
5       amount of more than \$15,000,000 that is awarded  
6       on a sole source basis for an item or service treated  
7       as a commercial item under paragraph (1) is not ex-  
8       empt from—

9               “(A) cost accounting standards prescribed  
10       under section 1502 of title 41; or

11              “(B) cost or pricing data requirements  
12       (commonly referred to as truth in negotiating)  
13       under chapter 35 of title 41 and section 2306a  
14       of this title.”.

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

“2338. Special emergency procurement authority.”.

18   **SEC. 829C. LIMITATION ON USE OF REVERSE AUCTION AND**  
19                               **LOWEST PRICE TECHNICALLY ACCEPTABLE**  
20                               **CONTRACTING METHODS.**

21       (a) LIMITATION.—Not later than 90 days after the  
22   date of the enactment of this Act, the Defense Supplement  
23   to the Federal Acquisition Regulation shall be amended—

24              (1) to prohibit the use by the Department of  
25   Defense of reverse auction or lowest price technically

1 acceptable contracting methods for the procurement  
2 of personal protective equipment where the level of  
3 quality or failure of the item could result in combat  
4 casualties; and

5 (2) to establish a preference for the use of best  
6 value contracting methods for the procurement of  
7 such equipment.

8 (b) CONFORMING AMENDMENT.—Section 884 of the  
9 National Defense Authorization Act for Fiscal Year 2016  
10 (Public Law 114–92) is hereby repealed.

11 **SEC. 829D. AVOIDANCE OF USE OF BRAND NAMES OR**  
12 **BRAND-NAME OR EQUIVALENT DESCRIPTI-**  
13 **TIONS IN SOLICITATIONS.**

14 The Secretary of Defense shall ensure that competi-  
15 tion in Department of Defense contracts is not limited  
16 through the use of specifying brand names or brand-name  
17 or equivalent descriptions, or proprietary specifications or  
18 interfaces, in solicitations unless a justification for such  
19 specification is provided and approved in accordance with  
20 section 2304(f) of title 10, United States Code.

21 **SEC. 829E. SUNSET AND REPEAL OF CERTAIN CON-**  
22 **TRACTING PROVISIONS.**

23 (a) SUNSETS.—

24 (1) PLANTATIONS AND FARMS: OPERATION,  
25 MAINTENANCE, AND IMPROVEMENT.—Section 2421



1 of title 10, United States Code, is amended by add-  
 2 ing at the end the following new subsection:

3 “(e) SUNSET.—This section shall terminate at the  
 4 close of September 30, 2018.”.

5 (2) OBLIGATIONS FOR CONTRACT SERVICES:  
 6 REPORTING IN BUDGET OBJECT CLASSES.—Section  
 7 2212 of title 10, United States Code, is amended by  
 8 adding at the end the following new subsection:

9 “(g) SUNSET.—This section shall terminate at the  
 10 close of September 30, 2018.”.

11 (3) REQUIREMENT TO ESTABLISH COST, PER-  
 12 FORMANCE, AND SCHEDULE GOALS FOR MAJOR DE-  
 13 FENSE ACQUISITION PROGRAMS AND EACH PHASE  
 14 OF RELATED ACQUISITION CYCLES.—Section 2220  
 15 of title 10, United States Code, is amended by add-  
 16 ing at the end the following new subsection:

17 “(c) SUNSET.—This section shall terminate at the  
 18 close of September 30, 2018.”.

19 (4) GOVERNMENT PERFORMANCE OF CERTAIN  
 20 ACQUISITION FUNCTIONS.—Section 1706 of title 10,  
 21 United States Code, is amended by adding at the  
 22 end the following new subsection:

23 “(d) SUNSET.—This section shall terminate at the  
 24 close of September 30, 2019.”.

25 (b) REPEALS.—

1           (1) LIMITATION ON USE OF OPERATION AND  
2           MAINTENANCE FUNDS FOR PURCHASE OF INVEST-  
3           MENT ITEMS.—

4           (A) IN GENERAL.—Section 2245a of title  
5           10, United States Code, is repealed.

6           (B) CLERICAL AMENDMENT.—The table of  
7           sections at the beginning of subchapter I of  
8           chapter 134 of such title is amended by striking  
9           the item relating to section 2245a.

10          (C) CONFORMING AMENDMENT.—Section  
11          166a(e)(1)(A) of such title is amended by strik-  
12          ing “in effect under section 2245a of this title”.

13          (2) INFORMATION TECHNOLOGY PURCHASES:  
14          TRACKING AND MANAGEMENT.—

15          (A) IN GENERAL.—Section 2225 of title  
16          10, United States Code, is repealed.

17          (B) CLERICAL AMENDMENT.—The table of  
18          sections at the beginning of chapter 131 of such  
19          title is amended by striking the item relating to  
20          section 2225.

21          (C) CONFORMING AMENDMENTS.—

22                 (i) SECTION 2330A OF TITLE 10, UN-  
23                 TIED STATES CODE.—Section 2330a(j) of  
24                 such title is amended—

25                         (I) by striking paragraph (2);

1 (II) by redesignating paragraphs  
2 (3), (4), and (5) as paragraphs (2),  
3 (3), and (4), respectively; and  
4 (III) by adding at the end the  
5 following new paragraphs:

6 “(5) SIMPLIFIED ACQUISITION THRESHOLD.—  
7 The term ‘simplified acquisition threshold’ has the  
8 meaning given the term in section 134 of title 41.

9 “(6) SMALL BUSINESS CONCERN.—The term  
10 ‘small business concern’ means a business concern  
11 that meets the applicable size standards prescribed  
12 pursuant to section 3(a) of the Small Business Act  
13 (15 U.S.C. 632(a)) of title 41.

14 “(7) SMALL BUSINESS CONCERN OWNED AND  
15 CONTROLLED BY SOCIALLY AND ECONOMICALLY DIS-  
16 ADVANTAGED INDIVIDUALS.—The term ‘small busi-  
17 ness concern owned and controlled by socially and  
18 economically disadvantaged individuals’ has the  
19 meaning given that term in section 8(d)(3)(C) of the  
20 Small Business Act (15 U.S.C. 637(d)(3)(C)).

21 “(8) SMALL BUSINESS CONCERN OWNED AND  
22 CONTROLLED BY WOMEN.—The term ‘small business  
23 concern owned and controlled by women’ has the  
24 meaning given that term in section 8(d)(3)(D) of the  
25 Small Business Act (15 U.S.C. 637(d)(3)(D)).”.

1                   (ii) SECTION 222 OF THE NATIONAL  
2                   DEFENSE AUTHORIZATION ACT FOR FISCAL  
3                   YEAR 2012.—Section 222(d) of the Na-  
4                   tional Defense Authorization Act for Fiscal  
5                   Year 2012 (Public Law 112–81; 10 U.S.C.  
6                   2358 note) is amended by striking “as de-  
7                   fined in section 2225(f)(3)” and inserting  
8                   “as defined in section 2330a(j)”.

9                   (3) PROCUREMENT OF COPIER PAPER CON-  
10                  TAINING SPECIFIED PERCENTAGES OF POST-CON-  
11                  SUMER RECYCLED CONTENT.—

12                  (A) IN GENERAL.—Section 2378 of title  
13                  10, United States Code, is repealed.

14                  (B) CLERICAL AMENDMENT.—The table of  
15                  sections at the beginning of chapter 140 of such  
16                  title is amended by striking the item relating to  
17                  section 2378.

18                  (4) LIMITATION ON PROCUREMENT OF TABLE  
19                  AND KITCHEN EQUIPMENT FOR OFFICERS’ QUAR-  
20                  TERS.—

21                  (A) IN GENERAL.—Section 2387 of title  
22                  10, United States Code, is repealed.

23                  (B) CLERICAL AMENDMENT.—The table of  
24                  sections at the beginning of chapter 141 of such

1 title is amended by striking the item relating to  
2 section 2387.

3 (5) IMPLEMENTATION OF ELECTRONIC COM-  
4 MERCE CAPABILITY.—

5 (A) REPEAL.—

6 (i) IN GENERAL.—Section 2302c of  
7 title 10, United States Code, is repealed.

8 (ii) EXEMPTION FROM GENERAL FED-  
9 ERAL PROCUREMENT REQUIREMENT.—  
10 Section 2301 of title 41, United States  
11 Code, is amended by inserting “other than  
12 the Department of Defense” after “each  
13 executive agency” each place it appears.

14 (B) CLERICAL AMENDMENT.—The table of  
15 sections at the beginning of chapter 137 of such  
16 title is amended by striking the item relating to  
17 section 2302c.

18 **SEC. 829F. FLEXIBILITY IN CONTRACTING AWARD PRO-**  
19 **GRAM.**

20 (a) ESTABLISHMENT OF AWARD PROGRAM.—The  
21 Secretary of Defense shall create an award to recognize  
22 those acquisition programs and professionals that make  
23 the best use of the flexibilities and authorities granted by  
24 the Federal Acquisition Regulation and Department of

1 Defense Instruction 5000.02 (Operation of the Defense  
2 Acquisition System).

3 (b) PURPOSE OF AWARD.—The award established  
4 under subsection (a) shall recognize outstanding per-  
5 formers whose approach to program management empha-  
6 sizes innovation and local adaptation, including the use  
7 of—

8 (1) simplified acquisition procedures;

9 (2) inherent flexibilities within the Federal Ac-  
10 quisition Regulation;

11 (3) commercial contracting approaches;

12 (4) public-private partnership agreements and  
13 practices;

14 (5) cost sharing arrangements;

15 (6) innovative contractor incentive practices;

16 and

17 (7) other innovative implementations of acquisi-  
18 tion flexibilities.

19 (c) BENCHMARKS.—The Secretary of Defense shall,  
20 for purposes of administering the award program estab-  
21 lished under this section, establish specific, measurable  
22 benchmarks for measuring successful application of Fed-  
23 eral Acquisition Regulation flexibilities, both in terms of  
24 assessing the level of innovation being applied and in  
25 terms of program outcomes.

1 **SEC. 829G. PRODUCTS AND SERVICES PURCHASED**  
2 **THROUGH CONTRACTING PROGRAM FOR**  
3 **FIRMS THAT HIRE THE SEVERELY DISABLED.**

4 (a) LIMITATION ON CONTRACTING WITH  
5 ABILITYONE PROGRAM.—

6 (1) IN GENERAL.—For purposes of procuring  
7 goods and services on the procurement list described  
8 in section 8503 of title 41, United States Code (in  
9 this section referred to as the “procurement list”) to  
10 be performed by other severely disabled, the Sec-  
11 retary of Defense shall not contract with the  
12 AbilityOne nonprofit agency or the AbilityOne Cen-  
13 tral Nonprofit Agency responsible for contracting  
14 with other severely disabled, or use the AbilityOne  
15 Central Nonprofit Agency responsible for contracting  
16 with other severely disabled to identify vendors who  
17 are other severely disabled, but shall contract di-  
18 rectly with qualified nonprofit agencies for other se-  
19 verely disabled, until such time that the Inspector  
20 General for the Department of Defense certifies to  
21 Congress as follows:

22 (A) The internal controls and financial  
23 management systems of the AbilityOne non-  
24 profit agency and the AbilityOne Central Non-  
25 profit Agency responsible for contracting with  
26 the other severely disabled are sufficient to pro-

1 tect the Department of Defense against waste,  
2 fraud, and abuse.

3 (B) There are fair opportunities for quali-  
4 fied nonprofit agencies for other severely dis-  
5 abled to compete to provide goods and services  
6 to the Department of Defense under the pro-  
7 curement list.

8 (C) Pass-through contracts to contractors  
9 who are not qualified nonprofit agencies for  
10 other severely disabled are limited to the max-  
11 imum extent practicable to providing services  
12 and supplies necessary for qualified nonprofit  
13 agencies for other severely disabled to assemble  
14 a final product for use by the Department of  
15 Defense.

16 (D) Department of Defense contracts for  
17 items on the procurement list to the maximum  
18 extent practicable create opportunities in the  
19 production of products and the provision of  
20 services by qualified nonprofit agencies for  
21 other severely disabled during the fiscal year  
22 that result in the employment of other severely  
23 disabled individuals for at least 75 percent of  
24 the hours of direct labor required for the pro-  
25 duction or provision of the products or services.



1           (E) Opportunities for wounded and dis-  
2           abled veterans are maximized in qualified non-  
3           profit agencies for other severely disabled when  
4           participating in Department of Defense con-  
5           tracts.

6           (F) The Department of Defense is receiv-  
7           ing fair and reasonable prices for items on the  
8           procurement list.

9           (2) RECOMMENDATIONS BY THE COMPTROLLER  
10          GENERAL OF THE UNITED STATES.—In conducting  
11          its review of the internal controls and financial man-  
12          agement systems of the AbilityOne nonprofit agency  
13          and the AbilityOne Central Nonprofit Agency re-  
14          sponsible for contracting with the other severely dis-  
15          abled, the Inspector General of the Department of  
16          Defense shall consider recommendations previously  
17          made by the Comptroller General of the United  
18          States pertaining to the AbilityOne program.

19          (b) PURCHASING CRITERIA.—Contracting officers for  
20          the Department of Defense, when purchasing items off the  
21          procurement list under subsection (a), shall ensure that—

22               (1) there are fair opportunities for qualified  
23               nonprofit agencies for other severely disabled to  
24               compete to provide goods and services to the Depart-  
25               ment of Defense under the procurement list;

1           (2) pass-through contracts to contractors that  
2           are not qualified nonprofit agencies for other se-  
3           verely disabled are limited to the maximum extent  
4           practicable to providing services and supplies nec-  
5           essary for qualified nonprofit agencies for other se-  
6           verely disabled to assemble a final product for use  
7           by the Department of Defense;

8           (3) Department of Defense contracts for items  
9           on the procurement list to the maximum extent  
10          practicable create opportunities in the production of  
11          products and the provision of services by the quali-  
12          fied nonprofit agencies for other severely disabled  
13          during the fiscal year that result in the employment  
14          of other severely disabled individuals for at least 75  
15          percent of the hours of direct labor required for the  
16          production or provision of the products or services;

17          (4) opportunities for wounded and disabled vet-  
18          erans are maximized in qualified nonprofit agencies  
19          for other severely disabled when participating in De-  
20          partment of Defense contracts; and

21          (5) the Department of Defense is receiving fair  
22          and reasonable prices for items on the procurement  
23          list.

24          (c) QUALIFIED NONPROFIT FOR OTHER SEVERELY  
25          DISABLED.—In this section, the term “qualified nonprofit

1 for other severely disabled” has the meaning given the  
2 term in section 8501(6) of title 41, United States Code.

3 **SEC. 829H. APPLICABILITY OF EXECUTIVE ORDER 13673**

4 **“FAIR PAY AND SAFE WORKPLACES” TO DE-**  
5 **PARTMENT OF DEFENSE CONTRACTORS.**

6 (a) LIMITATION.—The Secretary of Defense shall  
7 apply any acquisition regulations promulgated pursuant to  
8 Executive Order 13673 or any successor executive order  
9 only to contractors or subcontractors who have been sus-  
10 pended or debarred as a result of a Federal labor law vio-  
11 lations covered by Executive Order 13673.

12 (b) COMPLIANCE REQUIREMENTS.—The Secretary  
13 shall ensure that Department of Defense contractors or  
14 subcontractors who are not described under subsection (a)  
15 are not compelled or required to comply with the condi-  
16 tions for contracting eligibility as stated in any acquisition  
17 regulations promulgated to implement Executive Order  
18 13673.

19 **SEC. 829I. CONTRACT CLOSEOUT AUTHORITY.**

20 (a) AUTHORITY.—The Secretary of Defense may  
21 close out a contract or group of contracts as described in  
22 subsection (b) through the issuance of one or more modi-  
23 fications to existing Department of Defense contracts  
24 without completing a reconciliation audit or other correc-  
25 tive action. To accomplish closeout of such contracts—

1           (1) remaining contract balances may be offset  
2           with balances in other contract line items within a  
3           contract regardless of the year or type of appropria-  
4           tion previously or currently obligated to fund each  
5           contract line item and regardless of whether the ap-  
6           propriation has closed; and

7           (2) remaining contract balances may be offset  
8           with balances on other contracts regardless of the  
9           year or type of appropriation previously or currently  
10          obligated to fund each contract and regardless of  
11          whether the appropriation has closed.

12          (b) COVERED CONTRACTS.—Contracts covered by  
13          this section are contracts or a group of contracts between  
14          the Department of Defense and a defense contractor  
15          that—

16                (1) were entered into prior to fiscal year 2000;

17                (2) have no further supplies or services  
18                deliverables due under their terms and conditions;  
19                and

20                (3) are determined by the Secretary of Defense  
21                to be not otherwise reconcilable because—

22                      (A) the records have been destroyed or  
23                      lost; or

24                      (B) the records are available but the Sec-  
25                      retary of Defense has determined that the time

1           or effort required to determine the exact  
2           amount owed to the United States Government  
3           or amount owed to the contractor is disproportion-  
4           tionate to the amount at issue.

5           (c) NEGOTIATED SETTLEMENT AUTHORITY.—Any  
6 contract or contracts covered by this section may be closed  
7 out through a negotiated settlement with the contractor.

8           (d) WAIVER AUTHORITY.—The Secretary of Defense  
9 is authorized to waive any provision of acquisition law or  
10 regulation to carry out the authority under subsection (a).

11          (e) ADJUSTMENT OF RECORDS.—In any case where  
12 the authority under this section is exercised, the cognizant  
13 payment or accounting offices may adjust and close any  
14 open finance and accounting records.

15          (f) NO LIABILITY.—No liability will attach to any ac-  
16 counting, certifying, or payment official or contracting of-  
17 ficer for any adjustments or closeout made pursuant to  
18 the authority provided under this section.

19          (g) REGULATIONS.—The Secretary of Defense shall  
20 prescribe regulations for the administration of the author-  
21 ity under this section.

22          (h) NOTIFICATION REQUIREMENT.—The Secretary  
23 of Defense shall notify the congressional defense commit-  
24 tees not later than 10 days after exercising the authority

1 under subsection (d). The notice shall include an identi-  
2 fication of each provision of law or regulation waived.

3 **SEC. 829J. CLOSEOUT OF OLD NAVY CONTRACTS.**

4 (a) **AUTHORITY.**—The Secretary of the Navy may  
5 close out contracts described in subsection (b) through the  
6 issuance of one or more modifications to existing Depart-  
7 ment of the Navy contracts without completing further  
8 reconciliation audits or corrective actions other than those  
9 described in this section. To accomplish closeout of such  
10 contracts—

11 (1) remaining contract balances may be offset  
12 with balances in other contract line items within a  
13 contract regardless of the year or type of appropria-  
14 tion previously or currently obligated to fund each  
15 contract line item and regardless of whether either  
16 appropriation has closed; and

17 (2) remaining contract balances may be offset  
18 with balances on other contracts regardless of the  
19 year or type of appropriation previously or currently  
20 obligated to fund each contract and regardless of  
21 whether either appropriation has closed.

22 (b) **COVERED CONTRACTS.**—The contracts covered  
23 by this section are contracts to design, construct, repair,  
24 or support the construction or repair of Navy submarines  
25 that—

1           (1) were entered into between fiscal years 1974  
2           and 1998;

3           (2) have no further supply or services  
4           deliverables due under their terms and conditions;

5           (3) for which the Secretary of the Navy has es-  
6           tablished the total final contract value; and

7           (4) the final allowable cost for which the Sec-  
8           retary of the Navy has determined may have a nega-  
9           tive or positive unliquidated obligation balance with  
10          respect to which it would be difficult to determine  
11          the year or type of appropriation because—

12                 (A) the records have been destroyed or  
13                 lost; or

14                 (B) the records are available but the con-  
15                 tracting officer in collaboration with the certi-  
16                 fying official has determined that a discrepancy  
17                 is of a de minimis value such that the time and  
18                 effort required to determine the cause of an  
19                 out-of-balance condition is disproportionate to  
20                 the amount of the discrepancy.

21          (c) CLOSEOUT TERMS.—The contracts identified in  
22          subsection (b) may be closed out—

23                 (1) upon receipt of \$581,803 from the con-  
24                 tractor to be deposited into the Treasury as mis-  
25                 cellaneous receipts;

1           (2) without seeking further amounts from the  
2       contractor; and

3           (3) without payment to the contractor of any  
4       amounts that may be due under any such contracts.

5       (d) WAIVER AUTHORITY.—The Secretary of the  
6       Navy is authorized to waive any provision of acquisition  
7       law or regulation to carry out the authority under sub-  
8       section (a).

9       (e) ADJUSTMENT OF RECORDS.—In any case where  
10      the authority under this section is exercised, the cognizant  
11      payment or accounting offices may adjust and close any  
12      open finance and accounting records.

13      (f) NO LIABILITY.—No liability will attach to any ac-  
14      counting, certifying, or payment official or contracting of-  
15      ficer for any adjustments or closeout made pursuant to  
16      the authority provided under this section.

17      (g) NOTIFICATION REQUIREMENT.—The Secretary  
18      of the Navy shall notify the congressional defense commit-  
19      tees not later than 10 days after exercising the authority  
20      under subsection (d). The notice shall include an identi-  
21      fication of each provision of law or regulation waived.

22      (h) EXPIRATION OF WAIVER AUTHORITY.—The au-  
23      thority under this section shall expire upon receipt of the  
24      funds identified in subsection (c)(1).



1 **Subtitle C—Provisions Relating to**  
 2 **Major Defense Acquisition Pro-**  
 3 **grams**

4 **SEC. 831. REPEAL OF MAJOR AUTOMATED INFORMATION**  
 5 **SYSTEMS PROVISIONS.**

6 (a) IN GENERAL.—Chapter 144A of title 10, United  
 7 States Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The tables of chapters  
 9 at the beginning of subtitle A of such title, and at the  
 10 beginning of part IV of subtitle A, are amended by strik-  
 11 ing the item relating to chapter 144A.

12 (c) CONFORMING AMENDMENTS.—Section  
 13 2334(a)(2) of title 10, United States Code, is amended  
 14 by striking “or a major automated information system  
 15 under chapter 144A of this title”.

16 **SEC. 832. REVISIONS TO DEFINITION OF MAJOR DEFENSE**  
 17 **ACQUISITION PROGRAM.**

18 (a) IN GENERAL.—Section 2430 of title 10, United  
 19 States Code, is amended—

20 (1) in subsection (a)—

21 (A) by redesignating paragraphs (1) and

22 (2) as subparagraphs (A) and (B), respectively;

23 (B) by striking “In this chapter” and in-

24 serting “(1) Except as provided under para-

25 graph (2), in this chapter”; and

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

3 “(2) In this chapter, the term ‘major defense acquisi-  
4 tion program’ does not include—

5 “(A) an acquisition program or project that is  
6 carried out using the rapid fielding or rapid proto-  
7 typing acquisition pathway under section 804 of the  
8 National Defense Authorization Act for Fiscal Year  
9 2016 (Public Law 114–92; 10 U.S.C. 2302 note); or

10 “(B) a stand-alone prototype project that—

11 “(i) is not included or planned as part of  
12 an existing major defense acquisition program;  
13 and

14 “(ii) is carried out under a fixed price con-  
15 tract.”.

16 (b) ANNUAL REPORTING.—The Secretary of Defense  
17 shall include in each comprehensive annual Selected Ac-  
18 quisition Report submitted under section 2432 of title 10,  
19 United States Code, a listing of all programs or projects  
20 being developed or procured under the exceptions to the  
21 definition of major defense acquisition program set forth  
22 in paragraph (2) of section 2430(a) of United States  
23 Code, as added by subsection (a)(1)(C) of this section.

1 **SEC. 833. ACQUISITION STRATEGY.**

2 Section 2431a of title 10, United States Code, is  
3 amended—

4 (1) in subsection (b), by inserting “, or the  
5 milestone decision authority, when the milestone de-  
6 cision authority is the service acquisition executive of  
7 the military department that is managing the pro-  
8 gram,” after “the Under Secretary of Defense for  
9 Acquisition, Technology, and Logistics”;

10 (2) in subsection (c)—

11 (A) in paragraph (1), by inserting “, or the  
12 milestone decision authority, when the mile-  
13 stone decision authority is the service acquisi-  
14 tion executive of the military department that is  
15 managing the program,” after “the Under Sec-  
16 retary”;

17 (B) in paragraph (2)(C), by striking “, in  
18 accordance with section 2431b of this title”;  
19 and

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

22 “(K) A sustainment strategy which includes all  
23 aspects of the total life cycle management of the  
24 weapon system, including product support, logistics,  
25 product support engineering, supply chain integra-

1       tion, maintenance, acquisition logistics, and all as-  
 2       pects of software sustainment.”; and

3           (3) in subsection (d)—

4               (A) in paragraph (1), by striking “(1) Sub-  
 5       ject to the authority, direction, and control of  
 6       the Under Secretary of Defense for Acquisition,  
 7       Technology, and Logistics, the” and inserting  
 8       “The”;

9               (B) by striking paragraph (2);

10              (C) by redesignating subparagraphs (A),  
 11       (B), (C), (D), (E), (F), and (G) as paragraphs  
 12       (1), (2), (3), (4), (5), (6), and (7), respectively;  
 13       and

14              (D) in paragraph (6), as redesignated by  
 15       subparagraph (C), by redesignating clauses (i),  
 16       (ii), (iii), and (iv) as subparagraphs (A), (B),  
 17       (C), and (D), respectively.

18 **SEC. 834. IMPROVED LIFE CYCLE COST CONTROL.**

19       (a) MODIFIED GUIDANCE FOR RAPID FIELDING  
 20 PATHWAY.—Section 804(c)(3) of the National Defense  
 21 Authorization Act for Fiscal Year 2016 (Public Law 114–  
 22 92; 10 U.S.C. 2302 note) is amended—

23              (1) in subparagraph (C), by striking “; and”  
 24       and inserting a semicolon;

1           (2) in subparagraph (D), by striking the period  
2           at the end and inserting “; and”; and

3           (3) by adding at the end the following new sub-  
4           paragraph:

5                   “(E) a process for identifying and exploit-  
6                   ing opportunities to use the rapid fielding path-  
7                   way to reduce total ownership costs.”.

8           (b) LIFE CYCLE COST MANAGEMENT.—Section  
9   805(2) of such Act (Public Law 114–92; 10 U.S.C. 2302  
10   note) is amended by inserting “life cycle cost manage-  
11   ment,” after “budgeting,”.

12          (c) GUIDANCE ON ACQUISITION OF BUSINESS SYS-  
13   TEMS.—Section 883(e) of such Act (Public Law 114–92;  
14   10 U.S.C. 2223a note) is amended—

15           (1) in paragraph (7), by striking “; and” and  
16           inserting a semicolon;

17           (2) in paragraph (8), by striking the period at  
18           the end and inserting “; and”; and

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

21                   “(9) policies to maximize use of fixed-price con-  
22                   tracting elements and ability to implement tradeoffs  
23                   among total cost of ownership, schedule, and per-  
24                   formance.”.

25          (d) SUSTAINMENT REVIEWS.—

1           (1) IN GENERAL.—Chapter 144 of title 10,  
2       United States Code, is amended by adding at the  
3       end the following new section:

4   **“§ 2441. Sustainment reviews**

5       “(a) IN GENERAL.—Following the earliest of (i) five  
6   years after declaration of initial operational capability of  
7   a major defense acquisition program, (ii) failure of the  
8   program to maintain its availability or reliability thresh-  
9   olds, or (iii) breach of the program’s operations and sup-  
10   port affordability cap, there shall be a sustainment review  
11   with the results documented in a memorandum by the rel-  
12   evant decision authority.

13       “(b) ELEMENTS.—At a minimum, the review re-  
14   quired under subsection (a) shall include the following ele-  
15   ments:

16           “(1) An independent cost estimate for the re-  
17       mainder of the life cycle of the program.

18           “(2) A comparison of actual costs to the budg-  
19       et, and if budgetary shortfalls exists, an explanation  
20       of availability implications.

21           “(3) A comparison between the assumed and  
22       achieved system reliabilities.

23           “(4) An analysis of the most cost-effective  
24       source of repairs and maintenance.

1           “(5) Data on the cost of consumables and  
2           depot-level repairables.

3           “(6) Data on costs of information technology,  
4           networks, computer hardware, and software maintenance and upgrades.

6           “(7) As applicable, an assessment of the actual  
7           fuel efficiencies compared to the projected fuel efficiencies as demonstrated in tests or operations.

9           “(8) An analysis of the effort required for contracted sustaining engineering by contractors and  
10           the government.

12           “(9) As applicable, a comparison of actual manpower requirements to previous estimates.

14           “(10) An analysis of whether accurate and complete data is being reported in the relevant military  
15           department’s cost systems, and if deficiencies exist,  
16           a plan to update the data and insure accurate and  
17           complete data is submitted in the future.”.

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

“2441. Sustainment reviews.”.

22           (e) COMMERCIAL OPERATIONAL AND SUPPORT SAVINGS INITIATIVE.—

24           (1) IN GENERAL.—The Secretary of Defense  
25           shall establish a commercial operational and support

1 savings initiative to improve readiness and reduce  
2 operations and support costs by inserting existing  
3 commercial items or technology into military legacy  
4 systems through the rapid development of prototypes  
5 and fielding of production items based on current  
6 commercial technology.

7 (2) PROGRAM PRIORITY.—The commercial oper-  
8 ational and support savings initiative shall fund pro-  
9 grams that—

10 (A) reduce the costs of owning and oper-  
11 ating a military system, including the costs of  
12 personnel, consumables, goods and services, and  
13 sustaining the support and investment associ-  
14 ated with the peacetime operation of a weapon  
15 system;

16 (B) take advantage of the commercial sec-  
17 tor's technological innovations by inserting com-  
18 mercial technology into fielded weapon systems;  
19 and

20 (C) emphasize prototyping and experimen-  
21 tation with new technologies and concepts of  
22 operations.

23 (3) FUNDING PHASES.—

24 (A) IN GENERAL.—Projects funded under  
25 the commercial operational and support savings



1 initiative shall consist of two phases, Phase 1  
2 and Phase 2.

3 (B) PHASE I.—(i) Funds made available  
4 during Phase I shall be used to perform the  
5 non-recurring engineering, testing, and quali-  
6 fication that are typically needed to adapt a  
7 commercial item or technology for use in a mili-  
8 tary system.

9 (ii) Phase I shall include—

10 (I) establishment of cost and perform-  
11 ance metrics to evaluate project success;

12 (II) establishment of a transition plan  
13 and agreement with a military service or  
14 Defense Agency for adoption and  
15 sustainment of the technology or system;  
16 and

17 (III) the development, fabrication, and  
18 delivery of a prototype to a military service  
19 for installation into a fielded Department  
20 of Defense system.

21 (iii) Programs shall be terminated if no  
22 agreement is established within two years of  
23 project initiation.

24 (iv) The Office of the Secretary of Defense  
25 may provide up to 50 percent of Phase I fund-

1 ing for a project. The relevant military service  
2 or Defense Agency shall provide the remainder  
3 of Phase I funding, which may be provided out  
4 of operation and maintenance funding.

5 (v) Phase I funding shall not exceed three  
6 years.

7 (C) PHASE II.—(i) Phase II shall include  
8 the purchase of limited production quantities of  
9 the prototype kits and transition to a program  
10 of record for continued sustainment.

11 (ii) Phase II awards may be made without  
12 competition as firm, fixed-price awards or as  
13 awards for the purchase of commercial items  
14 under part 12 of the Federal Acquisition Regu-  
15 lation.

16 (iii) The competitive procedures require-  
17 ments of chapter 173 of title 10, United States  
18 Code, and the cost and pricing data require-  
19 ments of section 2306a of such title shall not  
20 apply to contracts awarded during Phase II of  
21 the commercial operational and support savings  
22 initiative.

23 (4) TREATMENT AS COMPETITIVE PROCE-  
24 DURES.—The use of general solicitation competitive  
25 procedures under the commercial operational and

1 support savings initiative shall be considered to be  
2 the use of competitive procedures for purposes of  
3 chapter 137 of title 10, United States Code.

4 **SEC. 835. MODIFICATION OF CERTAIN MILESTONE B CER-**  
5 **TIFICATION REQUIREMENTS.**

6 Section 2366b(a)(3) of title 10, United States Code,  
7 is amended—

8 (1) in subparagraph (B), by striking “total re-  
9 sources available during the period covered by the  
10 future-years defense program submitted during the  
11 fiscal year in which the certification is made” and  
12 inserting “total resources available to the program”;  
13 and

14 (2) in subparagraph (D), by striking “, through  
15 the period covered by the future-years defense pro-  
16 gram submitted during the fiscal year in which the  
17 certification is made,”.

18 **SEC. 836. DISCLOSURE OF RISK IN COST ESTIMATES.**

19 Subsection (d) of section 2334 of title 10, United  
20 States Code, is amended to read as follows:

21 “(d) DISCLOSURE OF RISK IN COST ESTIMATES.—  
22 The Director of Cost Assessment and Program Evalua-  
23 tion, and the Secretary of the military department con-  
24 cerned or the head of the Defense Agency concerned (as  
25 applicable), shall each—

1           “(1) issue guidance requiring a discussion of  
2           risk, the potential impacts of risk on program costs,  
3           and approaches to mitigate risk in cost estimates for  
4           major defense acquisition programs;

5           “(2) ensure that cost estimates are developed  
6           based on historical actual cost information that is  
7           based on demonstrated contractor and government  
8           performance and that such estimates provide a high  
9           degree of confidence that the program can be com-  
10          pleted without the need for significant adjustment to  
11          program budgets; and

12          “(3) include the information required by para-  
13          graph (1)—

14               “(A) in any decision documentation ap-  
15               proving a cost estimate within the baseline de-  
16               scription or any other cost estimate for use at  
17               any event specified in subsection (a)(6); and

18               “(B) in the next Selected Acquisition Re-  
19               port pursuant to section 2432 of this title.”.

1 **SEC. 837. AUTHORITY TO DESIGNATE INCREMENTS OR**  
2 **BLOCKS OF ITEMS DELIVERED UNDER**  
3 **MAJOR DEFENSE ACQUISITION PROGRAMS**  
4 **AS MAJOR SUBPROGRAMS FOR PURPOSES OF**  
5 **ACQUISITION REPORTING.**

6 Section 2430a(1)(B) of title 10, United States Code,  
7 is amended by striking “major defense acquisition pro-  
8 gram to purchase satellites requires the delivery of sat-  
9 ellites in two or more increments or blocks” and inserting  
10 “major defense acquisition program requires the delivery  
11 of two or more increments or blocks”.

12 **SEC. 838. COUNTING OF MAJOR DEFENSE ACQUISITION**  
13 **PROGRAM SUBCONTRACTS TOWARD SMALL**  
14 **BUSINESS GOALS.**

15 (a) IN GENERAL.—Chapter 137 of title 10, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing new section:

18 **“§ 2338. Counting of major defense acquisition pro-**  
19 **gram subcontracts toward small business**  
20 **goals**

21 “(a) ANNUAL PROCUREMENT GOALS.—First tier and  
22 second tier subcontracts awarded by the Department of  
23 Defense under major defense acquisition programs to  
24 small business concerns, small businesses concerns owned  
25 and controlled by service-disabled veterans, qualified  
26 HUBZone small business concerns, small business con-

cerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women shall be considered toward annual Department of Defense management goals for procurement contracts awarded to those concerns.

“(b) DEFINITIONS.—In this section—

“(1) the terms ‘qualified HUBZone small business concern’, ‘small business concern’, ‘small business concern owned and controlled by service-disabled veterans’, and ‘small business concern owned and controlled by women’ have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632); and

“(2) the term ‘small business concern owned and controlled by socially and economically disadvantaged individuals’ has the meaning given the term in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

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

“2338. Counting of major defense acquisition program subcontracts toward small business goals.”.

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 Prince 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(c) 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-

sion area under this subsection shall extend to the supporting elements for the mission area, such as communications, command and control, electronic warfare, and intelligence.

(6) FUNDING FOR CERTAIN RESPONSIBILITIES.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2016 for the Department of Defense and available for operational systems development, an amount equal to 0.5 percent of such amount shall be available in such fiscal year for mission integration managers to carry out the responsibilities specified in subparagraphs (A) through (C) of paragraph (4).

**SEC. 844. B-21 BOMBER DEVELOPMENT PROGRAM BASELINE AND COST CONTROL.**

(a) DEFINITIONS.—In this section:

(1) B-21 BOMBER BASELINE DEVELOPMENTAL CONTRACT ESTIMATE.—The term “B-21 Bomber Baseline Developmental Contract Estimate”, with respect to the engineering and manufacturing development (EMD) phase of the B-21 bomber program, is the agreed contract price as of October 27, 2015, with the selected prime contractor for the EMD phase of the program.

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.

3 (d) B-21 BOMBER PROGRAM COST AND ACCOUNT-  
4 ABILITY.—

5 (1) IN GENERAL.—Commencing with the first  
6 quarter of fiscal year 2017, the Secretary of the Air  
7 Force shall submit to the Comptroller General of the  
8 United States, not later than the 15th day following  
9 the end of each calendar quarter, the matrices de-  
10 scribed in paragraph (2) relating to the B-21 bomb-  
11 er aircraft program updated with that quarter's in-  
12 formation. The Comptroller General shall review the  
13 matrices for accuracy, identify cost, schedule, and  
14 performance trends, and report on its assessment to  
15 the congressional defense committees not later than  
16 the 45th day following the end of each calendar  
17 quarter.

18 (2) MATRICES DESCRIBED.—The matrices de-  
19 scribed in this paragraph are the following:

20 (A) FUNDING PROFILES.—A matrix ex-  
21 pressing the total cost for the Air Force service  
22 cost position for the EMD phase and low initial  
23 rate of production lots of the B-21 bomber air-  
24 craft and a matrix expressing the total cost for  
25 the prime contractor spending plan for such

1 EMD phase and production lots, both of which  
2 shall be subdivided according to the costs of the  
3 following:

4 (i) Airframe.

5 (ii) Propulsion.

6 (iii) Mission systems.

7 (iv) Vehicle systems, including arma-  
8 ment and weapons delivery.

9 (v) Air vehicle software.

10 (vi) Systems engineering.

11 (vii) Program management.

12 (viii) System test and evaluation.

13 (ix) Support and training systems.

14 (x) Contractor fee.

15 (xi) Engineering changes.

16 (xii) Direct mission support.

17 (xiii) Government testing.

18 (B) DEVELOPMENT PROGRESS GOALS.—A  
19 matrix detailing progress in major development  
20 elements of the B-21 bomber program sub-  
21 divided according to the following:

22 (i) Technology readiness levels of  
23 major components.

24 (ii) Design maturity.

25 (iii) Software maturity.

1 (iv) Manufacturing readiness levels of  
2 key manufacturing operations.

3 (v) Manufacturing operations.

4 (vi) Test and verification key target  
5 dates.

6 (vii) Reliability.

7 (e) TRANSFER OF FUNDS TO RAPID PROTOTYPING  
8 FUND.—

9 (1) IN GENERAL.—For each fiscal year begin-  
10 ning with fiscal year 2017, the difference between  
11 funds budgeted for the B–21 Bomber Baseline De-  
12 velopmental Estimate and funds budgeted for the  
13 B–21 Bomber Baseline Developmental Contract Es-  
14 timate, less other government costs to manage the  
15 B–21 bomber program and not otherwise authorized  
16 or appropriated, shall be transferred to the Rapid  
17 Prototyping Fund.

18 (2) TIMING.—For each fiscal year after fiscal  
19 year 2017, the transfer shall occur in conjunction  
20 with that fiscal year’s budget submission.

21 (3) RE-TRANSFER OF FUNDS TO COVER CER-  
22 TAIN COSTS.—Funds may be transferred from the  
23 Rapid Prototyping Fund back to the B–21 bomber  
24 program to cover unexpected cost increases for the  
25 engineering and manufacturing phase of the B–21

1 bomber program upon the determination of the  
2 Under Secretary of Defense for Acquisition, Tech-  
3 nology, and Logistics, and notification of such trans-  
4 fers to the congressional defense committees. This  
5 notification shall include the detailed reasons why  
6 such a transfer is needed.

7 **Subtitle D—Provisions Relating to**  
8 **Acquisition Workforce**

9 **SEC. 851. IMPROVEMENT OF PROGRAM AND PROJECT MAN-**  
10 **AGEMENT BY THE DEPARTMENT OF DE-**  
11 **FENSE.**

12 (a) DEPARTMENT-WIDE RESPONSIBILITIES OF SEC-  
13 RETARY OF DEFENSE.—In fulfilling the responsibilities  
14 under chapter 87 of title 10, United States Code, the Sec-  
15 retary of Defense shall—

16 (1) develop Department-wide standards, poli-  
17 cies, and guidelines for program and project man-  
18 agement for the Department of Defense based on  
19 appropriate and applicable nationally accredited  
20 standards for program and project management;

21 (2) develop mechanisms to monitor compliance  
22 with the standards, policies, and guidelines devel-  
23 oped under paragraph (1); and

1           (3) engage with the private sector on matters  
2 relating to program and project management for the  
3 Department.

4           (b) RESPONSIBILITIES OF UNDER SECRETARY OF  
5 DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGIS-  
6 TICS.—In fulfilling the responsibilities under chapter 87  
7 of title 10, United States Code, for the military depart-  
8 ments and the Defense Agencies, the Under Secretary of  
9 Defense for Acquisition, Technology, and Logistics shall—

10           (1) advise and assist Secretary of Defense with  
11 respect Department of Defense practices related to  
12 program and project management;

13           (2) review programs identified as high-risk in  
14 program and project management by the Govern-  
15 ment Accountability Office, and make recommenda-  
16 tions for actions to be taken by the Secretary to  
17 mitigate such risks;

18           (3) assess matters of importance to the work-  
19 force in program and project management, includ-  
20 ing—

21           (A) career development and workforce de-  
22 velopment;

23           (B) policies to support continuous improve-  
24 ment in program and project management; and



1 (C) major challenges of the Department in  
2 managing programs and projects; and

3 (4) advise on the development and applicability  
4 of standards Department-wide for program and  
5 project management transparency.

6 (c) RESPONSIBILITIES OF ACQUISITION EXECU-  
7 TIVES.—In fulfilling the responsibilities under chapter 87  
8 of title 10, United States Code, for the military depart-  
9 ments, the service acquisition executives (in consultation  
10 with the Chiefs of the Armed Forces with respect to mili-  
11 tary program managers), and the component acquisition  
12 executives for the Defense Agencies, shall—

13 (1) ensure the compliance of the department or  
14 Agency concerned with standards, policies, and  
15 guidelines for program and project management for  
16 the Department of Defense developed by the Sec-  
17 retary of Defense under subsection (a)(1); and

18 (2) ensure the effective career development of  
19 program managers through—

20 (A) training and educational opportunities  
21 for program managers, including exchange pro-  
22 grams with the private sector;

23 (B) mentoring of current and future pro-  
24 gram managers by experienced public and pri-

1 vate sector senior executives and program man-  
2 agers;

3 (C) continued refinement of career paths  
4 and career opportunities for program managers;

5 (D) incentives for the recruitment of highly  
6 qualified individuals to serve as program man-  
7 agers;

8 (E) improved means of collecting and dis-  
9 seminating best practices and lessons learned to  
10 enhance program management; and

11 (F) improved methods to support improved  
12 data gathering and analysis for program man-  
13 agement and oversight purposes.

14 (d) DEADLINE FOR STANDARDS, POLICIES, AND  
15 GUIDELINES.—Not later than one year after the date of  
16 the enactment of this Act, the Secretary of Defense shall  
17 issue the standards, policies, and guidelines required by  
18 subsection (a)(1). The Secretary shall provide Congress an  
19 interim update on the progress made in implementing this  
20 section not later than six months after the date of the  
21 enactment of this Act.

1 **SEC. 852. AUTHORITY TO WAIVE TENURE REQUIREMENT**  
2 **FOR PROGRAM MANAGERS FOR PROGRAM**  
3 **DEFINITION AND PROGRAM EXECUTION PE-**  
4 **RIODS.**

5 (a) PROGRAM DEFINITION PERIOD.—Section 826(e)  
6 of the National Defense Authorization Act for Fiscal Year  
7 2016 (Public Law 114–92) is amended by striking “The  
8 Secretary may waive” and inserting “The Service Acquisi-  
9 tion Executive, in the case of a major defense acquisition  
10 program of a military service, or the Under Secretary of  
11 Defense for Acquisition, Technology, and Logistics, in the  
12 case of a Defense-wide or Defense Agency major defense  
13 acquisition program, may waive”.

14 (b) PROGRAM EXECUTION PERIOD.—Section 827(e)  
15 of the National Defense Authorization Act for Fiscal Year  
16 2016 (Public Law 114–92) is amended by striking “The  
17 immediate supervisor of a program manager for a major  
18 defense acquisition program may waive” and inserting  
19 “The Service Acquisition Executive, in the case of a major  
20 defense acquisition program of a military service, or the  
21 Under Secretary of Defense for Acquisition, Technology,  
22 and Logistics, in the case of a Defense-wide or Defense  
23 Agency major defense acquisition program, may waive”.

1 **SEC. 853. ENHANCED USE OF DATA ANALYTICS TO IM-**  
2 **PROVE ACQUISITION PROGRAM OUTCOMES.**

3 (a) IN GENERAL.—Not later than one year after the  
4 date of the enactment of this Act, the Secretary of De-  
5 fense, acting through the Under Secretary of Defense for  
6 Acquisition, Technology, and Logistics, the Deputy Chief  
7 Management Officer, and the Chief Information Officer,  
8 and in coordination with the military services, shall estab-  
9 lish a set of activities that use data analysis, measure-  
10 ment, and other evaluation-related methods to improve the  
11 acquisition outcomes of the Department of Defense and  
12 enhance organizational learning.

13 (b) ACTIVITIES.—

14 (1) IN GENERAL.—The set of activities estab-  
15 lished under subsection (a) may include the fol-  
16 lowing:

17 (A) Establishment of a data analytics ca-  
18 pabilities and organizations within the appro-  
19 priate military service.

20 (B) Development of capabilities in Depart-  
21 ment of Defense laboratories, test centers, and  
22 Federally funded research and development cen-  
23 ters to provide technical support for data ana-  
24 lytics activities that support acquisition pro-  
25 gram management and business process re-en-  
26 gineering activities.

1           (C) Increased use of existing analytical ca-  
2           pabilities available to acquisition programs and  
3           offices to support improved acquisition out-  
4           comes.

5           (D) Funding of intramural and extramural  
6           research and development activities to develop  
7           and implement data analytics capabilities in  
8           support of improved acquisition outcomes.

9           (E) Publication, to the maximum extent  
10          practicable, and in a manner that protects clas-  
11          sified and proprietary information, of data col-  
12          lected by the Department of Defense related to  
13          acquisition program costs and activities for ac-  
14          cess and analyses by the general public.

15          (F) Clarification by the Chief of Staff of  
16          the Army, the Chief of Naval Operations, the  
17          Chief of Staff of the Air Force, and the Com-  
18          mandant of the Marine Corps, in coordination  
19          with the Under Secretary of Defense for Acqui-  
20          sition, Technology, and Logistics, of a con-  
21          sistent policy as to the role of data analytics in  
22          establishing budgets and holding milestone deci-  
23          sions for major defense acquisition programs.

24          (G) Continual assessment, in consultation  
25          with the private sector, of the efficiency of cur-

1           rent data collection and analyses processes, so  
2           as to minimize the requirement for collection  
3           and delivery of data by, from, and to govern-  
4           ment organizations.

5           (H) Promulgation of guidance to acquisi-  
6           tion programs and activities on the efficient use  
7           and sharing of data between programs and or-  
8           ganizations to improve acquisition program  
9           analytics and outcomes.

10          (I) Promulgation of guidance on assessing  
11          and enhancing quality of data and data anal-  
12          yses to support improved acquisition outcomes.

13          (2) GAP ANALYSIS OF CURRENT ACTIVITIES.—

14          The Secretary, in coordination with the military  
15          services, shall identify the current activities, organi-  
16          zations, and groups of personnel that are pursuing  
17          tasks similar to those described in paragraph (1)  
18          that are being carried out as of the date of the en-  
19          actment of this Act. The Secretary shall consider  
20          such current activities, organizations, and personnel  
21          in determining the set of activities to establish pur-  
22          suant to subsection (a).

23          (3) TRAINING AND EDUCATION.—The Secretary  
24          of Defense, acting through the Under Secretary of  
25          Defense for Acquisition, Technology, and Logistics,

1 shall conduct a review of the curriculum taught at  
2 the National Defense University, the Defense Acqui-  
3 sition University, and appropriate private sector aca-  
4 demic institutions to determine the extent to which  
5 the curricula includes appropriate courses on data  
6 analytics and other evaluation-related methods and  
7 their application to defense acquisitions.

8 **SEC. 854. PURPOSES FOR WHICH THE DEPARTMENT OF DE-**  
9 **FENSE ACQUISITION WORKFORCE DEVELOP-**  
10 **MENT FUND MAY BE USED.**

11 (a) IN GENERAL.—Section 1705 of title 10, United  
12 States Code, is amended—

13 (1) in subsection (e)—

14 (A) in paragraph (1), by inserting “and to  
15 develop acquisition tools and methodologies and  
16 undertake research and development activities  
17 leading to acquisition policies and practices that  
18 will improve the efficiency and effectiveness of  
19 defense acquisition efforts” after “workforce of  
20 the Department”; and

21 (B) in paragraph (4), by striking “other  
22 than for the purpose of” and all that follows  
23 through the period at the end and inserting  
24 “other than for the purposes of—

1 “(i) providing advanced training to  
2 Department of Defense employees;

3 “(ii) developing acquisition tools and  
4 methodologies and performing research on  
5 acquisition policies and best practices that  
6 will improve the efficiency and effective-  
7 ness of defense acquisition efforts; and

8 “(iii) supporting human capital and  
9 talent management of the acquisition  
10 workforce, including benchmarking studies,  
11 assessments, and requirements planning.”;  
12 and

13 (2) in subsection (f), by striking “Each report  
14 shall include” and all that follows through the period  
15 at the end of paragraph (5).

16 (b) TECHNICAL AMENDMENTS.—Such section is fur-  
17 ther amended—

18 (1) in subsection (d)(2)(C), by striking “in  
19 each” and inserting “in such”;

20 (2) in subsection (f)—

21 (A) by striking “Not later than 120 days  
22 after the end of each fiscal year” and inserting  
23 “Not later than February 1 each year”; and



1 (B) by striking “such fiscal year” the first  
 2 place it appears and inserting “the preceding  
 3 fiscal year”; and

4 (3) in subsection (g)(1)—

5 (A) by striking “of of” and inserting “of”;  
 6 and

7 (B) by striking “, as defined in subsection  
 8 (h),”.

## 9 **Subtitle E—Provision Related to** 10 **Commercial Items**

### 11 **SEC. 861. INAPPLICABILITY OF CERTAIN LAWS AND REGU-** 12 **LATIONS TO THE ACQUISITION OF COMMER-** 13 **CIAL ITEMS AND COMMERCIALY AVAILABLE** 14 **OFF-THE-SHELF ITEMS.**

15 (a) AMENDMENT TO TITLE 10, UNITED STATES  
 16 CODE.—Section 2375 of title 10, United States Code, is  
 17 amended to read as follows:

#### 18 **“§ 2375. Relationship of commercial item provisions** 19 **to other provisions of law**

20 “(a) APPLICABILITY OF GOVERNMENT-WIDE STAT-  
 21 UTES.—(1) No contract for the procurement of a commer-  
 22 cial item entered into by the head of an agency shall be  
 23 subject to any law properly listed in the Federal Acquisi-  
 24 tion Regulation pursuant to section 1906(b) of title 41.

1       “(2) No subcontract under a contract for the procure-  
2   ment of a commercial item entered into by the head of  
3   an agency shall be subject to any law properly listed in  
4   the Federal Acquisition Regulation pursuant to section  
5   1906(c) of title 41.

6       “(3) No contract for the procurement of a commer-  
7   cially available off-the-shelf item entered into by the head  
8   of an agency shall be subject to any law properly listed  
9   in the Federal Acquisition Regulation pursuant to section  
10   1907 of title 41.

11       “(b) APPLICABILITY OF DEFENSE-UNIQUE STAT-  
12   UTES TO CONTRACTS FOR COMMERCIAL ITEMS.—(1) The  
13   Defense Federal Acquisition Regulation Supplement shall  
14   include a list of defense-unique provisions of law and of  
15   contract clause requirements based on government-wide  
16   acquisition regulations, policies, or executive orders not ex-  
17   pressly authorized in law that are inapplicable to contracts  
18   for the procurement of commercial items. A provision of  
19   law or contract clause requirement properly included on  
20   the list pursuant to paragraph (2) does not apply to pur-  
21   chases of commercial items by the Department of Defense.  
22   This section does not render a provision of law or contract  
23   clause requirement not included on the list inapplicable to  
24   contracts for the procurement of commercial items.

1       “(2) A provision of law or contract clause require-  
2   ment described in subsection (e) that is enacted after Jan-  
3   uary 1, 2015, shall be included on the list of inapplicable  
4   provisions of law and contract clause requirements re-  
5   quired by paragraph (1) unless the Under Secretary of  
6   Defense for Acquisition, Technology, and Logistics makes  
7   a written determination that it would not be in the best  
8   interest of the Department of Defense to exempt contracts  
9   for the procurement of commercial items from the applica-  
10   bility of the provision or contract clause requirement.

11       “(c) APPLICABILITY OF DEFENSE-UNIQUE STAT-  
12   UTES TO SUBCONTRACTS FOR COMMERCIAL ITEMS.—(1)  
13   The Defense Federal Acquisition Regulation Supplement  
14   shall include a list of provisions of law and of contract  
15   clause requirements based on government-wide acquisition  
16   regulations, policies, or executive orders not expressly au-  
17   thorized in law that are inapplicable to subcontracts under  
18   a Department of Defense contract or subcontract for the  
19   procurement of commercial items. A provision of law or  
20   contract clause requirement properly included on the list  
21   pursuant to paragraph (2) does not apply to those sub-  
22   contracts. This section does not render a provision of law  
23   or contract clause requirement not included on the list in-  
24   applicable to subcontracts under a contract for the pro-  
25   curement of commercial items.

1       “(2) A provision of law or contract clause require-  
2   ment described in subsection (e) shall be included on the  
3   list of inapplicable provisions of law and contract clause  
4   requirements required by paragraph (1) unless the Under  
5   Secretary of Defense for Acquisition, Technology, and Lo-  
6   gistics makes a written determination that it would not  
7   be in the best interest of the Department of Defense to  
8   exempt subcontracts under a contract for the procurement  
9   of commercial items from the applicability of the provision  
10  or contract clause requirement.

11       “(3) In this subsection, the term ‘subcontract’ in-  
12  cludes a transfer of commercial items between divisions,  
13  subsidiaries, or affiliates of a contractor or subcontractor.  
14  The term does not include agreements entered into by a  
15  contractor for the supply of commodities that are intended  
16  for use in the performance of multiple contracts with the  
17  Department of Defense and other parties and are not  
18  identifiable to any particular contract.

19       “(4) This subsection does not authorize the waiver  
20  of the applicability of any provision of law or contract  
21  clause requirement with respect to any first-tier sub-  
22  contract under a contract with a prime contractor reselling  
23  or distributing commercial items of another contractor  
24  without adding value.

1       “(d) APPLICABILITY OF DEFENSE-UNIQUE STAT-  
2       UTES TO CONTRACTS FOR COMMERCIALLY AVAILABLE,  
3       OFF-THE-SHELF ITEMS.—(1) The Defense Federal Acqui-  
4       sition Regulation Supplement shall include a list of provi-  
5       sions of law and of contract clause requirements based on  
6       government-wide acquisition regulations, policies, or exec-  
7       utive orders not expressly authorized in law that are inap-  
8       plicable to contracts for the procurement of commercially  
9       available off-the-shelf items. A provision of law or contract  
10      clause requirement properly included on the list pursuant  
11      to paragraph (2) does not apply to Department of Defense  
12      contracts for the procurement of commercially available  
13      off-the-shelf items. This section does not render a provi-  
14      sion of law or contract clause requirement not included  
15      on the list inapplicable to contracts for the procurement  
16      of commercially available off-the-shelf items.

17      “(2) A provision of law or contract clause require-  
18      ment described in subsection (e) shall be included on the  
19      list of inapplicable provisions of law and contract clause  
20      requirements required by paragraph (1) unless the Under  
21      Secretary of Defense for Acquisition, Technology, and Lo-  
22      gistics makes a written determination that it would not  
23      be in the best interest of the Department of Defense to  
24      exempt contracts for the procurement of commercially

1 available off-the-shelf items from the applicability of the  
2 provision or contract clause requirement.

3 “(e) COVERED PROVISION OF LAW OR CONTRACT  
4 CLAUSE REQUIREMENT.—A provision of law or contract  
5 clause requirement referred to in subsections (b)(2),  
6 (c)(2), and (d)(2) is a provision of law or contract clause  
7 requirement that the Under Secretary of Defense for Ac-  
8 quisition, Technology, and Logistics determines sets forth  
9 policies, procedures, requirements, or restrictions for the  
10 procurement of property or services by the Federal Gov-  
11 ernment, except for a provision of law or contract clause  
12 requirement that—

13 “(1) provides for criminal or civil penalties; or

14 “(2) specifically refers to this section and pro-  
15 vides that, notwithstanding this section, it shall be  
16 applicable to contracts for the procurement of com-  
17 mercial items.”.

18 (b) CHANGES TO DEFENSE FEDERAL ACQUISITION  
19 REGULATION SUPPLEMENT.—

20 (1) IN GENERAL.—To the maximum extent  
21 practicable, the Under Secretary of Defense for Ac-  
22 quisition, Technology, and Logistics shall ensure  
23 that—

24 (A) the Defense Federal Acquisition Regu-  
25 lation Supplement does not require the inclu-

1 sion of contract clauses in contracts for the pro-  
2 curement of commercial items or contracts for  
3 the procurement of commercially available off-  
4 the-shelf items, unless such clauses are—

5 (i) required to implement provisions of  
6 law or executive orders applicable to such  
7 contracts; or

8 (ii) determined to be consistent with  
9 standard commercial practice; and

10 (B) the flow-down of contract clauses to  
11 subcontracts under contracts for the procure-  
12 ment of commercial items or commercially  
13 available off-the-shelf items is prohibited unless  
14 such flow-down is required to implement provi-  
15 sions of law or executive orders applicable to  
16 such subcontracts.

17 (2) SUBCONTRACTS.—In this subsection, the  
18 term “subcontract” includes a transfer of commer-  
19 cial items between divisions, subsidiaries, or affili-  
20 ates of a contractor or subcontractor. The term does  
21 not include agreements entered into by a contractor  
22 for the supply of commodities that are intended for  
23 use in the performance of multiple contracts with  
24 the Department of Defense and other parties and  
25 are not identifiable to any particular contract.

1 **SEC. 862. DEPARTMENT OF DEFENSE EXEMPTIONS FROM**  
2 **CERTAIN REGULATIONS.**

3 (a) EXEMPTIONS.—

4 (1) IN GENERAL.—The regulations to imple-  
5 ment the executive orders and presidential memo-  
6 randa listed in paragraph (2) shall not apply to the  
7 purchases by the Department of Defense of commer-  
8 cially available off-the-shelf items.

9 (2) EXECUTIVE ORDERS AND PRESIDENTIAL  
10 MEMORANDA.—The executive orders and presidential  
11 memoranda referenced in paragraph (1) are as fol-  
12 lows:

13 (A) Executive Order 13706: Establishing  
14 Paid Sick Leave for Federal Contractors (9/7/  
15 2015).

16 (B) Executive Order 13673: Fair Pay and  
17 Safe Workplaces (7/31/2014).

18 (C) Executive Order 13568: Minimum  
19 Wage for Contractors (2/12/2014).

20 (D) Executive Order 13655: Non-Retalia-  
21 tion for Disclosure of Compensation Informa-  
22 tion (4/8/2014).

23 (E) Presidential Memorandum: Advancing  
24 Pay Equality Through Compensation Data Col-  
25 lection (4/8/2014).



1 (F) Presidential Memorandum: Updating  
2 and Modernizing Overtime Regulations (3/13/  
3 2014).

4 (G) Memorandum for the Heads of Execu-  
5 tive Departments and Agencies on Contractor  
6 Tax Delinquency (1/20/2010).

7 (H) Executive Order 13495: Nondisplace-  
8 ment of Qualified Workers Under Service Con-  
9 tracts (1/30/2009).

10 (I) Executive Order 13494: Economy in  
11 Government Contracting (1/30/2009).

12 (J) Executive Order 13496: Notification of  
13 Employee Rights Under Federal Labor Laws  
14 (1/30/2009).

15 (K) Executive Order 13514: Focused on  
16 Federal Leadership in Environmental, Energy,  
17 and Economic Performance (10/5/2009).

18 (L) Executive Order 13502 — Use of  
19 Project Labor Agreements for Federal Con-  
20 struction Projects.

21 (b) WAIVER AUTHORITY.—The Secretary of Defense  
22 may waive any of the regulations to implement the execu-  
23 tive orders and presidential memoranda listed in sub-  
24 section (a) for the purchases of other items by the Depart-  
25 ment of Defense.

1 **SEC. 863. USE OF PERFORMANCE AND COMMERCIAL SPECI-**  
2 **FICATIONS IN LIEU OF MILITARY SPECIFICA-**  
3 **TIONS AND STANDARDS.**

4 (a) IN GENERAL.—The Secretary of Defense shall  
5 ensure that the Department of Defense uses performance  
6 and commercial specifications and standards in lieu of  
7 military specifications and standards, including for pro-  
8 curing new systems, major modifications, upgrades to cur-  
9 rent systems, non-developmental and commercial items,  
10 and programs in all acquisition categories, unless no prac-  
11 tical alternative exists to meet user needs. If it is not prac-  
12 ticable to use a performance specification, a non-govern-  
13 ment standard shall be used.

14 (b) LIMITED USE OF MILITARY SPECIFICATIONS.—

15 (1) IN GENERAL.—Military specifications shall  
16 be used in procurements only to define an exact de-  
17 sign solution when there is no acceptable non-gov-  
18 ernmental standard or when the use of a perform-  
19 ance specification or non-government standard is not  
20 cost effective.

21 (2) WAIVER.—A waiver for the use of military  
22 specifications and standards in accordance with  
23 paragraph (1) must be approved by either the Mile-  
24 stone Decision Authority, the Service Acquisition  
25 Executive, or the Under Secretary of Defense for  
26 Acquisition, Technology, and Logistics.

1       (c) REVISION TO DFARS.—Not later than 180 days  
2 after the date of the enactment of this Act, the Under  
3 Secretary of Defense for Acquisition, Technology, and Lo-  
4 gistics shall revise the Defense Federal Acquisition Regu-  
5 lation Supplement (DFARS) to encourage contractors to  
6 propose non-government standards and industry-wide  
7 practices that meet the intent of the military specifications  
8 and standards.

9       (d) DEVELOPMENT OF NON-GOVERNMENT STAND-  
10 ARDS.—The Under Secretary for Acquisition, Technology,  
11 and Logistics shall form partnerships with appropriate in-  
12 dustry associations to develop non-government standards  
13 for replacement of military standards where practicable.

14       (e) EDUCATION AND TRAINING.—The Under Sec-  
15 retary of Defense for Acquisition, Technology, and Logis-  
16 tics shall ensure that training and education programs  
17 throughout the Department are revised to incorporate  
18 specifications and standards reform.

19       (f) LICENSES.—The Under Secretary of Defense for  
20 Acquisition, Technology, and Logistics shall negotiate li-  
21 censes for standards to be used across the Department  
22 of Defense.

23 **SEC. 864. PREFERENCE FOR COMMERCIAL SERVICES.**

24       Not later than 90 days after the date of the enact-  
25 ment of this Act, the Secretary of Defense shall revise the

1 guidance issued pursuant to section 855 of the National  
 2 Defense Authorization Act for Fiscal Year 2016 (Public  
 3 Law 114–92; 10 U.S.C. 2377) to provide that the head  
 4 of an agency may not enter into a contract in excess of  
 5 the simplified acquisition threshold for facilities-related  
 6 services, knowledge-based services, equipment-related  
 7 services, construction services, medical services, logistics  
 8 management services, or transportation services that are  
 9 not commercial services unless the head of the agency de-  
 10 termines in writing that no commercial services are suit-  
 11 able to meet the agency’s needs as provided in section  
 12 2377(c)(2) of title 10, United States Code.

13 **SEC. 865. TREATMENT OF ITEMS PURCHASED BY PROSPEC-**  
 14 **TIVE CONTRACTORS PRIOR TO RELEASE OF**  
 15 **PRIME CONTRACT REQUESTS FOR PRO-**  
 16 **POSALS AS COMMERCIAL ITEMS.**

17 (a) IN GENERAL.—Chapter 140 of title 10, United  
 18 States Code, is amended by adding at the end the fol-  
 19 lowing new section:

20 **“§ 2380B. Treatment of items purchased prior to re-**  
 21 **lease of prime contract requests for pro-**  
 22 **posals as commercial items**

23 “Notwithstanding 2376(1) of this title, items valued  
 24 at less than \$10,000 purchased prior to the release of a

1 prime contract request for proposal shall be treated as a  
 2 commercial item for purposed of this chapter.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 for such chapter is amended by inserting after the item  
 5 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.”.

6 **SEC. 866. TREATMENT OF SERVICES PROVIDED BY NON-**  
 7 **TRADITIONAL CONTRACTORS AS COMMER-**  
 8 **CIAL ITEMS.**

9 (a) IN GENERAL.—Section 2380A of title 10, United  
 10 States Code, is amended—

11 (1) by striking “Notwithstanding” and insert-  
 12 ing the following:

13 “(a) GOODS AND SERVICES PROVIDED BY NON-  
 14 TRADITIONAL DEFENSE CONTRACTORS.—Notwith-  
 15 standing”; and

16 (2) by adding at the end the following new sub-  
 17 section:

18 “(b) SERVICES PROVIDED BY CERTAIN NONTRADI-  
 19 TIONAL CONTRACTORS.—Notwithstanding section  
 20 2376(1) of this title, services provided by a business unit  
 21 that is a nontraditional contractor as defined in section  
 22 2302(9) of this title shall be treated as commercial items  
 23 for purposes of this chapter, to the extent that such serv-  
 24 ices utilize the same pool of employees as used for com-

1 merical customers and are priced using similar method-  
 2 ology as commercial pricing.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) SECTION HEADING.—Section 2380A of title  
 5 10, United States Code, as amended by subsection  
 6 (a), is further amended by striking the section head-  
 7 ing and inserting the following:

8 **“§ 2380A. Treatment of certain items as commercial**  
 9 **items”.**

10 (2) TABLE OF SECTIONS.—The table of sections  
 11 at the beginning of chapter 140 of title 10, United  
 12 States Code, is amended by striking the item relat-  
 13 ing to section 2380A and inserting the following new  
 14 item:

“2380A. Treatment of certain items as commercial items.”.

15 **SEC. 867. USE OF NON-COST CONTRACTS TO ACQUIRE COM-**  
 16 **MERCIAL ITEMS.**

17 Section 2377 of title 10, United States Code, is  
 18 amended by adding at the end the following new sub-  
 19 section:

20 “(e) TYPES OF CONTRACTS THAT MAY BE USED.—  
 21 The Defense Supplement to the Federal Acquisition Regu-  
 22 lation shall include, for acquisitions of commercial items—  
 23 “(1) a requirement that firm fixed-price, fixed-  
 24 price incentive, fixed-price with economic price ad-

1       justment, and other fixed-price type contracts be  
2       used to the maximum extent practicable; and

3               “(2) a prohibition on use of cost-type con-  
4       tracts.”.

5   **SEC. 868. PILOT PROGRAM FOR AUTHORITY TO ACQUIRE**  
6               **INNOVATIVE COMMERCIAL ITEMS, TECH-**  
7               **NOLOGIES, AND SERVICES USING GENERAL**  
8               **SOLICITATION COMPETITIVE PROCEDURES.**

9       (a) **AUTHORITY.**—The Secretary of Defense and the  
10   Secretaries of the military departments may carry out a  
11   pilot program, to be known as the “commercial solutions  
12   opening pilot program”, under which the Secretary may  
13   acquire innovative commercial items, technologies, and  
14   services through a competitive selection of proposals re-  
15   sulting from a general solicitation and the peer review of  
16   such proposals.

17       (b) **TREATMENT AS CICA COMPETITIVE PROCE-**  
18   **DURES.**—Use of general solicitation competitive proce-  
19   dures for the pilot program under subsection (a) shall be  
20   considered to be use of competitive procedures for pur-  
21   poses of chapter 137 of title 10, United States Code.

22       (c) **LIMITATIONS.**—

23               (1) **IN GENERAL.**—The Secretary may not enter  
24       into a contract or agreement under the pilot pro-  
25       gram for an amount in excess of \$100,000,000 with-

1 out a written determination from the Under Sec-  
2 retary for Acquisition, Logistics, and Technology or  
3 the relevant Service Acquisition Executive of the ef-  
4 ficacy of the effort to meet mission needs of the De-  
5 partment of Defense or the relevant military service.

6 (2) FIXED-PRICE REQUIREMENT.—Contracts or  
7 agreements executed under this program shall be  
8 fixed-price, including fixed-price incentive fee con-  
9 tracts.

10 (3) TREATMENT AS COMMERCIAL ITEMS.—Not-  
11 withstanding section 2376(1) of title 10, United  
12 States Code, items, technologies, and services ac-  
13 quired under this pilot program shall be treated as  
14 commercial items.

15 (d) DEFINITION.—In this section, the term “innova-  
16 tive” means—

17 (1) any new technology, process, or method, in-  
18 cluding research and development; or

19 (2) any new application of an existing tech-  
20 nology, process, or method.

21 (e) SUNSET.—The authority to enter into contracts  
22 under the pilot program shall expire on September 30,  
23 2022.



## 1 **Subtitle F—Industrial Base Matters**

### 2 **SEC. 871. GREATER INTEGRATION OF THE NATIONAL TECH-** 3 **NICAL INDUSTRIAL BASE.**

4 (a) PLAN REQUIRED.—Not later than January 1,  
5 2018, the Secretary of Defense shall develop a plan to re-  
6 duce the barriers to the seamless integration between the  
7 persons and organizations that comprise the National  
8 Technical Industrial Base (as defined in section 2500 of  
9 title 10, United States Code). The plan shall include at  
10 a minimum the following elements:

11 (1) A description of the various components of  
12 the National Technical Industrial Base, including  
13 government entities, universities, non-profit research  
14 entities, non-traditional and commercial item con-  
15 tractors, and private contractors that conduct com-  
16 mercial and military research, produce commercial  
17 items that could be used by the Department of De-  
18 fense, and produce defense unique articles controlled  
19 under the United States Munitions List.

20 (2) Identification of the barriers to the seamless  
21 integration of the transfer of knowledge, goods, and  
22 services among the persons and organizations of the  
23 National Technical Industrial Base.

24 (3) Identification of current authorities that  
25 could contribute to further integration of the persons

1 and organizations of the National Technical Indus-  
2 trial Base, and a plan to maximize the use of those  
3 authorities.

4 (4) Identification of changes in export control  
5 rules, procedures, and laws that would enhance the  
6 civil-military integration policy objectives set forth in  
7 section 2501(b) of title 10, United States Code, for  
8 the National Technical Industrial Base to increase  
9 the access of the Armed Forces to commercial prod-  
10 ucts, services, and research and create incentives  
11 necessary for non-traditional and commercial item  
12 contractors, universities, and non-profit research en-  
13 tities to modify commercial products or services to  
14 meet Department of Defense requirements.

15 (5) Recommendations for increasing integration  
16 of the industrial base that supplies defense articles  
17 to the Armed Forces and enhancing allied interoper-  
18 ability of forces through changes to the text or the  
19 implementation of—

20 (A) the International Trafficking in Arms  
21 Regulations exemption for Canada contained in  
22 section 126.5 of title 22, Code of Federal Regu-  
23 lations;

24 (B) the Treaty Between the Government of  
25 the United States of America and the Govern-

1           ment of Australia Concerning Defense Trade  
2           Cooperation, done at Sydney September 5,  
3           2007;

4           (C) the Treaty Between the Government of  
5           the United States of America and the Govern-  
6           ment of the United Kingdom of Great Britain  
7           and Northern Ireland Concerning Defense  
8           Trade Cooperation, done at Washington and  
9           London June 21 and 26, 2007; and

10           (D) any other agreements among the coun-  
11           tries comprising the National Technical Indus-  
12           trial Base.

13           (b) AMENDMENT TO DEFINITION OF NATIONAL  
14   TECHNOLOGY AND INDUSTRIAL BASE.—Section 2500 (1)  
15   of title 10, United States Code, is amended by inserting  
16   “, the United Kingdom of Great Britain and Northern Ire-  
17   land, Australia,” after “United States”.

18           (c) REPORTING REQUIREMENT.—The Secretary of  
19   Defense shall report on the progress of implementing the  
20   plan in subsection (a) in the report required under section  
21   2504 of title 10, United States Code.

Section 2501(b) of title 10, United States Code, is amended by striking “It is the policy of Congress” and inserting “The Secretary of Defense shall ensure”.

7 SEC. 873. DISTRIBUTION SUPPORT AND SERVICES FOR  
8 WEAPON SYSTEMS CONTRACTORS.

9 (a) AUTHORITY.—The Secretary of Defense may  
10 make available storage and distribution services support  
11 to a contractor in support of the performance by the con-  
12 tractor of a contract for the production, modification, main-  
13 tenance, or repair of a weapon system that is entered into  
14 by an official of the Department of Defense.

(b) SUPPORT CONTRACTS.—Any storage and distribution services to be provided under this section to a contractor in support of the performance of a contract described in subsection (a) shall be provided under a separate contract that is entered into by the Director of the Defense Logistics Agency with that contractor. The requirements of section 2208(h) of title 10, United States Code, and the regulations prescribed pursuant to such section shall apply to the contract between the Director of the Defense Logistics Agency and the contractor.

(c) SCOPE OF SUPPORT AND SERVICES.—The storage and distribution support services that may be provided

1 under this section in support of the performance of a con-  
2 tract described in subsection (a) are storage and distribu-  
3 tion of materiel and repair parts necessary for the per-  
4 formance of that contract.

5 (d) REGULATIONS.—Before exercising the authority  
6 under this section, the Secretary of Defense shall prescribe  
7 in regulations such requirements, conditions, and restric-  
8 tions as the Secretary determines appropriate to ensure  
9 that storage and distribution services are provided under  
10 this section only when it is in the best interests of the  
11 United States to do so. The regulations shall include, at  
12 a minimum, the following:

13 (1) A requirement for the solicitation of offers  
14 for a contract described in subsection (a), for which  
15 storage and distribution services are to be made  
16 available under this section, including—

17 (A) a statement that the storage and dis-  
18 tribution services are to be made available  
19 under the authority of this section to any con-  
20 tractor awarded the contract, but only on a  
21 basis that does not require acceptance of the  
22 support and services; and

23 (B) a description of the range of the stor-  
24 age and distribution services that are to be  
25 made available to the contractor.

1           (2) A requirement for the rates charged a con-  
2           tractor for storage and distribution services provided  
3           to a contractor under this section to reflect the full  
4           cost to the United States of the resources used in  
5           providing the support and services, including the  
6           costs of resources used, but not paid for, by the De-  
7           partment of Defense.

8           (3) With respect to a contract described in sub-  
9           section (a) that is being performed for a department  
10          or agency outside the Department of Defense, a pro-  
11          hibition, in accordance with applicable contracting  
12          procedures, on the imposition of any charge on that  
13          department or agency for any effort of Department  
14          of Defense personnel or the contractor to correct de-  
15          ficiencies in the performance of such contract.

16          (4) A prohibition on the imposition of any  
17          charge on a contractor for any effort of the con-  
18          tractor to correct a deficiency in the performance of  
19          storage and distribution services provided to the con-  
20          tractor under this section.

21          (e) RELATIONSHIP TO TREATY OBLIGATIONS.—The  
22          Secretary shall ensure that the exercise of authority under  
23          this section does not conflict with any obligation of the  
24          United States under any treaty or other international  
25          agreement.

1 **SEC. 874. PERMANENCY OF DEPARTMENT OF DEFENSE**  
2 **SBIR AND STTR PROGRAMS.**

3 (a) SBIR.—Section 9(m) of the Small Business Act  
4 (15 U.S.C. 638(m)) is amended—

5 (1) in the subsection heading, by striking  
6 “TERMINATION” and inserting “SBIR PROGRAM  
7 AUTHORIZATION”; and

8 (2) by striking “shall terminate on September  
9 30, 2017” and inserting “shall—

10 “(1) with respect to each Federal agency other  
11 than the Department of Defense, terminate on Sep-  
12 tember 30, 2017; and

13 “(2) with respect to the Department of De-  
14 fense, be in effect for each fiscal year”.

15 (b) STTR.—Section 9(n)(1) of the Small Business  
16 Act (15 U.S.C. 638(n)(1)) is amended—

17 (1) in subparagraph (A), by inserting “other  
18 than the Department of Defense” after “each Fed-  
19 eral agency”;

20 (2) in subparagraph (B), by inserting “and by  
21 the Department of Defense in accordance with sub-  
22 paragraph (C)” after “subparagraph (A)”; and

23 (3) by adding at the end the following:

24 “(C) DEPARTMENT OF DEFENSE.—With  
25 respect to each fiscal year, the Department of  
26 Defense shall expend with small business con-

cerns not less than the percentage of the extra-  
 mural budget for research, or research and de-  
 velopment, of the Department specified in sub-  
 paragraph (B), specifically in connection with  
 STTR programs that meet the requirements of  
 this section and any policy directives and regu-  
 lations issued under this section.”.

**SEC. 875. MODIFIED REQUIREMENTS FOR DISTRIBUTION  
 OF ASSISTANCE UNDER PROCUREMENT  
 TECHNICAL ASSISTANCE COOPERATIVE  
 AGREEMENTS.**

(a) MINIMUM GEOGRAPHIC DISTRIBUTION.—Section  
 2413(c) of title 10, United States Code, is amended by  
 striking “Department of Defense contract administration  
 services district” and inserting “State”.

(b) DISTRIBUTION.—Section 2415 of such title is  
 amended—

(1) in the first sentence—

(A) by striking “The Secretary” and in-  
 serting “After apportioning funds available for  
 assistance under this chapter for any fiscal year  
 for efficient coverage of distressed areas re-  
 ferred to in paragraph (2)(B) of section 2411  
 of this title by programs operated by eligible en-



1 titles referred to in paragraph (1)(D) of such  
 2 section, the Secretary”;

3 (B) by inserting “the remaining” before  
 4 “funds available”; and

5 (C) by striking “Department of Defense  
 6 contract administration services district” and  
 7 inserting “State”; and

8 (2) in the second sentence—

9 (A) by striking “district” each place it ap-  
 10 pears and inserting “State”; and

11 (B) by striking “districts” and inserting  
 12 “States”.

13 **SEC. 876. NONTRADITIONAL AND SMALL DISRUPTIVE INNO-**  
 14 **VATION PROTOTYPING PROGRAM.**

15 (a) IN GENERAL.—The Secretary of Defense shall  
 16 conduct a pilot program for nontraditional contractors and  
 17 small business concerns to design, develop, and dem-  
 18 onstrate innovative prototype military platforms of signifi-  
 19 cant scope for the purpose of demonstrating new capabili-  
 20 ties that could provide alternatives to existing acquisition  
 21 programs and assets. The Secretary shall establish the  
 22 pilot program within the Departments of the Army, Navy,  
 23 and Air Force and within the United States Special Oper-  
 24 ations Command.

1 (b) FUNDING.—There is authorized to be made avail-  
2 able \$250,000,000 out of the Rapid Prototype Fund es-  
3 tablished under section 804(d) of the National Defense  
4 Authorization Act for Fiscal Year 2016 (Public Law 114–  
5 92; 10 U.S.C. 2302 note) to carry out the pilot program.

6 (c) PLAN.—

7 (1) IN GENERAL.—The Secretary of Defense  
8 shall submit to the congressional defense commit-  
9 tees, concurrent with the budget for the Department  
10 of Defense for fiscal year 2018, as submitted to  
11 Congress pursuant to section 1105 of title 31,  
12 United States Code, a plan to fund and execute the  
13 pilot program in future years.

14 (2) ELEMENTS.—The plan submitted under  
15 paragraph (1) shall consider maximizing use of—

16 (A) Broad Agency Announcements or other  
17 merit-based selection procedures;

18 (B) the Department of Defense Acquisition  
19 Challenge Program authorized under section  
20 2359b of title 10, United States Code;

21 (C) the Foreign Comparative Test Pro-  
22 gram;

23 (D) projects carried out under the Rapid  
24 Innovation Program and Phase III Small Busi-  
25 ness Innovation Research (SBIR) and Small

1 Business Technology Transfer (STTR) projects;  
2 and

3 (E) flexible acquisition authorities under  
4 procedures developed under sections 804 and  
5 805 of the National Defense Authorization Act  
6 for Fiscal Year 2016 (Public Law 114–92).

7 (d) PROGRAMS TO BE INCLUDED.—The Secretary of  
8 Defense shall allocate up to \$50,000,000 on a fixed price  
9 contractual basis for fiscal year 2017 or pursuant to the  
10 plan submitted under subsection (c) for the demonstration  
11 pursuant to the pilot program of the following capabilities:

12 (1) Swarming of multiple unmanned air vehi-  
13 cles.

14 (2) Unmanned, modular fixed-wing aircraft that  
15 can be rapidly adapted to multiple missions and  
16 serve as a fifth generation weapons augmentation  
17 platform.

18 (3) Vertical take off and landing tiltrotor air-  
19 craft.

20 (4) Integration of a directed energy weapon on  
21 an air, sea, or ground platform.

22 (5) Swarming of multiple unmanned under-  
23 water vehicles.

24 (6) Commercial small synthetic aperture radar  
25 (SAR) satellites with on-board machine learning for

1 automated, real-time feature extraction and pre-  
2 dictive analytics.

3 (7) Active protection system to defend against  
4 rocket-propelled grenades and anti-tank missiles.

5 (8) Other systems as designated by the Sec-  
6 retary.

7 (e) DEFINITIONS.—In this section:

8 (1) NONTRADITIONAL CONTRACTOR.—The term  
9 “nontraditional contractor” has the meaning given  
10 the term in section 2302(9) of title 10, United  
11 States Code.

12 (2) SMALL BUSINESS CONCERN.—The term  
13 “small business concern” has the meaning given the  
14 term in section 3 of the Small Business Act (15  
15 U.S.C. 632).

16 (f) SUNSET.—The authority under this section ex-  
17 pires at the close of September 30, 2026.

## 18 **Subtitle G—International** 19 **Contracting Matters**

### 20 **SEC. 881. INTERNATIONAL SALES PROCESS IMPROVE-** 21 **MENTS.**

22 (a) PLAN REQUIRED.—Not later than 180 days after  
23 the date of the enactment of this Act, the Secretary of  
24 Defense shall develop a plan to improve the management  
25 and use of fees collected on transfer of defense articles

1 and services via sale, lease, or grant to international cus-  
2 tomers under programs over which the Defense Security  
3 Cooperation Agency has administration responsibilities.  
4 The plan shall include options to use fees more effec-  
5 tively—

6 (1) to improve the staffing and processes of the  
7 licensing review cycle at the Defense Technology Se-  
8 curity Administration and other reviewing authori-  
9 ties; and

10 (2) to maintain a cadre of contracting officers  
11 and acquisition officials who specialize in foreign  
12 military sales contracting.

13 (b) PROCESS FOR GATHERING INPUT.—The Sec-  
14 retary of Defense shall establish a process for contractors  
15 to provide input, feedback, and adjudication of any dif-  
16 ferences regarding the appropriateness of governmental  
17 pricing and availability estimates prior to the delivery to  
18 potential foreign customers of formal responses to Letters  
19 of Request for Pricing and Availability.

20 **SEC. 882. WORKING CAPITAL FUND FOR PRECISION GUID-**  
21 **ED MUNITIONS EXPORTS IN SUPPORT OF**  
22 **CONTINGENCY OPERATIONS.**

23 (a) ESTABLISHMENT OF FUND.—The Secretary may  
24 establish a working capital fund under section 2208 of  
25 title 10, United States Code, to finance inventories of sup-

1 plies of precision guided munitions in advance of partner  
2 and allied forces requirements to enhance the effectiveness  
3 of overseas contingency operations conducted or supported  
4 by the United States.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated a total of \$1,000,000,000  
7 for fiscal years 2017 and 2018 for deposit in the fund  
8 established pursuant to subsection (a) to procure and  
9 stock precision guided munitions anticipated to be needed  
10 by partner and allied forces to enhance the effectiveness  
11 of overseas contingency operations conducted or supported  
12 by the United States.

13 (c) REPLENISHMENT OF FUND.—The fund estab-  
14 lished pursuant to subsection (a) may be replenished  
15 through purchases by foreign governments or the United  
16 States Government or subsequent appropriations.

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
18 tion shall be construed as precluding the Secretary of De-  
19 fense from acquiring or utilizing precision guided muni-  
20 tions to meet immediate United States military require-  
21 ments on a reimbursable basis that have been purchased  
22 and stored through the fund established pursuant to sub-  
23 section (a).

24 (e) MANAGEMENT.—The fund established pursuant  
25 to subsection (a) and associated inventories of precision

1 guided munitions shall be managed by the Defense Logis-  
 2 ties Agency and the Joint Chiefs of Staff to optimize the  
 3 storage, distribution, and deployment of such precision  
 4 guided munitions to improve the capability of partner and  
 5 allied forces to contribute to overseas contingency oper-  
 6 ations conducted or supported by the United States.

7 **SEC. 883. EXTENSION OF AUTHORITY TO ACQUIRE PROD-**  
 8 **UCTS AND SERVICES PRODUCED IN COUN-**  
 9 **TRIES ALONG A MAJOR ROUTE OF SUPPLY**  
 10 **TO AFGHANISTAN.**

11 Section 801(f) of the National Defense Authorization  
 12 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.  
 13 2399), as most recently amended by section 1214 of the  
 14 National Defense Authorization Act for Fiscal Year 2016  
 15 (Public Law 114–92), is further amended by striking “De-  
 16 cember 31, 2016” and inserting “December 31, 2018”.

17 **SEC. 884. CLARIFICATION OF TREATMENT OF CONTRACTS**  
 18 **PERFORMED OUTSIDE THE UNITED STATES.**

19 (a) IN GENERAL.—Chapter 137 of title 10, United  
 20 States Code, is amended by adding at the end the fol-  
 21 lowing new section:

22 **“§ 2338. Clarification of treatment of contracts per-**  
 23 **formed outside the United States**

24 “(a) IN GENERAL.—In accordance with section  
 25 19.000(b) of the Federal Acquisition Regulation as in ef-

fect on May 1, 2016, Department of Defense contracts performed outside of the United States shall not be subject to the sole source contract requirements or goals for procurement listed in part 19 of the Federal Acquisition Regulation.

“(b) LIMITATION ON FUNDING.—No funds may be expended on any Department of Defense contract performed outside of the United States to which the sole source contract requirements or goals for procurement contracts listed in Part 19 of the Federal Acquisition Regulation are applied.”.

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

“2338. Clarification of treatment of contracts performed outside the United States.”.

**SEC. 885. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFRICA IN SUPPORT OF COVERED ACTIVITIES.**

(a) AUTHORITY.—In the case of a product or service to be acquired in support of covered activities in a covered African country for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services from the host nation;



1           (2) a preference is provided for products or  
2 services from the host nation; or

3           (3) a preference is provided for products or  
4 services from a covered African country, other than  
5 the host nation.

6       (b) DETERMINATIONS.—

7           (1) A determination described in this subsection  
8 is a determination by the Secretary of any of the fol-  
9 lowing:

10           (A) That the product or service concerned  
11 is to be used only in support of covered activi-  
12 ties.

13           (B) That it is in the national security in-  
14 terests of the United States to limit competition  
15 or provide a preference as described in sub-  
16 section (a) because such limitation or pref-  
17 erence is necessary—

18           (i) to reduce overall United States  
19 transportation costs and risks in shipping  
20 products in support of operations, exer-  
21 cises, theater security cooperation activi-  
22 ties, and other missions in the African re-  
23 gion;

24           (ii) to reduce delivery times in support  
25 of covered activities; or

1 (iii) to promote regional security, sta-  
 2 bility, and economic prosperity in Africa.

3 (C) That the product or service is of equiv-  
 4 alent quality of a product or service that would  
 5 have otherwise been acquired.

6 (2) A determination under paragraph (1) shall  
 7 not be effective for purposes of a limitation or pref-  
 8 erence under subsection (a) unless the Secretary also  
 9 determines that—

10 (A) the limitation or preference will not  
 11 adversely affect—

12 (i) United States military operations  
 13 or stability operations in the African re-  
 14 gion; or

15 (ii) the United States industrial base;  
 16 and

17 (B) in the case of air transportation, an  
 18 air carrier holding a certificate under section  
 19 41102 of title 49, United States Code, is not  
 20 reasonably available to provide the required air  
 21 transportation.

22 (c) DEFINITIONS.—In this section:

23 (1) COVERED ACTIVITIES.—The term “covered  
 24 activities” means Department of Defense activities  
 25 in the African region or a regional neighbor.

1           (2) COVERED AFRICAN COUNTRY.—The term  
2           “covered African country” means a country in Afri-  
3           ca that has signed a long-term agreement with the  
4           United States related to the basing or operational  
5           needs of the United States Armed Forces.

6           (3) HOST NATION.—The term “host nation”  
7           means a nation which allows the armed forces and  
8           supplies of the United States to be located on, to op-  
9           erate in, or to be transported through its territory.

10          (4) PRODUCTS AND SERVICES OF A COVERED  
11          AFRICAN COUNTRY.—For purposes of this section:

12               (A) A product is from a covered African  
13               country if it is wholly grown, mined, manufac-  
14               tured, or produced in the covered African coun-  
15               try.

16               (B) A service is from a covered African  
17               country if it is performed by a person or entity  
18               that is properly licensed or registered by au-  
19               thorities of a covered African country and—

20                       (i) is operating primarily in the cov-  
21                       ered African country; or

22                       (ii) is making a significant contribu-  
23                       tion to the economy of the covered African  
24                       country through payment of taxes or use

1 of products, materials, or labor of the cov-  
 2 ered African country.

3 (d) CONFORMING AMENDMENT.—Section 1263 of the  
 4 National Defense Authorization Act for Fiscal Year 2015  
 5 (Public Law 113–291; 128 Stat. 3581) is repealed.

6 **SEC. 886. MAINTENANCE OF PROHIBITION ON PROCURE-**  
 7 **MENT BY DEPARTMENT OF DEFENSE OF PEO-**  
 8 **PLE’S REPUBLIC OF CHINA-ORIGIN ITEMS**  
 9 **THAT MEET THE DEFINITION OF GOODS AND**  
 10 **SERVICES CONTROLLED AS MUNITIONS**  
 11 **ITEMS WHEN MOVED TO THE “600 SERIES” OF**  
 12 **THE COMMERCE CONTROL LIST.**

13 (a) IN GENERAL.—Section 1211 of the National De-  
 14 fense Authorization Act for Fiscal Year 2006 (Public Law  
 15 109–163; 10 U.S.C. 2302 note) is amended—

16 (1) in subsection (b), by inserting “or in the  
 17 600 series of the control list of the Export Adminis-  
 18 tration Regulations” after “in Arms Regulations”;  
 19 and

20 (2) in subsection (e), by adding at the end the  
 21 following new paragraph:

22 “(3) The term ‘600 series of the control list of  
 23 the Export Administration Regulations’ means the  
 24 600 series of the Commerce Control List contained

1 in Supplement No. 1 to part 774 of subtitle B of  
 2 title 15 of the Code of Federal Regulations.”.

3 (b) TECHNICAL CORRECTIONS TO ITAR REF-  
 4 ERENCES.—Such section is further amended by striking  
 5 “Trafficking” both places it appears and inserting “Traf-  
 6 fic”.

## 7 **Subtitle H—Other Matters**

### 8 **SEC. 891. CONTRACTOR BUSINESS SYSTEM REQUIRE-** 9 **MENTS.**

10 (a) REQUIREMENTS.—

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

#### 14 **“§ 2338. Contractor business system requirements**

15 “(a) IMPROVEMENT PROGRAM.—The Secretary of  
 16 Defense shall develop and initiate a program for the im-  
 17 provement of contractor business systems to ensure that  
 18 such systems provide timely, reliable information for the  
 19 management of Department of Defense programs by the  
 20 contractor and by the Department at reduced burden and  
 21 price to the Government and contractor.

22 “(b) APPROVAL OR DISAPPROVAL OF BUSINESS SYS-  
 23 TEMS.—The program developed pursuant to subsection  
 24 (a) shall—

1           “(1) include system requirements for each type  
2           of contractor business system covered by the pro-  
3           gram;

4           “(2) establish a process for reviewing contractor  
5           business systems and identifying significant defi-  
6           ciencies in such systems;

7           “(3) identify officials of the Department of De-  
8           fense who are responsible for the approval or dis-  
9           approval of contractor business systems;

10          “(4) provide for the approval or conditional ap-  
11          proval of any contractor business system that does  
12          not have a significant deficiency; and

13          “(5) provide for—

14               “(A) the disapproval of any contractor  
15               business system that has a significant defi-  
16               ciency; and

17               “(B) reduced reliance on, and enhanced  
18               and effective analysis of, data provided by a  
19               contractor business system that has been dis-  
20               approved.

21          “(c) EARNED VALUE MANAGEMENT SYSTEM.—The  
22          program developed pursuant to subsection (a) shall not  
23          require the use of earned value management systems on  
24          other than non-firm fixed-price contracts above the regu-

1 latory dollar threshold that have discrete, schedulable, and  
2 measurable work scope.

3 “(d) REMEDIAL ACTIONS.—The program developed  
4 pursuant to subsection (a) shall provide the following:

5 “(1) In the event a contractor business system  
6 is conditionally approved or disapproved pursuant to  
7 subsection (b)(5), appropriate officials of the De-  
8 partment of Defense will be available to work with  
9 the contractor to develop a corrective action plan de-  
10 fining specific actions to be taken to address the sig-  
11 nificant deficiencies identified in the system and a  
12 schedule for the implementation of such actions.

13 “(2) An appropriate official of the Department  
14 of Defense may withhold a percentage, but no more  
15 than 10 percent, of progress payments, performance-  
16 based payments, and interim payments under cov-  
17 ered contracts from a covered contractor, as needed  
18 to protect the interests of the Department and en-  
19 sure compliance, if one or more of the contractor  
20 business systems of the contractor has been condi-  
21 tionally approved or disapproved pursuant to sub-  
22 section (b)(5) and has not subsequently received ap-  
23 proval. Such percentage shall be established in  
24 agreement with the contractor at time of contract  
25 award or modification.

1           “(3) The amount of funds to be withheld under  
2       paragraph (2) shall be reduced if a contractor  
3       adopts an effective corrective action plan pursuant  
4       to paragraph (1) and is effectively implementing  
5       such plan.

6       “(e) GUIDANCE AND TRAINING.—The program devel-  
7       oped pursuant to subsection (a) shall provide guidance and  
8       training to appropriate government officials on the data  
9       that is produced by contractor business systems and the  
10      manner in which such data should be used to effectively  
11      manage Department of Defense programs.

12      “(f) RESTRICTIONS ON REVIEW OF NON-COVERED  
13      CONTRACTOR BUSINESS SYSTEMS.—

14           “(1) IN GENERAL.—Unless a specific deter-  
15      mination in writing has been made by the Milestone  
16      Decision Authority, the Department of Defense may  
17      only review the contractor business system of a non-  
18      covered contractor if the contractor has a cost-type  
19      contract with the Department of Defense. Any such  
20      review shall be limited to confirming that the con-  
21      tractor uses the same contract business system for  
22      its government and commercial work and that the  
23      outputs of the contract business system based on  
24      statistical sampling are reasonable.



1           “(2) THIRD-PARTY REVIEW.—Any review con-  
 2           ducted under this subsection shall be conducted by  
 3           a third party commercial auditing firm.

4           “(g) DEFINITIONS.—In this section:

5           “(1) The term ‘contractor business system’  
 6           means an accounting system, estimating system,  
 7           purchasing system, earned value management sys-  
 8           tem, material management and accounting system,  
 9           or property management system of a contractor.

10          “(2) The term ‘covered contractor’ means a  
 11          contractor that—

12               “(A) has contracts with the United States  
 13               Government accounting for not less than 30  
 14               percent of its total commercial sales; and

15               “(B) has cost-type contracts with the  
 16               United States Government accounting for not  
 17               less than 1 percent of its total commercial sales.

18          “(3) The term ‘covered contract’ means a con-  
 19          tract that is subject to the cost accounting standards  
 20          promulgated pursuant to section 1502 of title 41,  
 21          United States Code, that could be affected if the  
 22          data produced by a contractor business system has  
 23          a significant deficiency.

24          “(4) The term ‘significant deficiency’, in the  
 25          case of a contractor business system, means a short-

1 coming in the system that materially affects the abil-  
 2 ity of officials of the Department of Defense and the  
 3 contractor to rely upon information produced by the  
 4 system that is needed for management purposes.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-  
 6 tions at the beginning of such chapter is amended  
 7 by adding at the end the following new item:

“2338. Contractor business system requirements.”.

8 (b) PROHIBITION ON APPLYING CERTAIN CON-  
 9 TRACTOR BUSINESS SYSTEM REQUIREMENTS TO NON-  
 10 COVERED CONTRACTORS.—The Secretary of Defense may  
 11 not apply any requirement implemented pursuant to sec-  
 12 tion 893 of the Ike Skelton National Defense Authoriza-  
 13 tion Act for Fiscal Year 2011 (Public Law 111–383; 10  
 14 U.S.C. 2302 note) or any regulation prescribed pursuant  
 15 to such section to any contractor that is not a covered  
 16 contractor (as defined in section 2338 of title 10, as added  
 17 by subsection (a)).

18 **SEC. 892. AUTHORITY TO PROVIDE REIMBURSABLE AUDIT-**  
 19 **ING SERVICES TO CERTAIN NON-DEFENSE**  
 20 **AGENCIES.**

21 Section 893(a) of the National Defense Authorization  
 22 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.  
 23 2313 note) is amended—

24 (1) in paragraph (1), by inserting “except as  
 25 provided in paragraph (2),” after “this Act,”; and

1           (2) by amending paragraph (2) to read as fol-  
2       lows:

3           “(2) EXCEPTION FOR NATIONAL NUCLEAR SE-  
4       CURITY ADMINISTRATION.—Notwithstanding para-  
5       graph (1), the Defense Contract Audit Agency may  
6       provide audit support on a reimbursable basis for  
7       the National Nuclear Security Administration.”.

8   **SEC. 893. IMPROVED MANAGEMENT PRACTICES TO RE-**  
9                   **DUCE COST AND IMPROVE PERFORMANCE OF**  
10                   **CERTAIN DEPARTMENT OF DEFENSE ORGA-**  
11                   **NIZATIONS.**

12       (a) IN GENERAL.—Beginning not later than 180  
13       days after the date of the enactment of this Act, the Sec-  
14       retary of Defense shall designate units, subunits, or enti-  
15       ties of the Department of Defense, other than Centers of  
16       Industrial and Technical Excellence designated pursuant  
17       to section 2474 of title 10, United States Code, that con-  
18       duct work that is commercial in nature or is not inherently  
19       governmental to prioritize efforts to conduct business op-  
20       erations in a manner that uses modern, commercial man-  
21       agement practices and principles to reduce the costs and  
22       improve the performance of such organizations.

23       (b) ADOPTION OF MODERN BUSINESS PRACTICES.—  
24       The Secretary shall ensure that each such unit, subunit,  
25       or entity of the Department described in subsection (a)

1 is authorized to adopt and implement best commercial and  
2 business management practices to achieve the goals de-  
3 scribed in such subsection.

4 (c) WAIVERS.—The Secretary shall authorize waivers  
5 of Department of Defense, military service, and Defense  
6 Agency regulations, as appropriate, to achieve the goals  
7 in subsection (a), including in the following areas:

8 (1) Financial management.

9 (2) Human resources.

10 (3) Facility and plant management.

11 (4) Acquisition and contracting.

12 (5) Partnerships with the private sector.

13 (6) Other business and management areas as  
14 identified by the Secretary.

15 (d) GOALS.—The Secretary of Defense shall identify  
16 savings goals to be achieved through the implementation  
17 of the commercial and business management practices  
18 adopted under subsection (b), and establish a schedule for  
19 achieving the savings.

20 (e) BUDGET ADJUSTMENT.—The Secretary shall es-  
21 tablish policies to adjust organizational budget allocations,  
22 at the Secretary's discretion, for purposes of—

23 (1) using savings derived from implementation  
24 of best commercial and business management prac-

1        tices for high priority military missions of the De-  
2        partment of Defense;

3            (2) creating incentives for the most efficient  
4        and effective development and adoption of new com-  
5        mercial and business management practices by orga-  
6        nizations; and

7            (3) investing in the development of new com-  
8        mercial and business management practices that will  
9        result in further savings to the Department of De-  
10       fense.

11        (f) BUDGET BASELINES.—Beginning not later than  
12       one year after the date of the enactment of this Act, each  
13       such unit, subunit, or entity of the Department described  
14       in subsection (a) shall, in accordance with such guidance  
15       as the Secretary of Defense shall establish for purposes  
16       of this section—

17            (1) establish an annual baseline cost estimate of  
18        its operations; and

19            (2) certify that costs estimated pursuant to  
20        paragraph (1) are wholly accounted for and pre-  
21        sented in a format that is comparable to the format  
22        for the presentation of such costs for other elements  
23        of the Department or consistent with best commer-  
24        cial practices.

1 **SEC. 894. DIRECTOR OF DEVELOPMENTAL TEST AND EVAL-**  
2 **UATION.**

3 (a) DEVELOPMENTAL TESTING DUTIES.—

4 (1) IN GENERAL.—Section 139 of title 10,  
5 United States Code, is amended—

6 (A) by striking subsection (d);

7 (B) by redesignating subsections (e), (f),  
8 (g), and (h) as subsections (d), (e), (f), and (g),  
9 respectively; and

10 (C) by inserting after subsection (g), as re-  
11 designated by subparagraph (B), the following  
12 new subsection:

13 “(h) The Director shall be the principal advisor to  
14 the Secretary of Defense on developmental test and eval-  
15 uation in the Department of Defense and shall—

16 “(1) develop policies and guidance for—

17 “(A) the conduct of developmental test and  
18 evaluation in the military departments and  
19 other elements of the Department of Defense  
20 (including integration and developmental test-  
21 ing of software);

22 “(B) the integration of developmental test  
23 and evaluation with operational test and evalua-  
24 tion; and

1           “(C) the conduct of developmental test and  
2           evaluation conducted jointly by more than one  
3           military department or Defense Agency;

4           “(2) review the developmental test and evalua-  
5           tion plan within the test and evaluation master plan  
6           for each major defense acquisition program of the  
7           Department of Defense;

8           “(3) monitor and review the developmental test  
9           and evaluation activities of the major defense acqui-  
10          sition programs in order to advise relevant technical  
11          authorities for such programs on the incorporation  
12          of best practices for developmental test from across  
13          the Department;

14          “(4) provide advocacy, oversight, and guidance  
15          to elements of the acquisition workforce responsible  
16          for developmental test and evaluation; and

17          “(5) periodically review the organizations and  
18          capabilities of the military departments with respect  
19          to developmental test and evaluation and identify  
20          needed changes or improvements to such organiza-  
21          tions and capabilities, and provide input regarding  
22          needed changes or improvements for the test and  
23          evaluation strategic plan developed in accordance  
24          with section 196(d) of this title.”.

1 (b) SUPERVISION OF THE DIRECTOR OF THE TEST  
2 RESOURCE MANAGEMENT CENTER.—Section 196(g) of  
3 title 10, United States Code, is amended—

4 (1) in the subsection heading, by striking  
5 “UNDER SECRETARY” and inserting “DIRECTOR OF  
6 OPERATIONAL TEST AND EVALUATION”; and

7 (2) by striking “subject to the supervision of  
8 the Under Secretary of Defense for Acquisition,  
9 Technology, and Logistics. The Director shall report  
10 directly to the Under Secretary” and inserting “sub-  
11 ject to the supervision of the Director of Operational  
12 Test and Evaluation. The Director of the Center  
13 shall report directly to the Director of Operational  
14 Test and Evaluation”.

15 (c) SERVICE CHIEFS AND SECRETARIES.—The Sec-  
16 retary of Defense shall ensure that the Chiefs of Services  
17 and the Secretaries of the military departments—

18 (1) may inform the Secretary of Defense of  
19 concerns over the testing of a major defense acquisi-  
20 tion program or a major system; and

21 (2) are provided a process to request waivers  
22 from the Secretary from performing additional test-  
23 ing beyond the program Test and Evaluation Master  
24 Plan to reflect cost, schedule, risk, and expected  
25 operational use of a program.



1 **SEC. 895. EXEMPTION FROM REQUIREMENT FOR CAPITAL**  
2 **PLANNING AND INVESTMENT CONTROL FOR**  
3 **INFORMATION TECHNOLOGY EQUIPMENT IN-**  
4 **CLUDED AS INTEGRAL PART OF A WEAPON**  
5 **OR WEAPON SYSTEM.**

6 (a) **WAIVER AUTHORITY.**—Notwithstanding sub-  
7 section (c)(2) of section 11103 of title 40, United States  
8 Code, a national security system described in subsection  
9 (a)(1)(D) of such section shall not be subject to the re-  
10 quirements of paragraphs (2) through (5) of section  
11 11312(b) of such title unless the milestone decision au-  
12 thority determines in writing that application of such re-  
13 quirements is appropriate and in the best interests of the  
14 Department of Defense.

15 (b) **MILESTONE DECISION AUTHORITY DEFINED.**—  
16 In this section, the term “milestone decision authority”  
17 has the meaning given the term in section 2366a(d)(7)  
18 of title 10, United States Code.

19 **SEC. 896. MODIFICATIONS TO PILOT PROGRAM FOR**  
20 **STREAMLINING AWARDS FOR INNOVATIVE**  
21 **TECHNOLOGY PROJECTS.**

22 Section 873 of the National Defense Authorization  
23 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.  
24 2306a note) is amended—

1 (1) in subsection (a)(2), by inserting “or Small  
 2 Business Technology Transfer Program” after  
 3 “Small Business Innovation Research Program”;

4 (2) in subsection (b)—

5 (A) by inserting “subparagraphs (A), (B),  
 6 and (C) of section 2313(a)(2) of title 10,  
 7 United States Code, and” before “subsection  
 8 (b) of section 2313”; and

9 (B) in paragraph (2), by inserting “, and  
 10 if such performance audit is initiated within 18  
 11 months of the contract completion” before the  
 12 period at the end;

13 (3) by redesignating subsections (c), (d), and  
 14 (e) as subsections (f), (g), and (h), respectively; and

15 (4) by inserting after subsection (b) the fol-  
 16 lowing new subsections:

17 “(c) TREATMENT AS COMPETITIVE PROCEDURES.—  
 18 Use of a technical, merit-based selection procedure or the  
 19 Small Business Innovation Research Program or Small  
 20 Business Technology Transfer Program for the pilot pro-  
 21 gram under this section shall be considered to be use of  
 22 competitive procedures for purposes of chapter 137 of title  
 23 10, United States Code.

24 “(d) DISCRETION TO USE NON-CERTIFIED AC-  
 25 COUNTING SYSTEMS.—In executing programs under this

1 pilot program, the Secretary of Defense shall establish  
2 procedures under which a small business or nontraditional  
3 contractor may engage an independent certified public ac-  
4 countant for the review and certification of its accounting  
5 system for the purposes of any audits required by regula-  
6 tion, unless the head of the agency determines that this  
7 is not appropriate based on past performance of the spe-  
8 cific small business or nontraditional defense contractor,  
9 or based on analysis of other information specific to the  
10 award.

11 “(e) GUIDANCE AND TRAINING.—The Secretary of  
12 Defense shall ensure that acquisition officials are provided  
13 guidance and training on the flexible use and tailoring of  
14 authorities under the pilot program to maximize efficiency  
15 and effectiveness.”.

16 **SEC. 897. ENHANCEMENT OF ELECTRONIC WARFARE CAPA-**  
17 **BILITIES.**

18 (a) FIELDING OF ELECTROMAGNETIC SPECTRUM  
19 WARFARE SYSTEMS AND ELECTRONIC WARFARE CAPA-  
20 BILITIES.—Funds authorized to be appropriated for elec-  
21 tromagnetic spectrum warfare systems and electronic war-  
22 fare may be used for the development and fielding of elec-  
23 tromagnetic spectrum warfare systems and electronic war-  
24 fare capabilities.

1 (b) INCLUSION OF ELECTRONIC WARFARE PRO-  
2 GRAMS IN THE RAPID ACQUISITION AUTHORITY PRO-  
3 GRAM.—

4 (1) IN GENERAL.—Section 806(c)(1) of the Bob  
5 Stump National Defense Authorization Act for Fis-  
6 cal Year 2003 (Public Law 107–314; 10 U.S.C.  
7 2302 note) is amended by adding at the end the fol-  
8 lowing new subparagraph:

9 “(D)(i) In the case of any supplies and associ-  
10 ated support services that, as determined in writing  
11 by the Secretary of Defense without delegation, are  
12 urgently needed to eliminate a deficiency in elec-  
13 tronic warfare that if left unfilled is likely to result  
14 in critical mission failure, the loss of life, property  
15 destruction, or economic effects, the Secretary may  
16 use the procedures developed under this section in  
17 order to accomplish the rapid acquisition and deploy-  
18 ment of needed offensive or defensive electronic war-  
19 fare capabilities, supplies, and associated support  
20 services.

21 “(ii) The Secretary of Defense shall ensure, to  
22 the extent practicable, that for the purposes of elec-  
23 tronic warfare acquisition, the Department of De-  
24 fense shall consider use of the following procedures:

1           “(I) The rapid acquisition authority pro-  
2           vided under this section.

3           “(II) Use of other transactions authority  
4           provided under section 2371 of title 10, United  
5           States Code.

6           “(III) The acquisition of commercial items  
7           using simplified acquisition procedures.

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

11          “(V) The rapid fielding or rapid proto-  
12          typing acquisition pathways under section 804  
13          of the National Defense Authorization Act for  
14          Fiscal Year 2016 (Public Law 114–92; 10  
15          U.S.C. 2302 note).

16          “(iii) In this subparagraph, the term ‘electronic  
17          warfare’ means military action involving the use of  
18          electromagnetic and directed energy to control the  
19          electromagnetic spectrum or to attack the enemy,  
20          and includes electromagnetic spectrum warfare,  
21          which encompasses military communications and  
22          sensing operations that occur in the electromagnetic  
23          operational domain.”.

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

1 (A) in subsection (a), by striking “and  
2 aeronautical supplies” and inserting “, aero-  
3 nautical supplies, and electronic warfare”; and  
4 (B) by adding at the end of the following  
5 new subsection:

6 “(c) ELECTRONIC WARFARE DEFINED.—The term  
7 ‘electronic warfare’ means military action involving the  
8 use of electromagnetic and directed energy to control the  
9 electromagnetic spectrum or to attack the enemy, and in-  
10 cludes electromagnetic spectrum warfare, which encom-  
11 passes military communications and sensing operations  
12 that occur in the electromagnetic operational domain.”.

13 (c) ELECTRONIC WARFARE EXECUTIVE COMMITTEE  
14 REPORTS TO CONGRESS.—Not later than 270 days after  
15 the date of the enactment of this Act, the Electronic War-  
16 fare Executive Committee shall submit to the congres-  
17 sional defense committees a strategic plan with measur-  
18 able and timely objectives to achieve its mission according  
19 to the following metrics:

20 (1) Progress on intra-service ground and air  
21 interoperabilities.

22 (2) Progress in streamlining the requirements,  
23 acquisition, and budget process to further a rapid  
24 electronic warfare acquisition process.

1           (3) The efficiency and effectiveness of the ac-  
2           quisition process for priority electronic warfare  
3           items.

4           (4) The training methods and requirements of  
5           the military services for training in contested elec-  
6           tronic warfare environments.

7           (5) Capability gaps with respect to near-peer  
8           adversaries identified pursuant to a capability gap  
9           assessment.

10          (6) A joint strategy on achieving near real-time  
11          system adaption to rapidly advancing modern digital  
12          electronics.

13          (7) Progress on increasing innovative electro-  
14          magnetic spectrum warfighting methods and oper-  
15          ational concepts that provide advantages within the  
16          electromagnetic spectrum operational domain.

17 **SEC. 898. IMPROVED TRANSPARENCY AND OVERSIGHT**  
18 **OVER DEPARTMENT OF DEFENSE RESEARCH,**  
19 **DEVELOPMENT, TEST, AND EVALUATION EF-**  
20 **FORTS AND PROCUREMENT ACTIVITIES RE-**  
21 **LATED TO MEDICAL RESEARCH.**

22          The Secretary of Defense may not enter into a con-  
23          tract, grant, or cooperative agreement for congressional  
24          special interest medical research programs under the con-  
25          gressionally directed medical research program of the De-

1 partment of Defense unless the contract, grant, or cooper-  
2 ative agreement meets the following conditions:

3 (1) Compliance with the cost and price data re-  
4 quirements under section 2306a of title 10, United  
5 States Code.

6 (2) Compliance with the cost accounting stand-  
7 ards under section 1502 of title 41, United States  
8 Code.

9 (3) Compliance with requirements for full and  
10 open competition under section 2304 of title 10,  
11 United States Code, without reliance on one of the  
12 exceptions set forth in subsection (c) of such section.

13 (4) Prior to obligation of any funds, review by  
14 and certification from the Defense Contract Audit  
15 Agency regarding the adequacy of the accounting  
16 systems of the proposed awardee, including a for-  
17 ward pricing review of the awardee's proposal.

18 (5) Prior to any payment on the contract,  
19 grant, or cooperative agreement, performance by the  
20 Defense Contract Audit Agency of an incurred cost  
21 audit.

22 (6) Agreement that the United States Govern-  
23 ment will have the same rights to the technical data  
24 to an item or process developed under the contract,  
25 grant, or cooperative agreement as applicable under



1       section 2320(a)(2)(A) of title 10, United States  
 2       Code, to items and processes developed exclusively  
 3       with Federal funds where the medical research re-  
 4       sults in medicines and other treatments that will be  
 5       procured or otherwise paid for by the Federal Gov-  
 6       ernment through the Department of Defense, the  
 7       Department of Veterans Affairs, Medicare, Med-  
 8       icaid, or other Federal Government health programs.

9   **SEC. 899. EXTENSION OF ENHANCED TRANSFER AUTHOR-**  
 10                   **ITY FOR TECHNOLOGY DEVELOPED AT DE-**  
 11                   **PARTMENT OF DEFENSE LABORATORIES.**

12       Section 801 of the National Defense Authorization  
 13   Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C.  
 14   2514 note) is amended by striking “2017” and inserting  
 15   “2020”.

16   **SEC. 899A. RAPID PROTOTYPING FUNDS FOR THE MILI-**  
 17                   **TARY SERVICES.**

18       Section 804(d) of the National Defense Authorization  
 19   Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.  
 20   2302 note) is amended—

21           (1) in the subsection heading, by striking  
 22       “FUND” and inserting “FUNDS”;

23           (2) by striking “IN GENERAL.—The Secretary”  
 24       and inserting the following: “DEPARTMENT OF DE-  
 25       FENSE RAPID PROTOTYPING FUND.—

1 “(A) IN GENERAL.—The Secretary”;

2 (3) by redesignating paragraphs (2) and (3) as  
3 subparagraphs (B) and (C), respectively, and moving  
4 such subparagraphs, as so redesignated, two ems to  
5 the right;

6 (4) in subparagraph (B), as redesignated by  
7 paragraph (3), by striking “this subsection” and in-  
8 serting “this paragraph”; and

9 (5) by inserting after paragraph (1) the fol-  
10 lowing new paragraph:

11 “(2) RAPID PROTOTYPING FUNDS FOR THE  
12 MILITARY SERVICES.—The Secretary of the Army,  
13 Navy, and Air Force may each establish service spe-  
14 cific funds (and, in the case of the Secretary of  
15 Navy, including the Marine Corps) to provide funds,  
16 in addition to other funds that may be available for  
17 acquisition programs under the rapid fielding and  
18 prototyping pathways established pursuant to this  
19 section. The service specific funds shall consist of  
20 amounts appropriated to the funds.”.

21 **SEC. 899B. DEFENSE MODERNIZATION ACCOUNT.**

22 (a) IN GENERAL.—Section 2216 of title 10, United  
23 States Code, is amended—

24 (1) in subsection (b)(1), by striking “com-  
25 mencing”;

1 (2) in subsection (c)—

2 (A) in paragraph (1)(A), by striking “or  
3 the Secretary of Defense with respect to De-  
4 fense-wide appropriations accounts” and insert-  
5 ing “, or the Secretary of Defense with respect  
6 to Defense-wide appropriations accounts,”;

7 (B) in paragraph (2), by striking “if—”  
8 and all that follows through “(B) the balance of  
9 funds” and inserting “if the balance of funds”;

10 (C) in paragraph (3)—

11 (i) by striking “credited to” both  
12 places it appears and inserting “deposited  
13 in”; and

14 (ii) by inserting “and obligation” after  
15 “available for transfer”; and

16 (D) by striking paragraph (4);

17 (3) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) by striking “commencing”; and

20 (ii) by striking “Secretary of Defense”  
21 and inserting “Secretary concerned”;

22 (B) in paragraph (2), by striking “procure-  
23 ment program” and inserting “major system  
24 program”;

1 (C) in paragraph (3), by striking “mod-  
2 ernization of an existing system or of a system  
3 being procured under an ongoing procurement  
4 program” and inserting “paying costs of un-  
5 foreseen contingencies that could prevent an on-  
6 going major system program from meeting crit-  
7 ical schedule or performance requirements”;  
8 and

9 (D) by inserting at the end the following  
10 new paragraph:

11 “(4) For paying costs of changes to program  
12 requirements or system configuration that are ap-  
13 proved by the configuration steering board for a  
14 major defense acquisition program.”;

15 (4) in subsection (e)(1), by striking “procure-  
16 ment program” both places it appears and inserting  
17 “weapon system program”;

18 (5) in subsection (f)(1), by striking “Secretary  
19 of Defense” and inserting “Secretary of a military  
20 department, or the Secretary of Defense with respect  
21 to Defense-wide appropriations accounts”;

22 (6) in subsection (g)—

23 (A) by striking “in accordance with the  
24 provisions of appropriations Acts”; and

1 (B) by adding at the end the following:  
2 “Funds deposited in the Defense Modernization  
3 Account shall remain available for obligation  
4 until the end of the third fiscal year that fol-  
5 lows the fiscal year in which the amounts are  
6 deposited in the account.”;

7 (7) in subsection (h)(2)—

8 (A) in subparagraph (B), by striking “;  
9 and” and inserting a semicolon;

10 (B) in subparagraph (C)(ii), by striking  
11 the period at the end and inserting “; and”;  
12 and

13 (C) by adding at the end the following new  
14 subparagraph:

15 “(D) apportionment of amounts deposited in  
16 the Fund on a pro rate basis consistent with each  
17 military department’s deposits in the Fund.”;

18 (8) in subsection (i)—

19 (A) by striking paragraph (1);

20 (B) by redesignating paragraph (2) as  
21 paragraph (3); and

22 (C) by inserting before paragraph (3), as  
23 redesignated by subparagraph (B), the fol-  
24 lowing new paragraphs:

1 “(1) The term ‘major defense acquisition pro-  
 2 gram’ has the meaning given the term in section  
 3 2430(a) of this title.

4 “(2) The term ‘major system’ has the meaning  
 5 given the term in section 2302(5) of this title.”; and

6 (9) in subsection (j)(1), by striking “terminates  
 7 at the close of September 30, 2006” and inserting  
 8 “terminates at the close of September 30, 2022”.

9 (b) APPLICABILITY.—The authority under section  
 10 2216(c) of title 10, United States Code, as amended by  
 11 subsection (a), applies to funds appropriated for fiscal  
 12 years after fiscal year 2016.

## 13 **TITLE IX—DEPARTMENT OF DE-** 14 **FENSE ORGANIZATION AND** 15 **MANAGEMENT**

### 16 **Subtitle A—Office of the Secretary** 17 **of Defense and Related Matters**

#### 18 **SEC. 901. UNDER SECRETARY OF DEFENSE FOR RESEARCH** 19 **AND ENGINEERING AND RELATED ACQUI-** 20 **TION POSITION IN THE OFFICE OF THE SEC-** 21 **RETARY OF DEFENSE.**

22 (a) UNDER SECRETARY OF DEFENSE FOR RE-  
 23 SEARCH AND ENGINEERING.—

1           (1) IN GENERAL.—Chapter 4 of title 10, United  
2       States Code, is amended by striking section 133 and  
3       inserting the following new section 133:

4   **“§ 133. Under Secretary of Defense for Research and**  
5       **Engineering**

6       “(a) UNDER SECRETARY OF DEFENSE.—

7           “(1) IN GENERAL.—There is an Under Sec-  
8       retary of Defense for Research and Engineering, ap-  
9       pointed from civilian life by the President, by and  
10      with the advice and consent of the Senate.

11          “(2) INDIVIDUALS QUALIFIED FOR APPOINT-  
12      MENT.—The Under Secretary shall be appointed  
13      from among persons who have an extensive manage-  
14      ment background and experience with managing  
15      complex or advanced technological programs.

16          “(3) LIMITATION ON APPOINTMENT.—A person  
17      may not be appointed as Under Secretary of Defense  
18      for Research and Engineering within seven years  
19      after relief from active duty as a commissioned offi-  
20      cer of a regular component of an armed force.

21          “(b) DUTIES AND POWERS.—Subject to the author-  
22      ity, direction, and control of the Secretary of Defense, the  
23      Under Secretary shall perform such duties and exercise  
24      such powers as the Secretary may prescribe, including  
25      by—

1           “(1) serving as the chief technology officer and  
2           the chief acquisition officer of the Department of  
3           Defense with the primary mission of defense tech-  
4           nology innovation;

5           “(2) overseeing, and serving as principal advi-  
6           sor to the Secretary on, all defense research, devel-  
7           opment, prototyping, and experimentation activities  
8           and programs, and unifying the efforts of defense  
9           laboratories and the rapid capabilities offices of the  
10          military departments;

11          “(3) establishing policies, and serving as prin-  
12          cipal advisor to the Secretary, for all elements of the  
13          Department of Defense relating to acquisition and  
14          the oversight of, access to, and maintenance of the  
15          defense industrial base;

16          “(4) overseeing the modernization of nuclear  
17          forces and the development of capabilities to counter  
18          weapons of mass destruction, and serving as the  
19          chair of the Nuclear Weapons Council;

20          “(5) serving as the Defense Acquisition Execu-  
21          tive for purposes of regulations and procedures of  
22          the Department of Defense providing for a Defense  
23          Acquisition Executive; and

24          “(6) exercising advisory authority over national  
25          security acquisition programs of the armed forces



1       for which the Service Acquisition Executive is the  
2       Milestone Decision Authority.

3       “(c) REPORTING.—The following officials shall report  
4       directly to the Under Secretary:

5               “(1) The Assistant Secretary of Defense for Ac-  
6       quisition Policy and Oversight.

7               “(2) The Assistant Secretary of Defense for  
8       Nuclear, Chemical, and Biological Defense.

9               “(3) The Director of the Defense Advanced Re-  
10      search Projects Agency.

11              “(4) The Director of the Missile Defense Agen-  
12      cy.

13              “(5) The Director of the Strategic Capabilities  
14      Office (or any successor organization).

15              “(6) The Director of the Defense Threat Re-  
16      duction Agency.

17              “(7) The Director of the Defense Acquisition  
18      University.

19              “(8) The head of any office or agency of the  
20      Department of Defense with the primary mission of  
21      defense technology innovation that is specified by  
22      the Secretary of Defense for purposes of this sub-  
23      section.

24      “(d) PRECEDENCE IN DEPARTMENT OF DEFENSE.—

1           “(1) PRECEDENCE IN MATTERS OF RESPONSI-  
 2           BILITY.—With regard to all matters for which the  
 3           Under Secretary has responsibility by the direction  
 4           of the Secretary of Defense or by law, the Under  
 5           Secretary takes precedence in the Department of  
 6           Defense after the Secretary and the Deputy Sec-  
 7           retary of Defense.

8           “(2) PRECEDENCE IN OTHER MATTERS.—With  
 9           regard to all matters other than the matters for  
 10          which the Under Secretary has responsibility by the  
 11          direction of the Secretary or by law, the Under Sec-  
 12          retary takes precedence in the Department of De-  
 13          fense after the Secretary, the Deputy Secretary, and  
 14          the Secretaries of the military departments.”.

15          (2) REPEAL OR SUPERSEDED PENDING AMEND-  
 16          MENT.—Effective as of the date of the enactment of  
 17          this Act, subparagraph (A) of section 901(j)(2) of  
 18          the Carl Levin and Howard P. “Buck” McKeon Na-  
 19          tional Defense Authorization Act for Fiscal Year  
 20          2015 (Public Law 113–291; 128 Stat. 3462) is re-  
 21          pealed, and the amendment otherwise to be made by  
 22          such subparagraph shall not be made or go into ef-  
 23          fect.

1 (b) REPEAL AND REDESIGNATION OF CERTAIN DI-  
2 RECTOR POSITIONS.—Chapter 4 of title 10, United States  
3 Code, is further amended—

4 (1) by striking sections 139b and 139c; and

5 (2) by redesignating sections 139 and 139a as  
6 sections 139a and 139b, respectively.

7 (c) REPEAL OF CERTAIN ASD POSITIONS AND ES-  
8 TABLISHMENT OF ASSISTANT SECRETARY OF DEFENSE  
9 FOR ACQUISITION POLICY AND OVERSIGHT.—Chapter 4  
10 of title 10, United States Code, is further amended—

11 (1) in section 138(b)—

12 (A) by striking paragraphs (6), (7), (8),  
13 and (9);

14 (B) by inserting after paragraph (5) the  
15 following new paragraph (6):

16 “(6) One of the Assistant Secretaries shall be the As-  
17 sistant Secretary of Defense for Acquisition Policy and  
18 Oversight, as provided for in section 139 of this title.”;  
19 and

20 (C) by redesignating paragraph (10) as  
21 paragraph (7); and

22 (2) by inserting after section 138, as so amend-  
23 ed, the following new section 139:

1 **“§ 139. Assistant Secretary of Defense for Acquisition**  
2 **Policy and Oversight**

3 “(a) ASSISTANT SECRETARY OF DEFENSE.—

4 “(1) IN GENERAL.—There is an Assistant Sec-  
5 retary of Defense for Acquisition Policy and Over-  
6 sight, appointed as provided in section 138(a)(2) of  
7 this title.

8 “(2) INDIVIDUALS QUALIFIED FOR APPOINT-  
9 MENT.—The Assistant Secretary shall be appointed  
10 from among persons most highly qualified for the  
11 position by reason of background and experience, in-  
12 cluding persons with an extensive management back-  
13 ground and experience in acquisition, industrial in-  
14 centives, and contracting.

15 “(b) REPORTING.—The Assistant Secretary shall re-  
16 port to the Under Secretary of Defense for Research and  
17 Engineering.

18 “(c) DUTIES AND POWERS.—Subject to the author-  
19 ity, direction, and control of the Secretary of Defense and  
20 the Under Secretary of Defense for Research and Engi-  
21 neering, the Assistant Secretary shall perform such duties  
22 and exercise such powers relating to defense acquisition  
23 as the Secretary and the Under Secretary may prescribe,  
24 including—

25 “(1) overseeing, and advising the Secretary and  
26 the Under Secretary on, matters relating to the ac-

1       quisition of Department of Defense national security  
2       capabilities;

3           “(2) establishing acquisition policy for the De-  
4       partment of Defense, including development, produc-  
5       tion, procurement, testing, logistics, maintenance,  
6       contracting support, and other life-cycle consider-  
7       ations for all acquisition activities of the Depart-  
8       ment;

9           “(3) establishing policies of the Department of  
10      Defense for overseeing, accessing, and maintaining  
11      the defense industrial base of the United States and  
12      its allies, including industrial restructuring, tech-  
13      nology release and protection, and intellectual prop-  
14      erty matters;

15          “(4) exercising advisory authority on behalf of  
16      the Under Secretary over national security acquisi-  
17      tion programs of the armed forces for which the  
18      Service Acquisition Executive is the Milestone Deci-  
19      sion Authority;

20          “(5) serving as the senior procurement execu-  
21      tive for the Department of Defense for the purposes  
22      of section 1702(c) of title 41; and

23          “(6) exercising overall supervision of all mili-  
24      tary and civilian personnel in the Office of the Sec-  
25      retary of Defense, unless otherwise provided by law,

1 with regard to matters for which the Assistant Sec-  
2 retary has responsibility.

3 “(d) DEPUTY ASSISTANT SECRETARY OF DEFENSE  
4 FOR LOGISTICS AND SUSTAINMENT.—

5 “(1) IN GENERAL.—There is a Deputy Assist-  
6 ant Secretary of Defense for Logistics and  
7 Sustainment. The Deputy Assistant Secretary shall  
8 be appointed by the Secretary of Defense from  
9 among individuals who have extensive experience in  
10 military logistics, maintenance, and sustainment  
11 support.

12 “(2) DUTIES.—The Deputy Assistant Secretary  
13 shall assist the Assistant Secretary by overseeing lo-  
14 gistics, maintenance, and sustainment support for  
15 elements of the Department, including the following:

16 “(A) Management and sustainment of  
17 weapon systems.

18 “(B) Readiness and sustainment support  
19 for the combatant commands.

20 “(C) Sustainment and readiness of the or-  
21 ganic industrial base.

22 “(D) Development, management, integra-  
23 tion, and innovation of and within the life cycle  
24 management and supply chain of weapon sys-  
25 tems.

1           “(3) DISCHARGE OF DUTIES.—Subject to the  
 2           authority, direction, and control of the Assistant  
 3           Secretary, in carrying out such duties, the Deputy  
 4           Assistant Secretary shall work closely with the fol-  
 5           lowing:

6                   “(A) The Under Secretary of Defense for  
 7           Management and Support and the Director of  
 8           the Defense Logistics Agency

9                   “(B) Acquisition personnel of the armed  
 10           forces, the Department of Defense, and the  
 11           military departments.”.

12           (d) MATTERS RELATING TO UNDER SECRETARY OF  
 13           DEFENSE FOR BUSINESS MANAGEMENT AND INFORMA-  
 14           TION.—

15                   (1) REDESIGNATION AS UNDER SECRETARY OF  
 16           DEFENSE FOR MANAGEMENT AND SUPPORT.—Sec-  
 17           tion 132a of title 10, United States Code, is amend-  
 18           ed by striking “Under Secretary of Defense for  
 19           Business Management and Information” each place  
 20           it appears and inserting “Under Secretary of De-  
 21           fense for Management and Support”.

22                   (2) ENHANCEMENT OF AUTHORITIES.—Such  
 23           section is further is amended—

24                           (A) in subsection (c), by adding at the end  
 25           the following new paragraphs:

1           “(7) Overseeing, supervising, and directing the  
2           activities of Defense Agencies responsible for the  
3           execution of policies and practices relating to the  
4           purchase of consumable goods, spare parts, services,  
5           and utilities, the execution of audits, contract ad-  
6           ministration, real property and installation support,  
7           procurement on behalf of other nations, and logis-  
8           tics, maintenance, and sustainment support for ele-  
9           ments of the Department of Defense.

10           “(8) Subject to subsection (e), ensuring that  
11           audit and oversight of contractor activities are co-  
12           ordinated and executed in a manner to prevent du-  
13           plication by different elements of the Department of  
14           Defense, and providing for coordination of the an-  
15           nual plans developed by each such element for the  
16           conduct of audit and oversight functions within each  
17           contracting activity.”; and

18                       (B) by striking subsection (d) and insert  
19           the following new subsections:

20           “(d) REPORTING.—The following officials shall re-  
21           port directly to the Under Secretary:

22                       “(1) The Director of the Defense Logistics  
23           Agency.

24                       “(2) The Director of the Defense Contract  
25           Management Agency.



1           “(3) The Director of the Defense Contract  
2       Audit Agency.

3           “(4) The Administrator of the Defense Tech-  
4       nical Information Center.

5           “(5) The Director of the Office of Economic  
6       Adjustment.

7           “(6) The Director of the Defense Commissary  
8       Agency.

9           “(7) The Director of the Defense Finance and  
10      Accounting Service.

11          “(8) The Director of Washington Headquarters  
12      Services.

13          “(9) The Director of the Pentagon Force Pro-  
14      tection Agency.

15          “(10) The head of any agency of the Depart-  
16      ment of Defense with a business management mis-  
17      sion that is specified by the Secretary of Defense for  
18      purposes of this subsection.

19      “(e) AUDITING AND OVERSIGHT OF CONTRACTOR  
20      ACTIVITIES.—

21          “(1) CONSULTATION.—In carrying out sub-  
22      section (c)(8), the Under Secretary shall consult  
23      with the Inspector General of the Department of De-  
24      fense.

1           “(2) CONSTRUCTION WITH CERTAIN OTHER AU-  
 2           THORITY.—Nothing in this section shall affect the  
 3           authority of the Inspector General of the Depart-  
 4           ment of Defense to establish audit policy for the De-  
 5           partment of Defense under the Inspector General  
 6           Act of 1978 (5 U.S.C. App.) and otherwise to carry  
 7           out the functions of the Inspector General under  
 8           that Act.”.

9           (3) CONFORMING AMENDMENTS.—The fol-  
 10          lowing provisions of law are each amended by strik-  
 11          ing “Under Secretary of Defense for Business Man-  
 12          agement and Information” and inserting “Under  
 13          Secretary of Defense for Management and Support”;

14                 (A) Section 134(c) of title 10, United  
 15          States Code.

16                 (B) Section 2222 of title 10, United States  
 17          Code.

18                 (C) Section 5313 of title 5, United States  
 19          Code

20                 (D) Section 901(n)(1) of the Carl Levin  
 21          and Howard P. “Buck” McKeon National De-  
 22          fense Authorization Act for Fiscal Year 2015.

23          (4) CLERICAL AMENDMENTS.—

1 (A) SECTION HEADING.—The heading of  
 2 section 132a of title 10, United States Code, is  
 3 amended to read as follows:

4 **“§ 132a. Under Secretary of Defense for Management**  
 5 **and Support”.**

6 (B) TABLE OF SECTIONS.—The table of  
 7 sections at the beginning of chapter 4 of such  
 8 title is amended by striking the item relating to  
 9 section 132a and inserting the following new  
 10 item:

“132a. Under Secretary of Defense for Management and Support.”.

11 (5) EFFECTIVE DATE.—The amendments made  
 12 by this subsection shall take effect on February 1,  
 13 2017, immediately after the coming into effect of the  
 14 amendments made by subsection (a)(1), and related  
 15 provisions, of section 901 of the Carl Levin and  
 16 Howard P. “Buck” McKeon National Defense Au-  
 17 thorization Act for Fiscal Year 2015, to which the  
 18 amendments made by this subsection relate.

19 (e) OFFICE OF THE SECRETARY OF DEFENSE ORGA-  
 20 NIZATION.—

21 (1) PLACEMENT OF USD FOR RESEARCH AND  
 22 ENGINEERING.—Subparagraph (A) of section  
 23 131(b)(2) of title 10, United States Code, is amend-  
 24 ed to read as follows:

1           “(A) The Under Secretary of Defense for Re-  
2           search and Engineering.”.

3           (2) ADDITIONAL CONFORMING AMENDMENT RE-  
4           LATING TO PLACEMENT OF LATER ESTABLISHED  
5           USD FOR BUSINESS MANAGEMENT AND SUPPORT.—  
6           Paragraph (2) of section 901(a) of the Carl Levin  
7           and Howard P. “Buck” McKeon National Defense  
8           Authorization Act for Fiscal Year 2015 is amended  
9           to read as follows:

10           “(2) PLACEMENT IN THE OFFICE OF THE SEC-  
11           RETARY OF DEFENSE.—Effective on the effective  
12           date specified in paragraph (1), section 131(b)(2) of  
13           such title is amended—

14                   “(A) by redesignating subparagraphs (B)  
15                   through (E) as subparagraphs (C) through (F),  
16                   respectively; and

17                   “(B) by inserting after subparagraph (A)  
18                   by the following new subparagraph (B):

19                   ““(B) The Under Secretary of Defense for  
20                   Management and Support.’.

21           (f) ADDITIONAL CLERICAL AMENDMENTS.—The  
22           table of sections at the beginning of chapter 4 of title 10,  
23           United States Code, is amended—

24                   (1) by striking the item relating to section 133  
25                   and inserting the following new item:

“133. Under Secretary of Defense for Research and Engineering.”; and

1           (2) by striking the items relating to sections  
 2       139, 139a, 139b, and 139c and inserting the fol-  
 3       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.”.

4           (g) EXECUTIVE SCHEDULE LEVEL II.—Section 5313  
 5 of title 5, United States Code, is amended by striking the  
 6 item relating to the Under Secretary of Defense for Acqui-  
 7 sition, Technology, and Logistics and inserting the fol-  
 8 lowing new item:

9           “Under Secretary of Defense for Research and  
 10       Engineering.”.

11       (h) IMPLEMENTATION.—

12           (1) COMMENCEMENT.—Except as otherwise  
 13       provided in this section, the Secretary of Defense  
 14       shall commence implementation of this section and  
 15       the amendments made by this section on the date of  
 16       the enactment of this Act.

17           (2) NOMINATIONS.—Any individual nominated  
 18       by the President who takes office in 2017 to a posi-  
 19       tion under section 133 or 139 of title 10, United  
 20       States Code (as amended by this section), shall meet  
 21       the qualifications and other requirements of such po-  
 22       sition as specified in such section.

23           (3) IMPLEMENTATION PLAN.—Not later than  
 24       March 1, 2017, the Secretary of Defense shall sub-

1       mit to the congressional defense committees the fol-  
2       lowing:

3               (A) A plan for the full implementation of  
4               this section and the amendments made by this  
5               section.

6               (B) A report that describes the concerns,  
7               if any, that the Secretary has with the require-  
8               ments of this section and the amendments  
9               made by this section, and recommendations for  
10              such legislative action to address such concerns  
11              as the Secretary considers appropriate.

12              (4) COMPLETION.—The Secretary shall com-  
13              plete the implementation of this section and the  
14              amendments made by this section not later than  
15              January 20, 2018.

16              (i) INCUMBENTS.—

17               (1) RETENTION OF INCUMBENTS.—The incum-  
18               bent in each position under a provision of law re-  
19               pealed or superseded by a provision of this section  
20               as of the day before the date of the enactment of  
21               this Act may, at the election of the Secretary of De-  
22               fense, remain in such position after the date of the  
23               enactment of this Act in accordance with the terms  
24               of the provision so repealed or superseded as in ef-

1       fect on the day before the date of the enactment of  
2       this Act.

3           (2) RATE OF PAY.—The rate of pay payable  
4       under title 5, United States Code, to an incumbent  
5       covered by paragraph (1) for service in the applica-  
6       ble position after the date of the enactment of this  
7       Act shall be the rate of pay payable for such position  
8       under chapter 53 of title 5, United States Code, as  
9       of the day before the date of the enactment of this  
10      Act.

11      (j) REFERENCES.—

12           (1) USD FOR ATL.—Any reference to the  
13      Under Secretary of Defense for Acquisition, Tech-  
14      nology, and Logistics in any law, regulation, map,  
15      document, record, or other paper of the United  
16      States shall be deemed to be a reference to the  
17      Under Secretary of Defense for Research and Engi-  
18      neering.

19           (2) ASD FOR ACQUISITION.—Any reference to  
20      the Assistant Secretary of Defense for Acquisition in  
21      any law, regulation, map, document, record, or other  
22      paper of the United States shall be deemed to be a  
23      reference to a position designated by the Assistant  
24      Secretary of Defense for Acquisition Policy and  
25      Oversight.

1           (3) ASD FOR LOGISTICS AND MATERIEL READI-  
2           NESS.—Any reference to the Assistant Secretary of  
3           Defense for Logistics and Materiel Readiness in any  
4           law, regulation, map, document, record, or other  
5           paper of the United States shall be deemed to be a  
6           reference to the position designated by the Secretary  
7           for purposes of this paragraph.

8           (4) ASD FOR RESEARCH AND ENGINEERING.—  
9           Any reference to the Assistant Secretary of Defense  
10          for Research and Engineering in any law, regulation,  
11          map, document, record, or other paper of the United  
12          States shall be deemed to be a reference to the  
13          Under Secretary of Defense for Research and Engi-  
14          neering.

15          (5) ASD FOR ENERGY, INSTALLATIONS, AND  
16          THE ENVIRONMENT.—Any reference to the Assistant  
17          Secretary of Defense for Energy, Installations, and  
18          the Environment in any law, regulation, map, docu-  
19          ment, record, or other paper of the United States  
20          shall be deemed to be a reference to the position des-  
21          ignated by the Secretary for purposes of this para-  
22          graph.

23          (k) REPORT ON ADDITIONAL CONFORMING AND  
24          OTHER AMENDMENTS.—Not later than 180 days after the  
25          date of the enactment of this Act, the Secretary of Defense



1 shall submit to the Committees on Armed Services of the  
2 Senate and the House of Representatives a report setting  
3 for comprehensive recommendations for such conforming  
4 and other amendments to law as the Secretary considers  
5 appropriate in light of this section and the amendments  
6 made by this section.

7 **SEC. 902. QUALIFICATIONS FOR APPOINTMENT OF THE**  
8 **SECRETARIES OF THE MILITARY DEPART-**  
9 **MENTS.**

10 (a) SECRETARY OF THE ARMY.—Section 3013(a)(1)  
11 of title 10, United States Code, is amended by inserting  
12 after the first sentence the following new sentence: “The  
13 Secretary shall, to the greatest extent practicable, be ap-  
14 pointed from among persons most highly qualified for the  
15 position by reason of background and experience, includ-  
16 ing persons with appropriate management experience of  
17 a large complex organization”.

18 (b) SECRETARY OF THE NAVY.—Section 5013(a)(1)  
19 of such title is amended by inserting after the first sen-  
20 tence the following new sentence: “The Secretary shall, to  
21 the greatest extent practicable, be appointed from among  
22 persons most highly qualified for the position by reason  
23 of background and experience, including persons with ap-  
24 propriate management experience of a large complex orga-  
25 nization”.

1       (c) SECRETARY OF THE AIR FORCE.—Section  
 2 8013(a)(1) of such title is amended by inserting after the  
 3 first sentence the following new sentence: “The Secretary  
 4 shall, to the greatest extent practicable, be appointed from  
 5 among persons most highly qualified for the position by  
 6 reason of background and experience, including persons  
 7 with appropriate management experience of a large com-  
 8 plex organization”.

9 **SEC. 903. ESTABLISHMENT OF ASSISTANT SECRETARY OF**  
 10 **DEFENSE FOR INFORMATION (CHIEF INFOR-**  
 11 **MATION OFFICER) IN OFFICE OF SECRETARY**  
 12 **OF DEFENSE.**

13       (a) IN GENERAL.—Paragraph (8) of section 138(b)  
 14 of title 10, United States Code, is amended to read as  
 15 follows:

16       “(8) One of the Assistant Secretaries is the Assistant  
 17 Secretary of Defense for Information (Chief Information  
 18 Officer), who shall report to the Secretary and the Deputy  
 19 Secretary of Defense. The Assistant Secretary shall be the  
 20 principal advisor to the Secretary and have responsibility  
 21 for all defense cyber and space policy, information network  
 22 defense, policies and standards governing information  
 23 technology systems, and related information security ac-  
 24 tivities of the Department, including oversight of the De-

1 fense Information Systems Agency or any successor orga-  
 2 nization.”.

3 (b) CONFORMING AMENDMENT.—

4 (1) IN GENERAL.—Subsection (b) of section  
 5 132a of such title is amended to read as follows:

6 “(b) The Under Secretary also serves as the Perform-  
 7 ance Improvement Officer of the Department of De-  
 8 fense.”.

9 (2) EFFECTIVE DATE.—The amendment made  
 10 by paragraph (1) shall take effect on February 1,  
 11 2017, immediately after the coming into effect of the  
 12 amendment made by section 901(a)(1) of the Carl  
 13 Levin and Howard P. “Buck” McKeon National De-  
 14 fense Authorization Act for Fiscal Year 2015 (Pub-  
 15 lic Law 113–291; 128 Stat. 35462), to which the  
 16 amendment made by paragraph (1) relates.

17 **SEC. 904. REDUCTION IN MAXIMUM NUMBER OF PER-**  
 18 **SONNEL IN OFFICE OF THE SECRETARY OF**  
 19 **DEFENSE AND OTHER DEPARTMENT OF DE-**  
 20 **FENSE HEADQUARTERS OFFICES.**

21 (a) OFFICE OF THE SECRETARY OF DEFENSE.—Sec-  
 22 tion 143(b) of title 10, United States Code, is amended  
 23 by striking “and civilian personnel” and inserting “, civil-  
 24 ian, and detailed personnel”.

1 (b) LIMITATIONS ON PERSONNEL FOR THE JOINT  
2 STAFF.—Section 155 of such title is amended by adding  
3 at the end the following new subsection:

4 “(h) PERSONNEL LIMITATIONS.—(1) The total num-  
5 ber of members of the armed forces and civilian employees  
6 assigned or detailed to permanent duty for the Joint Staff  
7 may not exceed 1,930.

8 “(2) Not more than 1,500 members of the armed  
9 forces on the active-duty list may be assigned or detailed  
10 to permanent duty for the Joint Staff.

11 “(3) The limitations in paragraphs (1) and (2) do  
12 not apply in time of war.

13 “(4) Each limitation in paragraphs (1) and (2) may  
14 be exceeded by a number equal to 15 percent of such limi-  
15 tation in time of national emergency.”.

16 (c) OFFICE OF THE SECRETARY OF THE ARMY.—  
17 Section 3014(f) of such title is amended—

18 (1) in paragraph (3), by striking “67” and in-  
19 serting “50”;

20 (2) in paragraph (4), by striking “time of war”  
21 and all that follows and inserting “time of war.”;  
22 and

23 (3) by adding at the end the following new  
24 paragraph:

1       “(5) Each limitation in paragraphs (1) and (2) may  
2 be exceeded by a number equal to 15 percent of such limi-  
3 tation in time of national emergency.”.

4       (d) OFFICE OF THE SECRETARY OF THE NAVY.—  
5 Section 5014(f) of such title is amended—

6           (1) in paragraph (3), by striking “74” and in-  
7 serting “56”;

8           (2) in paragraph (4), by striking “time of war”  
9 and all that follows and inserting “time of war.”;  
10 and

11          (3) by adding at the end the following new  
12 paragraph:

13       “(5) Each limitation in paragraphs (1) and (2) may  
14 be exceeded by a number equal to 15 percent of such limi-  
15 tation in time of national emergency.”.

16       (e) OFFICE OF THE SECRETARY OF THE AIR  
17 FORCE.—Section 8014(f) of such title is amended—

18           (1) in paragraph (3), by striking “60” and in-  
19 serting “45”;

20           (2) in paragraph (4), by striking “time of war”  
21 and all that follows and inserting “time of war.”;  
22 and

23          (3) by adding at the end the following new  
24 paragraph:

1 “(5) Each limitation in paragraphs (1) and (2) may  
 2 be exceeded by a number equal to 15 percent of such limi-  
 3 tation in time of national emergency.”.

4 (f) EFFECTIVE DATE.—This section and the amend-  
 5 ments made by this section shall take effect on January  
 6 1, 2019.

7 **SEC. 905. LIMITATIONS ON FUNDS USED FOR STAFF AUG-**  
 8 **MENTATION CONTRACTS AT MANAGEMENT**  
 9 **HEADQUARTERS OF THE DEPARTMENT OF**  
 10 **DEFENSE AND THE MILITARY DEPARTMENTS.**

11 (a) LIMITATIONS.—

12 (1) FOR FISCAL YEARS 2017 AND 2018.—The  
 13 total amount obligated by the Department of De-  
 14 fense for fiscal year 2017 or 2018 for contract serv-  
 15 ices for staff augmentation contracts at management  
 16 headquarters of the Department and the military de-  
 17 partments may not exceed an amount equal to the  
 18 aggregate amount expended by the Department for  
 19 contract services for staff augmentation contracts at  
 20 management headquarters of the Department and  
 21 the military departments in fiscal year 2016 ad-  
 22 justed for net transfers from funding for overseas  
 23 contingency operations (in this subsection referred  
 24 to as the “fiscal year 2016 staff augmentation con-  
 25 tracts funding amount”).

1           (2) FOR FISCAL YEARS AFTER FISCAL YEAR  
2           2018.—The total amount obligated by the Depart-  
3           ment for any fiscal year after fiscal year 2018 for  
4           contract services for staff augmentation contracts at  
5           management headquarters of the Department and  
6           the military departments may not exceed an amount  
7           equal to 75 percent of the fiscal year 2016 staff  
8           augmentation contracts funding amount.

9           (b) DEFINITIONS.—In this section:

10           (1) The term “contract services” has the mean-  
11           ing given that term in section 235 of title 10, United  
12           States Code.

13           (2) The term “staff augmentation contracts”  
14           means contracts for personnel who are subject to the  
15           direction of a Government official other than the  
16           contracting officer for the contract, including con-  
17           tractor personnel who perform personal services con-  
18           tracts (as that term is defined in section  
19           2330a(g)(5) of title 10, United States Code).

1 **SEC. 906. UNIT WITHIN THE OFFICE OF THE SECRETARY OF**  
2 **DEFENSE SUPPORTING ACHIEVEMENT OF**  
3 **RESULTS IN DEPARTMENT OF DEFENSE MAN-**  
4 **AGEMENT REFORM AND BUSINESS TRANS-**  
5 **FORMATION EFFORTS.**

6 (a) IN GENERAL.—The Secretary of Defense serving  
7 in that position as of February 1, 2017, may establish  
8 within the Office of the Secretary of Defense on that date  
9 a unit of personnel that shall be responsible for providing  
10 expertise and support throughout the Department of De-  
11 fense in efforts of the Department relating to management  
12 reform and business transformation. The unit may be  
13 known as the “delivery unit” for Department efforts on  
14 management reform and business transformation.

15 (b) COMPOSITION.—The unit established under sub-  
16 section (a) shall consist of not more than 30 individuals  
17 selected by the Secretary primarily from among individ-  
18 uals outside the Government who have significant experi-  
19 ence and expertise in management consulting, organiza-  
20 tion transformation, or data analytics.

21 (c) DUTIES.—

22 (1) IN GENERAL.—The unit established under  
23 subsection (a) shall have the duties as follows:

24 (A) To assist senior managers in devel-  
25 oping and implementing roadmaps to achieve  
26 targets in management reform and business



1 transformation for the Department of Defense  
2 established by Secretary of Defense referred to  
3 in subsection (a).

4 (B) To assist that Secretary and the Dep-  
5 uty Secretary of Defense in monitoring the  
6 progress of management reform and business  
7 transformation in the Department, and to assist  
8 that Secretary and the Deputy Secretary in  
9 providing for corrections in actions based on  
10 data-driven decision-making that will expedite  
11 the business processes of the Department.

12 (2) CONSULTATION WITH PRIVATE SECTOR.—

13 In carrying out the duties specified in paragraph  
14 (1), the unit shall seek to leverage the expertise  
15 available to the Department through current ex-  
16 change programs of the Department with the private  
17 sector in order to obtain and deploy proven data  
18 analytics and management consulting practices.

19 (d) TERMINATION.—The unit established under sub-  
20 section (a) shall cease to exist on January 31, 2021.

21 (e) FUNDING.—Of the amount authorized to be ap-  
22 propriated for fiscal year 2017 for the Department of De-  
23 fense and available for the Office of the Secretary of De-  
24 fense, up to \$30,000,000 may be available for activities  
25 of the unit established under subsection (a). Such amount

1 may not be obligated or expended for that purpose until  
 2 the date on which the unit is established.

## 3 **Subtitle B—Combatant Command** 4 **Matters**

### 5 **SEC. 921. JOINT CHIEFS OF STAFF AND RELATED COMBAT-** 6 **ANT COMMAND MATTERS.**

7 (a) FUNCTIONS OF JOINT CHIEFS OF STAFF.—

8 (1) CONSULTATION BY CHAIRMAN.—Subsection  
 9 (c)(1) of section 151 of title 10, United States Code,  
 10 is amended by striking “as he considers appro-  
 11 priate” and inserting “as necessary”.

12 (2) REPEAL OF ADVICE ON REQUEST.—Such  
 13 section is further amended—

14 (A) in subsection (b)(2), by striking “sub-  
 15 sections (d) and (e)” and inserting “subsection  
 16 (d)”;

17 (B) by striking subsection (e); and

18 (C) by redesignating subsections (f) and  
 19 (g) as subsections (e) and (f), respectively.

20 (b) CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
 21 MATTERS.—

22 (1) TERM OF SERVICE.—Subsection (a) of sec-  
 23 tion 152 of title 10, United States Code, is amend-  
 24 ed—

1 (A) in paragraph (1), by striking “two  
 2 years, beginning on October 1 of odd-numbered  
 3 years” and all that follows and inserting “four  
 4 years, beginning on October 1 of an odd-num-  
 5 bered year.”; and

6 (B) in paragraph (3), by—

7 (i) by striking the first sentence;

8 (ii) by striking “However, the Presi-  
 9 dent” and inserting “The President”;

10 (iii) by striking “combined”; and

11 (iv) by striking “in such positions”  
 12 and inserting “as Chairman or Vice Chair-  
 13 man”.

14 (2) REQUIREMENT FOR APPOINTMENT.—Sub-  
 15 section (b)(1) of such section is amended—

16 (A) by striking subparagraph (A); and

17 (B) by redesignating subparagraphs (B)  
 18 and (C) as subparagraphs (A) and (B), respec-  
 19 tively.

20 (c) FUNCTIONS OF CHAIRMAN OF JOINT CHIEFS OF  
 21 STAFF.—The text of section 153 of title 10, United States  
 22 Code, is amended to read as follows:

23 “(a) RESPONSIBILITIES.—The Chairman of the Joint  
 24 Chiefs of Staff is responsible for ensuring that the Presi-  
 25 dent and the Secretary of Defense receive military advice

1 on the comprehensive organization, training, equipping,  
2 and employment of the armed forces.

3 “(b) PRIMARY FOCUS.—Subject to the authority, di-  
4 rection, and control of the President and the Secretary  
5 of Defense, the primary focus of the Chairman of the  
6 Joint Chiefs of Staff shall be the development of the mili-  
7 tary elements of national security and defense strategy,  
8 assisting the President and the Secretary in the integra-  
9 tion of military operations and activities worldwide, and  
10 advocating for military requirements of the present and  
11 future joint force of the United States, including as fol-  
12 lows:

13 “(1) STRATEGY DEVELOPMENT AND OPER-  
14 ATIONAL PLANNING.—In matters relating to strat-  
15 egy development and operational planning:

16 “(A) Developing strategic frameworks and  
17 directing planning, as required, to guide the use  
18 and employment of military force and related  
19 activities across all geographic regions and mili-  
20 tary functions and domains, and to sustain  
21 military efforts over different durations of time,  
22 as necessary.

23 “(B) Advising the Secretary on the produc-  
24 tion of the national defense strategy required by  
25 section 118 of this title and the national secu-

1 rity strategy required by section 108 of the Na-  
2 tional Security Act of 1947 (50 U.S.C. 3043).

3 “(C) Providing advice to the President and  
4 the Secretary on daily and ongoing military op-  
5 erations.

6 “(D) Preparing alternative military anal-  
7 ysis, options, and plans, as the Chairman con-  
8 siders appropriate, to recommend to the Sec-  
9 retary.

10 “(E) Preparing joint logistic, mobility, and  
11 operational energy plans to support the national  
12 defense strategy and recommending the assign-  
13 ment of responsibilities to the armed forces in  
14 accordance with these plans.

15 “(F) Providing for the preparation and re-  
16 view of contingency plans which conform to pol-  
17 icy guidance from the President and the Sec-  
18 retary.

19 “(2) GLOBAL MILITARY INTEGRATION.—In  
20 matters relating to global military integration:

21 “(A) Advising the Secretary on the need  
22 for the transfer of forces to address  
23 transregional, multi-domain, and multifunc-  
24 tional threats, or multiple threats with overlap-  
25 ping timeframes.

1           “(B) To the extent authorized by the Sec-  
2           retary pursuant to a delegation of authority  
3           under section 113(g)(4) of this title, directing  
4           the transfer of limited forces on a temporary  
5           basis.

6           “(3) COMPREHENSIVE JOINT READINESS.—In  
7           matters relating to comprehensive joint readiness:

8           “(A) Evaluating the overall preparedness  
9           of the joint force to perform the responsibilities  
10          of that force under the national defense strat-  
11          egy and to respond to significant contingencies  
12          worldwide.

13          “(B) Assessing the risks to United States  
14          missions, strategies, and military personnel that  
15          stem from shortfalls in military readiness  
16          across the armed forces, and producing com-  
17          prehensive plans to reduce such risks.

18          “(C) Identifying the support functions that  
19          are likely to require contractor performance  
20          under current defense strategies, and the risks  
21          associated with the assignment of such func-  
22          tions to contractors.

23          “(D) Advising the Secretary on critical de-  
24          ficiencies and strengths in force capabilities (in-  
25          cluding manpower, logistic, and mobility sup-

1 port) identified during the preparation and re-  
2 view of the national defense strategy and con-  
3 tingency plans and assessing the effect of such  
4 deficiencies and strengths on meeting national  
5 security objectives and policy and on strategic  
6 plans.

7 “(E) Recommending to the Secretary, in  
8 accordance with section 166 of this title, a  
9 budget proposal for activities of each unified  
10 and specified combatant command.

11 “(F) Establishing and maintaining, after  
12 consultation with the commanders of the uni-  
13 fied and specified combatant commands, a uni-  
14 form system of evaluating the preparedness of  
15 each such command, and groups of commands  
16 collectively, to carry out missions assigned to  
17 the command or commands.

18 “(G) Advising the Secretary on the extent  
19 to which the major programs and policies of the  
20 armed forces in the area of manpower and con-  
21 tractor support conform with the national de-  
22 fense strategy and the requirements of contin-  
23 gency plans produced by the commanders of the  
24 combatant commands, and on the ways to im-

1           prove and enhance operational contract support  
2           for the armed forces.

3           “(4) JOINT CAPABILITY DEVELOPMENT.—In  
4           matters relating to joint capability development:

5                   “(A) Identifying innovative and experi-  
6                   mental new technologies to maintain the mili-  
7                   tary technological advantage of the armed  
8                   forces, and recommending investments in such  
9                   technologies to the Secretary.

10                   “(B) Performing net assessments of the  
11                   capabilities of the armed forces of the United  
12                   States and its allies in comparison with the ca-  
13                   pabilities of potential adversaries.

14                   “(C) Advising the Secretary under section  
15                   163(b)(2) of this title on the priorities of the  
16                   requirements identified by the commanders of  
17                   the unified and specified combatant commands.

18                   “(D) Advising the Secretary on the extent  
19                   to which the program recommendations and  
20                   budget proposals of the military departments  
21                   and other components of the Department of  
22                   Defense for a fiscal year conform with the pri-  
23                   orities established in the national defense strat-  
24                   egy and with the priorities established for the



1 requirements of the unified and specified com-  
2 batant commands.

3 “(E) Submitting to the Secretary alter-  
4 native program recommendations and budget  
5 proposals, within projected resource levels and  
6 guidance provided by the Secretary, in order to  
7 achieve greater conformance with the priorities  
8 referred to in subparagraph (D).

9 “(F) Identifying, assessing, and approving  
10 military requirements (including existing sys-  
11 tems and equipment) to meet the national de-  
12 fense strategy.

13 “(G) Recommending to the Secretary ap-  
14 propriate trade-offs among life-cycle cost,  
15 schedule, performance, and procurement quan-  
16 tity objectives in the acquisition of materiel and  
17 equipment to support the strategic and contin-  
18 gency plans required by this subsection in the  
19 most effective and efficient manner.

20 “(5) JOINT FORCE DEVELOPMENT ACTIVI-  
21 TIES.—In matters relating to joint force develop-  
22 ment activities:

23 “(A) Developing doctrine for the joint em-  
24 ployment of the armed forces.

1           “(B) Formulating policies and technical  
2 standards, and executing actions, for the joint  
3 training of the armed forces.

4           “(C) Formulating policies for coordinating  
5 the military education of members of the armed  
6 forces.

7           “(D) Formulating policies for concept de-  
8 velopment and experimentation for the joint  
9 employment of the armed forces.

10          “(E) Formulating policies for gathering,  
11 developing, and disseminating joint lessons  
12 learned for the armed forces.

13          “(F) Advising the Secretary on develop-  
14 ment of joint command, control, communica-  
15 tions, and cyber capability, including integra-  
16 tion and interoperability of such capability,  
17 through requirements, integrated architectures,  
18 data standards, and assessments.

19          “(6) OTHER MATTERS.—In other matters:

20           “(A) Providing for representation of the  
21 United States on the Military Staff Committee  
22 of the United Nations in accordance with the  
23 Charter of the United Nations.

1           “(B) Performing such other duties as may  
2           be prescribed by law or by the President or the  
3           Secretary of Defense.

4           “(c) NATIONAL MILITARY STRATEGY.—

5           “(1) NATIONAL MILITARY STRATEGY.—

6           “(A) IN GENERAL.—The Chairman shall  
7           determine each even-numbered year whether to  
8           prepare a new national military strategy in ac-  
9           cordance with this subparagraph or to update a  
10          strategy previously prepared in accordance with  
11          this paragraph. The Chairman shall provide  
12          such national military strategy or update to the  
13          Secretary of Defense in time for transmittal to  
14          Congress pursuant to paragraph (3), including  
15          in time for inclusion in the report, if any, of the  
16          Secretary under paragraph (4).

17          “(B) SCOPE.—Each national military  
18          strategy or update under this paragraph shall  
19          be based on a comprehensive review conducted  
20          by the Chairman in conjunction with the other  
21          members of the Joint Chiefs of Staff and the  
22          commanders of the unified and specified com-  
23          batant commands. Each update shall address  
24          only those parts of the most recent national  
25          military strategy for which the Chairman deter-

1 mines, on the basis of the review under sub-  
2 paragraph (A), that a modification is needed.

3 “(C) BASIS.—Each national military strat-  
4 egy or update submitted under this paragraph  
5 shall describe how the military will achieve sup-  
6 port the objectives of the United States as ar-  
7 ticulated in—

8 “(i) the most recent national security  
9 strategy prescribed by the President pursu-  
10 ant to section 108 of the National Security  
11 Act of 1947 (50 U.S.C. 3043);

12 “(ii) the most recent annual report of  
13 the Secretary submitted to the President  
14 and Congress pursuant to section 113 of  
15 this title;

16 “(iii) the most recent national defense  
17 strategy presented by the Secretary of De-  
18 fense pursuant to section 118 of this title;  
19 and

20 “(iv) any other national security or  
21 defense strategic guidance issued by the  
22 President or the Secretary.

23 “(D) ELEMENTS.—At a minimum, each  
24 national military strategy or update submitted  
25 under this paragraph shall—

1 “(i) assess the strategic environment,  
2 threats, opportunities, and challenges that  
3 affect the national security of the United  
4 States;

5 “(ii) develop military ends, ways, and  
6 means to support the objectives referred to  
7 in subparagraph (C);

8 “(iii) provide the framework for the  
9 assessment by the Chairman of strategic  
10 and military risks pursuant to paragraph  
11 (2), and developing risk mitigation options;

12 “(iv) establish a strategic framework  
13 for the development of operational and  
14 contingency plans;

15 “(v) identify the priority of joint force  
16 capabilities, capacities, and resources; and

17 “(vi) establish military guidance for  
18 the development of the joint force.

19 “(2) RISK ASSESSMENT.—

20 “(A) IN GENERAL.—The Chairman shall  
21 prepare each year an assessment of the risks  
22 associated with the most current national mili-  
23 tary strategy or update under paragraph (1).  
24 The risk assessment shall be known as the  
25 ‘Risk Assessment of the Chairman of the Joint

1 Chiefs of Staff". The Chairman shall complete  
2 preparation of the risk assessment in time for  
3 transmittal to Congress pursuant to paragraph  
4 (3), including in time for inclusion in the re-  
5 port, if any, of the Secretary of Defense under  
6 paragraph (4).

7 "(B) OBJECTIVES.—Each risk assessment  
8 shall do the following:

9 "(i) As the Chairman considers appro-  
10 priate, update any changes to the strategic  
11 environment, threats, objectives, force  
12 planning and sizing constructs, assess-  
13 ments, and assumptions that informed the  
14 national military strategy or update under  
15 paragraph (1).

16 "(ii) Identify and define the strategic  
17 risks to United States interests and the  
18 military risks in executing the national  
19 military strategy or update.

20 "(iii) Identify and define levels of risk,  
21 including an identification of what con-  
22 stitutes 'significant' risk in the judgment  
23 of the Chairman.

24 "(iv) Identify and assess risk in the  
25 national military strategy or update by cat-

1           egory and level, including how risk is pro-  
2           jected to increase, decrease, or remain sta-  
3           ble over time.

4           “(v) For each category of risk identi-  
5           fied pursuant to clause (iv), assess the ex-  
6           tent to which current or future risk in-  
7           creases, decreases, or is stable as a result  
8           of budgetary priorities, tradeoffs, or fiscal  
9           constraints or limitations as currently esti-  
10          mated and applied in the most current fu-  
11          ture-years defense program under section  
12          221 of this title.

13          “(vi) Identify and assess risk associ-  
14          ated with the assumptions or plans of the  
15          national military strategy or update about  
16          the contributions or support of—

17               “(I) alliances, allies, and other  
18               friendly nations (including their capa-  
19               bilities, availability, and interoper-  
20               ability); and

21               “(II) any other external support,  
22               as appropriate.

23          “(vii) Identify and assess the critical  
24          deficiencies and strengths in force capabili-  
25          ties (including manpower, logistics, intel-

1           ligence, and mobility support) identified  
2           during the preparation and review of the  
3           contingency plans of each unified combat-  
4           ant command, and identify and assess the  
5           effect of such deficiencies and strengths for  
6           the national military strategy or update.

7           “(3) SUBMITTAL OF NATIONAL MILITARY  
8       STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

9           “(A) NATIONAL MILITARY STRATEGY.—

10          Not later than February 15 of each even-num-  
11          bered year, the Chairman shall, through the  
12          Secretary of Defense, submit to the Committees  
13          on Armed Services of the Senate and the House  
14          of Representatives a report on the national mili-  
15          tary strategy or update, if any, prepared under  
16          paragraph (1) in such year.

17          “(B) RISK ASSESSMENT.—Not later than  
18          February 15 each year, the Chairman shall,  
19          through the Secretary, submit to the Commit-  
20          tees on Armed Services of the Senate and the  
21          House of Representatives a report on the risk  
22          assessment prepared under paragraph (2) in  
23          such year.



1           “(C) FORM.—The reports submitted under  
2           this subsection shall be classified in form, but  
3           shall include an unclassified summary.

4           “(4) SECRETARY OF DEFENSE REPORTS TO  
5           CONGRESS.—

6           “(A) IN GENERAL.—In transmitting a na-  
7           tional military strategy or update, or a risk as-  
8           sessment, to Congress pursuant to paragraph  
9           (3), the Secretary of Defense shall include in  
10          the transmittal such comments of the Secretary  
11          thereon, if any, as the Secretary considers ap-  
12          propriate.

13          “(B) ADDITIONAL ELEMENTS WITH RISK  
14          ASSESSMENT.—If a risk assessment transmitted  
15          under paragraph (3) in a year includes an as-  
16          sessment that a risk or risks associated with  
17          the national military strategy or update are sig-  
18          nificant, or that critical deficiencies in force ca-  
19          pabilities exist for a contingency plan described  
20          in paragraph (2)(B)(vii), the Secretary shall in-  
21          clude in the transmittal of the risk assessment  
22          the plan of the Secretary for mitigating such  
23          risk or deficiency. A plan for mitigating risk of  
24          deficiency under this subparagraph shall—

1 “(i) address the risk assumed in the  
 2 national military strategy or update con-  
 3 cerned, and the additional actions taken or  
 4 planned to be taken to address such risk  
 5 using only current technology and force  
 6 structure capabilities; and

7 “(ii) specify, for each risk addressed,  
 8 the extent of, and a schedule for expected  
 9 mitigation of, such risk, and an assessment  
 10 of the potential for residual risk, if any,  
 11 after mitigation.”.

12 (d) VICE CHAIRMAN OF THE JOINT CHIEFS OF  
 13 STAFF.—

14 (1) TERM OF SERVICE.—Paragraph (3) of sec-  
 15 tion 154(a) of title 10, United States Code, is  
 16 amended is amended by striking “two years” and in-  
 17 serting “four years”.

18 (2) INELIGIBILITY FOR SERVICE AS CHAIRMAN  
 19 OR ANY OTHER POSITION IN THE ARMED FORCES.—  
 20 Such section is further amended by adding at the  
 21 end the following new paragraph:

22 “(4) The Vice Chairman shall not be eligible for pro-  
 23 motion to the position of Chairman or any other position  
 24 in the armed forces. The term of the Vice Chairman shall

1 be established so as not to begin in the same year as the  
2 term of the Chairman.”.

3 (e) RESPONSIBILITIES OF COMMANDERS OF THE  
4 COMBATANT COMMANDS.—Section 164(b) of title 10,  
5 United States Code, is amended—

6 (1) in paragraph (2)(A), by inserting “and in  
7 consultation with the Chairman of the Joint Chiefs  
8 of Staff” before the semicolon; and

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

11 “(3) Among the full range of command responsibil-  
12 ities specified in subsection (c) and as provided for in sec-  
13 tion 161 of this title, the primary duties of the commander  
14 of a combatant command shall be as follows:

15 “(A) To produce plans for the employment of  
16 the armed forces to execute the national defense  
17 strategy and respond to significant military contin-  
18 gencies.

19 “(B) To take actions necessary to deter con-  
20 flict.

21 “(C) To command United States armed forces  
22 in conflict, if directed by the Secretary of Defense  
23 and approved by the President.”.

24 (f) COMBATANT COMMANDERS COUNCIL.—

1           (1) IN GENERAL.—Chapter 6 of title 10, United  
2       States Code, is amended by inserting after section  
3       163 the following new section:

4   **“§ 163a. Combatant Commanders Council**

5       “(a) IN GENERAL.—There is in the Department of  
6       Defense a council to be known as the ‘Combatant Com-  
7       manders Council’ (in this section referred to as ‘the Coun-  
8       cil’).

9       “(b) COMPOSITION.—The Council shall consist of the  
10      following:

11           “(1) The Secretary of Defense, who shall head  
12      the Council.

13           “(2) The Chairman of the Joint Chiefs of Staff.

14           “(3) The Vice Chairman of the Joint Chiefs of  
15      Staff.

16           “(4) The commanders of the combatant com-  
17      mands.

18       “(c) CONVENING AUTHORITY.—The Secretary of De-  
19      fense shall convene regular meetings of the Council as the  
20      Secretary determines necessary. The Secretary may dele-  
21      gate the authority to convene meetings of the Council to  
22      the Chairman, in which case the Secretary may designate  
23      a representative to attend the meeting in the Secretary’s  
24      place.

1       “(d) DUTIES.—The responsibilities of the Council are  
2 as follows:

3           “(1) To inform the requirements, production,  
4 and periodic review of the national defense strategy  
5 required by section 118 of this title.

6           “(2) To advise the commanders of the combat-  
7 ant commands of their roles and responsibilities in  
8 executing the national defense strategy.

9           “(3) To oversee and guide the implementation  
10 of the national defense strategy.

11           “(4) To support the Secretary of Defense and  
12 the Chairman in providing for the effective global in-  
13 tegration of all military operations and activities  
14 across the combatant commands in furtherance of  
15 the current national defense strategy and the guid-  
16 ance of the President and the Secretary of Defense.

17           “(5) Such other responsibilities as the Secretary  
18 may prescribe.”.

19           (2) CLERICAL AMENDMENT.—The table of sec-  
20 tions at the beginning of chapter 6 of such title is  
21 amended by inserting after the item relating to sec-  
22 tion 163 the following new item:

“163a. Combatant Commanders Council.”.

1 **SEC. 922. DELEGATION TO CHAIRMAN OF JOINT CHIEFS OF**  
2 **STAFF OF AUTHORITY TO DIRECT TRANSFER**  
3 **OF FORCES.**

4 Section 113(g) of title 10, United States Code, is  
5 amended by adding at the end the following new para-  
6 graph:

7 “(4)(A) The Secretary of Defense may, in the Sec-  
8 retary’s discretion, delegate to the Chairman of the Joint  
9 Chiefs of Staff the authority to direct the transfer of  
10 forces on behalf of the Secretary. Any such delegation  
11 shall, at a minimum, specify the following:

12 “(i) The threats, areas, and missions for which  
13 the Chairman of the Joint Chiefs of Staff is author-  
14 ized to direct the transfer of forces.

15 “(ii) The categories and quantities of forces  
16 that are covered by the authorization.

17 “(iii) The duration of the transfer.

18 “(B) Any delegation under this paragraph shall re-  
19 quire the Chairman of the Joint Chiefs of Staff to notify  
20 the Secretary of any decision to direct the deployment of  
21 forces pursuant to the delegation as soon as possible.

22 “(C) A delegation under this paragraph shall be for  
23 a period of not more than one year, and may be renewed.”.

1 **SEC. 923. ORGANIZATION OF THE DEPARTMENT OF DE-**  
2 **FENSE FOR MANAGEMENT OF SPECIAL OPER-**  
3 **ATIONS FORCES AND SPECIAL OPERATIONS.**

4 (a) RESPONSIBILITY OF ASSISTANT SECRETARY OF  
5 DEFENSE FOR SPECIAL OPERATIONS AND LOW INTEN-  
6 SITY CONFLICT.—Section 138(b)(4) of title 10, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing new sentence: “Subject to the authority, direction,  
9 and control of the Secretary of Defense, the Assistant Sec-  
10 retary shall do the following:

11 “(A) Exercise authority, direction, and control  
12 of all administrative matters relating to the organi-  
13 zation, training, and equipping of special operations  
14 forces.

15 “(B) Assist the Secretary and the Under Sec-  
16 retary of Defense for Policy in the development and  
17 supervision of policy, program planning and execu-  
18 tion, and allocation and use of resources for the ac-  
19 tivities of the Department of Defense for the fol-  
20 lowing:

21 “(i) Irregular warfare, combating ter-  
22 rorism, countering the proliferation of weapons  
23 of mass destruction, and the special operations  
24 activities specified by section 167(k) of this  
25 title.

1           “(ii) Integrating the functional activities of  
 2           the headquarters of the Department to most ef-  
 3           ficiently and effectively provide the capabilities  
 4           required for special operations missions.”.

5           (b) SPECIAL OPERATIONS FUNCTIONAL INTEGRA-  
 6 TION AND OVERSIGHT TEAM.—

7           (1) IN GENERAL.—Chapter 4 of title 10, United  
 8 States Code, is amended by inserting after section  
 9 139b, as redesignated by section 901(b)(2) of this  
 10 Act, the following new section:

11 **“§ 139c. Special Operations Functional Integration**  
 12 **and Oversight Team**

13           “(a) IN GENERAL.—In order to fulfill the responsibil-  
 14 ities specified in section 138(b)(4) of this title, the Assist-  
 15 ant Secretary of Defense for Special Operations and Low  
 16 Intensity Conflict shall establish and lead a team to be  
 17 known as the ‘Special Operations Functional Integration  
 18 and Oversight Team’ (in this section referred to as the  
 19 ‘Team’).

20           “(b) PURPOSE.—The purpose of the Team is to inte-  
 21 grate the functional activities of the headquarters of the  
 22 Department of Defense in order to most efficiently and  
 23 effectively provide the capabilities required for special op-  
 24 erations missions. In fulfilling this purpose, the Team  
 25 shall develop and continuously improve policy, joint proc-



1   esses, and procedures that facilitate the development, ac-  
2   quisition, integration, employment, and sustainment of  
3   special operations capabilities.

4       “(c) MEMBERSHIP.—The Team shall include the fol-  
5   lowing:

6           “(1) The Assistant Secretary, who shall act as  
7       leader of the Team.

8           “(2) Appropriate senior representatives of each  
9       of the following:

10           “(A) The Under Secretary of Defense for  
11       Research and Engineering.

12           “(B) The Under Secretary of Defense for  
13       Management and Support.

14           “(C) The Under Secretary of Defense  
15       (Comptroller).

16           “(D) The Under Secretary of Defense for  
17       Personnel and Readiness.

18           “(E) The Under Secretary of Defense for  
19       Intelligence.

20           “(F) The other Assistant Secretaries of  
21       Defense under the Under Secretary of Defense  
22       for Policy.

23           “(G) The military departments.

24           “(H) The Joint Staff.

1                   “(I) The United States Special Operations  
2                   Command.

3                   “(J) Such other officials or Agencies, ele-  
4                   ments, or components of the Department of De-  
5                   fense as the Secretary of Defense considers ap-  
6                   propriate

7                   “(d) OPERATION.—The Team shall operate continu-  
8                   ously.”.

9                   (2) CLERICAL AMENDMENT.—The table of sec-  
10                  tions at the beginning of chapter 4 of such title, as  
11                  amended by section 901(f)(2) of this Act, is further  
12                  amended by inserting after the item relating to sec-  
13                  tion 139b the following new item:

“139c. Special Operations Functional Integration and Oversight Team.”.

14                  (c) US SPECIAL OPERATIONS COMMAND MAT-  
15                  TERS.—

16                  (1) AUTHORITY OF COMMANDER.—Subsection  
17                  (e)(2) of section 167 of title 10, United States Code,  
18                  is amended—

19                         (A) in the matter preceding subparagraph  
20                         (A), by striking “The commander” and insert-  
21                         ing “Subject to the authority, direction, and  
22                         control of the Assistant Secretary of Defense  
23                         for Special Operations and Low Intensity Con-  
24                         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 accountability  
8           in the decision-making processes in the  
9           Department.

10          (D) To enable the Department to anticipate,  
11          adapt, and innovate rapidly to changes in  
12          the threats facing the United States, and to exploit  
13          the opportunities to counter such threats  
14          offered by technological and organizational advances.  
15

16          (E) To improve the ability of the Department  
17          to work effectively in interagency processes  
18          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 Department.  
25

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 layering 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

14           “(1) IN GENERAL.—The following officials of  
15 the Department of Defense shall serve as advisors to  
16 the Joint Requirements Oversight Council on matters within their authority and expertise:  
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 Policy”; and  
 14

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 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)”; and

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 waiv-  
20 er 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 waivers  
3 under subsection (a) shall expire on December  
4 31, 2023.

5 (2) CONTINUATION OF PRIOR WAIVERS.—Nothing  
6 in paragraph (1) shall act to terminate a waiver  
7 granted under subsection (a) before the date specified  
8 in paragraph (1). Any such waiver may continue  
9 according to its terms unless otherwise terminated  
10 by the Secretary of the military department concerned  
11 or the Chief Management Officer of the Department  
12 of Defense, as applicable.

13 **Subtitle D—Whistleblower Protections for Members of the Armed**  
14 **Forces**  
15

16 **SEC. 961. IMPROVEMENTS TO WHISTLEBLOWER PROTECTION**  
17 **PROCEDURES.**

18 (a) ACTIONS TREATABLE AS PROHIBITED PERSONNEL  
19 ACTIONS.—Paragraph (2) of subsection (b) of  
20 section 1034 of title 10, United States Code, is amended  
21 to read as follows:

22 “(2)(A) The actions considered for purposes of this  
23 section to be a personnel action prohibited by this sub-  
24 section shall include any action prohibited by paragraph  
25 (1), including the threat to take any unfavorable action,

1 the withholding or threat to withhold any favorable action,  
2 making or threatening to make a significant change in the  
3 duties or responsibilities of a member of the armed forces  
4 not commensurate with the member's grade, a retaliatory  
5 investigation, and the failure of a superior to respond to  
6 retaliatory action or harassment by one or more subordi-  
7 nates taken against a member of which the superior knew  
8 or should have known.

9       “(B) In this paragraph, the term ‘retaliatory inves-  
10 tigation’ means an investigation requested, directed, initi-  
11 ated, or conducted for the primary purpose of punishing,  
12 harassing, or ostracizing a member for making a protected  
13 communication.

14       “(C) Nothing in this paragraph shall be construed to  
15 limit the ability of a commander to consult with a superior  
16 in the chain of command, an inspector general, or a judge  
17 advocate general on the disposition of a complaint against  
18 a member of the armed forces for an allegation of collat-  
19 eral misconduct or for a matter unrelated to a protected  
20 communication. Such consultation shall provide an affirm-  
21 ative defense against an allegation that a member re-  
22 quested, directed, initiated, or conducted a retaliatory in-  
23 vestigation under this section.”.

24       (b) ACTION IN RESPONSE TO HARDSHIP IN CONNEC-  
25 TION WITH PERSONNEL ACTIONS.—

1           (1) IN GENERAL.—Subsection (c)(4) of such  
2       section is amended—

3                   (A) by redesignating subparagraph (E) as  
4       subparagraph (F); and

5                   (B) by inserting after subparagraph (D)  
6       the following new subparagraph (E):

7       “(E) If the Inspector General makes a preliminary  
8       determination in an investigation under subparagraph (D)  
9       that there are reasonable grounds to believe that a per-  
10      sonnel action prohibited by subsection (b) has occurred  
11      and the personnel action will result in an immediate hard-  
12      ship to the member alleging the personnel action, the In-  
13      spector General shall promptly notify the Secretary of the  
14      military department concerned or the Secretary of Home-  
15      land Security, as applicable, of the hardship, and such  
16      Secretary shall take such action as such Secretary con-  
17      siders appropriate.”.

18           (2) CONFORMING AMENDMENT.—Subsection  
19       (e)(1) of such section is amended by striking “sub-  
20       section (c)(4)(E)” and inserting “subsection  
21       (c)(4)(F)”.

22       (c) PERIODIC NOTICE TO MEMBERS ON PROGRESS  
23      OF INSPECTOR GENERAL INVESTIGATIONS.—Paragraph  
24      (3) of subsection (e) of such section is amended to read  
25      as follows:

1       “(3)(A) Not later than 180 days after the commence-  
2       ment of an investigation of an allegation under subsection  
3       (c)(4), and every 180 days thereafter until the trans-  
4       mission of the report on the investigation under paragraph  
5       (1) to the member concerned, the Inspector General con-  
6       ducting the investigation shall submit a notice on the in-  
7       vestigation described in subparagraph (B) to the following:

8               “(i) The member.

9               “(ii) The Secretary of Defense.

10              “(iii) The Secretary of the military department  
11       concerned, or the Secretary of Homeland Security in  
12       the case of a member of the Coast Guard when the  
13       Coast Guard is not operating as a service in the  
14       Navy.

15       “(B) Each notice on an investigation under subpara-  
16       graph (A) shall include the following:

17              “(i) A description of the current progress of the  
18       investigation.

19              “(ii) An estimate of the time remaining until  
20       the completion of the investigation and the trans-  
21       mittal of the report required by paragraph (1) to the  
22       member concerned.”.

23       (d) CORRECTION OF RECORDS.—Paragraph (2) of  
24       subsection (g) of such section is amended to read as fol-  
25       lows:

1 “(2) In resolving an application described in para-  
 2 graph (1) for which there is a report of the Inspector Gen-  
 3 eral under subsection (e)(1), a correction board—

4 “(A) shall review the report of the Inspector  
 5 General;

6 “(B) may request the Inspector General to  
 7 gather further evidence;

8 “(C) may receive oral argument, examine and  
 9 cross-examine witnesses, and take depositions; and

10 “(D) shall consider a request by a member or  
 11 former member in determining whether to hold an  
 12 evidentiary hearing.”.

13 (e) UNIFORM STANDARDS FOR INSPECTOR GENERAL  
 14 INVESTIGATIONS OF PROHIBITED PERSONNEL ACTIONS  
 15 AND OTHER MATTERS.—

16 (1) IN GENERAL.—Not later than one year  
 17 after the date of the enactment of this Act, the In-  
 18 spector General of the Department of Defense shall  
 19 prescribe uniform standards for the following:

20 (A) The investigation of allegations of pro-  
 21 hibited personnel actions under section 1034 of  
 22 title 10, United States Code (as amended by  
 23 this section), by the Inspector General and the  
 24 Inspectors General of the military departments.

1 (B) The training of the staffs of the In-  
 2 spectors General referred to in subparagraph  
 3 (A) on the conduct of investigations described  
 4 in that subparagraph.

5 (2) USE.—Commencing 180 days after pre-  
 6 scription of the standards required by paragraph  
 7 (1), the Inspectors General referred to in that para-  
 8 graph shall comply with such standards in the con-  
 9 duct of investigations described in that paragraph  
 10 and in the training of the staffs of such Inspectors  
 11 General in the conduct of such investigations.

12 **SEC. 962. MODIFICATION OF WHISTLEBLOWER PROTEC-**  
 13 **TION AUTHORITIES TO RESTRICT CONTRARY**  
 14 **FINDINGS OF PROHIBITED PERSONNEL AC-**  
 15 **TION BY THE SECRETARY CONCERNED.**

16 (a) IN GENERAL.—Section 1034(f) of title 10, United  
 17 States Code, is amended—

18 (1) in the subsection heading, by striking “VIO-  
 19 LATIONS” and inserting “SUBSTANTIATED VIOLA-  
 20 TIONS”; and

21 (2) in paragraph (1), by striking “there is suffi-  
 22 cient basis” and all that follows and inserting “cor-  
 23 rective or disciplinary action should be taken. If the  
 24 Secretary concerned determines that corrective or  
 25 disciplinary action should be taken, the Secretary

1 shall take appropriate corrective or disciplinary ac-  
2 tion.”.

3 (b) ACTIONS FOLLOWING DETERMINATIONS.—Para-  
4 graph (2) of such section is amended—

5 (1) in the matter preceding subparagraph (A)—

6 (A) by striking “the Secretary concerned  
7 determines under paragraph (1)” and inserting  
8 “the Inspector General determines”; and

9 (B) by striking “the Secretary shall” and  
10 inserting “the Secretary concerned shall”;

11 (2) in subparagraph (A), by inserting “, includ-  
12 ing referring the report to the appropriate board for  
13 the correction of military records” before the semi-  
14 colon; and

15 (3) by striking subparagraph (B) and inserting  
16 the following new subparagraph (B):

17 “(B) submit to the Inspector General a report  
18 on the actions taken by the Secretary pursuant to  
19 this paragraph, and provide for the inclusion of a  
20 summary of the report under this subparagraph  
21 (with any personally identifiable information re-  
22 dacted) in the semiannual report to Congress of the  
23 Inspector General of the Department of Defense or  
24 the Inspector General of the Department of Home-



1 land Security, as applicable, under section 5 of the  
2 Inspector General Act of 1978 (5 U.S.C. App.).”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall take effect on the date of the enactment  
5 of this Act, and shall apply with respect to reports received  
6 by the Secretaries of the military departments and the  
7 Secretary of Homeland Security under section 1034(e) of  
8 title 10, United States Code, on or after that date.

9 **SEC. 963. IMPROVEMENTS TO AUTHORITIES AND PROCE-**  
10 **DURES FOR THE CORRECTION OF MILITARY**  
11 **RECORDS.**

12 (a) PROCEDURES OF BOARDS.—Paragraph (3) of  
13 section 1552(a) of title 10, United States Code, is amend-  
14 ed—

15 (1) by inserting “(A)” after “(3)”; and

16 (2) by adding at the end the following new sub-  
17 paragraphs:

18 “(B) If a board makes a preliminary determination  
19 that a claim under this section lacks sufficient information  
20 or documents to support the claim, the board shall notify  
21 the claimant, in writing, indicating the specific informa-  
22 tion or documents necessary to make the claim complete  
23 and reviewable by the board.

24 “(C) If a claimant is unable to provide military per-  
25 sonnel or medical records applicable to a claim under this

1 section, the board shall make reasonable efforts to obtain  
 2 the records. A claimant shall provide the board with docu-  
 3 mentary evidence of the efforts of the claimant to obtain  
 4 such records. The board shall inform the claimant of the  
 5 results of the board's efforts, and shall provide the claim-  
 6 ant copies of any records so obtained upon request of the  
 7 claimant.

8 “(D) Any request for reconsideration of a determina-  
 9 tion of a board under this section, no matter when filed,  
 10 shall be reconsidered by a board under this section if sup-  
 11 ported by materials not previously presented to or consid-  
 12 ered by the board in making such determination.”.

13 (b) JUDICIAL REVIEW OF DETERMINATIONS OF  
 14 BOARDS.—Paragraph (4) of such section is amended—

15 (1) by inserting “(A)” after “(4)”;

16 (2) in subparagraph (A), as so designated, by  
 17 inserting “or subject to review or appeal as de-  
 18 scribed in subparagraph (B)” after “Except when  
 19 procured by fraud”; and

20 (3) by adding at the end the following new sub-  
 21 paragraph:

22 “(B) A claimant may seek judicial review of a deter-  
 23 mination of a board under this section in an appropriate  
 24 court of the United States. The scope of judicial review

1 under this subparagraph shall be as specified in section  
2 706 of title 5.”.

3 (c) PUBLICATION OF FINAL DECISIONS OF  
4 BOARDS.—Such section is further amended by adding at  
5 the end the following new paragraph:

6 “(5) Each final decision of a board under this sub-  
7 section shall be made available to the public in electronic  
8 form on a centralized Internet website. In any decision so  
9 made available to the public there shall be redacted all  
10 personally identifiable information.”.

11 (d) TRAINING OF MEMBERS OF BOARDS.—

12 (1) IN GENERAL.—Not later than one year  
13 after the date of the enactment of this Act, each  
14 Secretary concerned shall develop and implement a  
15 comprehensive training curriculum for members of  
16 boards for the correction of military records under  
17 the jurisdiction of such Secretary in the duties of  
18 such boards under section 1552 of title 10, United  
19 States Code. The curriculum shall address all areas  
20 of administrative law applicable to the duties of such  
21 boards.

22 (2) UNIFORM CURRICULA.—The Secretary of  
23 Defense and the Secretary of Homeland Security  
24 shall jointly ensure that the curricula developed and

1 implemented pursuant to this subsection are, to the  
2 extent practicable, uniform.

3 (3) TRAINING.—

4 (A) IN GENERAL.—Each member of a  
5 board for the correction of military records  
6 shall undergo retraining (consistent with the  
7 curriculum developed and implemented pursu-  
8 ant to this subsection) regarding the duties of  
9 boards for the correction of military records  
10 under section 1552 of title 10, United States  
11 Code, at least once every five years during the  
12 member's tenure on the board.

13 (B) CURRENT MEMBERS.—Each member  
14 of a board for the correction of military records  
15 as of the date of the implementation of the cur-  
16 riculum required by paragraph (1) (in this  
17 paragraph referred to as the “curriculum imple-  
18 mentation date”) shall undergo training de-  
19 scribed in subparagraph (A) not later than 90  
20 days after the curriculum implementation date.

21 (C) NEW MEMBERS.—Each individual who  
22 becomes a member of a board for the correction  
23 of military records after the curriculum imple-  
24 mentation date shall undergo training described  
25 in subparagraph (A) by not later than 90 days

1           after the date on which such individual becomes  
2           a member of the board.

3           (4) REPORTS.—Not later than 18 months after  
4           the date of the enactment of this Act, each Secretary  
5           concerned shall submit to Congress a report setting  
6           forth the following:

7                   (A) A description and assessment of the  
8                   progress made by such Secretary in imple-  
9                   menting training requirements for members of  
10                  boards for the correction of military records  
11                  under the jurisdiction of such Secretary.

12                  (B) A detailed description of the training  
13                  curriculum required of such Secretary by para-  
14                  graph (1).

15                  (C) A description and assessment of any  
16                  impediments to the implementation of training  
17                  requirements for members of boards for the  
18                  correction of military records under the juris-  
19                  diction of such Secretary.

20           (5) SECRETARY CONCERNED DEFINED.—In this  
21           subsection, the term “Secretary concerned” means a  
22           “Secretary concerned” as that term is used in sec-  
23           tion 1552 of title 10, United States Code.

1 **SEC. 964. COMPTROLLER GENERAL OF THE UNITED**  
2 **STATES REVIEW OF INTEGRITY OF DEPART-**  
3 **MENT OF DEFENSE WHISTLEBLOWER PRO-**  
4 **GRAM.**

5 (a) **REPORT REQUIRED.**—Not later than one year  
6 after the date of the enactment of this Act, the Comp-  
7 troller General of the United States shall submit to the  
8 Committees on Armed Services of the Senate and the  
9 House of Representatives a report setting forth a review  
10 of the integrity of the Department of Defense whistle-  
11 blower program.

12 (b) **ELEMENTS.**—The review for purposes of the re-  
13 port required by subsection (a) shall include the following  
14 elements:

15 (1) An assessment of the extent to which the  
16 Department of Defense whistleblower program meets  
17 Executive branch policies and goals for whistleblower  
18 protections.

19 (2) An assessment of the adequacy of proce-  
20 dures to handle and address complaints submitted  
21 by employees in the Office of the Inspector General  
22 of the Department of Defense to ensure that such  
23 employees themselves are able to disclose a sus-  
24 pected violation of law, rule, or regulation without  
25 fear of reprisal.

1           (3) An assessment of the extent to which there  
2           have been violations of standards used in regard to  
3           the protection of confidentiality provided to whistle-  
4           blowers by the Inspector General of the Department  
5           of Defense.

6           (4) An assessment of the extent to which there  
7           have been incidents of retaliatory investigations  
8           against whistleblowers within the Office of the In-  
9           specter General.

10          (5) An assessment of the extent to which the  
11          Inspector General of the Department of Defense has  
12          thoroughly investigated and substantiated allegations  
13          within the past 10 years against civilian officials of  
14          the Department of Defense appointed to their posi-  
15          tions by and with the advice and consent of the Sen-  
16          ate, and whether Congress has been notified of the  
17          results of such investigations.

18          (6) An assessment of the ability of the Inspec-  
19          tor General of the Department of Defense and the  
20          Inspectors General of the military departments to  
21          access agency information necessary to the execution  
22          of their duties, including classified and other sen-  
23          sitive information, and an assessment of the ade-  
24          quacy of security procedures to safeguard such clas-  
25          sified or sensitive information when so accessed.

## **Subtitle E—Other Matters**

### **SEC. 971. MODIFICATION OF REQUIREMENTS FOR AC- COUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CI- VILIAN EMPLOYEES LISTED AS MISSING.**

(a) LIMITATION OF DPAA TO MISSING PERSONS  
FROM PAST CONFLICTS.—Section 1501(a) of title 10,  
United States Code, is amended—

(1) in paragraph (1)(A), by inserting “from  
past conflicts” after “matters relating to missing  
persons”;

(2) in paragraph (2)—

(A) by striking subparagraph (A);

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

(C) by inserting “from past conflicts” after  
“missing persons” each place it appears;

(3) in paragraph (4)—

(A) by striking “for personal recovery (in-  
cluding search, rescue, escape, and evasion)  
and”; and

(B) by inserting “from past conflicts”  
after “missing persons”; and

(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—

(A) in subsections (a), (b)(1), and (d)(1),  
by striking “Armed Forces” and inserting  
“armed forces”;

(B) in subsection (c)—

(i) by striking “section:” and all that  
follows through “Forces’ and” and insert-  
ing “section, the terms ‘qualified members  
of the armed forces’ and”; and

(ii) by redesignating subparagraphs  
(A) through (E) as paragraphs (1) through  
(5), respectively, and realigning the left  
margin of such paragraphs, as so redesign-  
ated, two ems to the left; and

(C) in subsection (d)(2), by striking “,  
United States Code”.

(5) AMENDMENTS FOR CONSISTENCY WITH  
TITLE 10 USAGE AS TO SERVICE CHIEFS.—Such sec-  
tion is further amended—

(A) in subsection (a)—

(i) in paragraph (6), by striking  
“Chiefs of the Services” and inserting  
“Members of the Joint Chiefs of Staff in  
addition to the Chairman and Vice Chair-  
man”;

(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 tigations 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 SECU-  
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

through the loss or degradation of government  
or company information, resources, or capabilities;  
or

(B) a destructive act, which may include  
physical harm to another in the workplace.

## **TITLE X—GENERAL PROVISIONS**

### **Subtitle A—Financial Matters**

#### **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the  
Secretary of Defense that such action is necessary in  
the national interest, the Secretary may transfer  
amounts of authorizations made available to the Department of Defense in this division for fiscal year 2017 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN  
MILITARY PERSONNEL AUTHORIZATIONS.—A trans-

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 (c), 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-

ational requirements that are currently being met by the AVENGER-class ships and SEA DRAGON helicopters to be retired, transferred, or placed in storage;

(2) achieved initial operational capability of all systems described in paragraph (1); and

(3) deployed a sufficient quantity of systems described in paragraph (1) that have achieved initial operational capability to continue to meet or exceed all combatant commander mine countermeasures operational requirements currently being met by the AVENGER-class ships and SEA DRAGON helicopters.

## **Subtitle D—Counterterrorism**

### **SEC. 1021. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.**

Section 1031 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 968) is amended by striking “December 31, 2016” and inserting “December 31, 2017”.



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. 1023. DESIGNING AND PLANNING RELATED TO CON-**  
11 **STRUCTION OF CERTAIN FACILITIES IN THE**  
12 **UNITED STATES.**

13 (a) DESIGNING AND PLANNING AUTHORIZED.—Not-  
14 withstanding any provision of law limiting the use of funds  
15 for the construction or modification of facilities in the  
16 United States or its territories or possessions to house in-  
17 dividuals detained at Guantanamo, the Secretary of De-  
18 fense may use amounts authorized to be appropriated or  
19 otherwise made available for the Department of Defense  
20 for designing and planning related to the construction or  
21 modification of such facilities

22 (b) INDIVIDUAL DETAINED AT GUANTANAMO DE-  
23 FINED.—In this section, the term “individual detained at  
24 Guantanamo” means an individual located at United  
25 States Naval Station, Guantanamo Bay, Cuba, as of Octo-  
26 ber 1, 2009, who—

1           (1) is not a national of the United States (as  
2       defined in section 101(a)(22) of the Immigration  
3       and Nationality Act (8 U.S.C. 1101(a)(22)) or a  
4       member of the Armed Forces of the United States;  
5       and

6           (2) is—

7                (A) in the custody or under the control of  
8       the Department of Defense; or

9                (B) otherwise detained at United States  
10      Naval Station, Guantanamo Bay.

11 **SEC. 1024. AUTHORITY TO TRANSFER INDIVIDUALS DE-**  
12 **TAINED AT UNITED STATES NAVAL STATION,**  
13 **GUANTANAMO BAY, CUBA, TO THE UNITED**  
14 **STATES TEMPORARILY FOR EMERGENCY OR**  
15 **CRITICAL MEDICAL TREATMENT.**

16       (a) TEMPORARY TRANSFER FOR MEDICAL TREAT-  
17      MENT.—Notwithstanding section 1031 of the National  
18      Defense Authorization Act for Fiscal Year 2016 (Public  
19      Law 114–92; 129 Stat. 968), or any similar provision of  
20      law enacted after September 30, 2015, the Secretary of  
21      Defense may, after consultation with the Secretary of  
22      Homeland Security, temporarily transfer an individual de-  
23      tained at Guantanamo to a Department of Defense med-  
24      ical facility in the United States for the sole purpose of

1 providing the individual medical treatment if the Secretary  
2 of Defense determines that—

3 (1) the medical treatment of the individual is  
4 necessary to prevent death or imminent significant  
5 injury or harm to the health of the individual;

6 (2) the necessary medical treatment is not  
7 available to be provided at United States Naval Sta-  
8 tion, Guantanamo Bay, Cuba, without incurring ex-  
9 cessive and unreasonable costs; and

10 (3) the Department of Defense has provided for  
11 appropriate security measures for the custody and  
12 control of the individual during any period in which  
13 the individual is temporarily in the United States  
14 under this section.

15 (b) LIMITATION ON EXERCISE OF AUTHORITY.—The  
16 authority of the Secretary of Defense under subsection (a)  
17 may be exercised only by the Secretary of Defense or an-  
18 other official of the Department of Defense at the level  
19 of Under Secretary of Defense or higher.

20 (c) CONDITIONS OF TRANSFER.—An individual who  
21 is temporarily transferred under the authority in sub-  
22 section (a) shall—

23 (1) while in the United States, remain in the  
24 custody and control of the Secretary of Defense at  
25 all times; and

1           (2) be returned to United States Naval Station,  
2           Guantanamo Bay, Cuba, as soon as feasible after a  
3           Department of Defense physician determines, in con-  
4           sultation with the Commander, Joint Task Force-  
5           Guantanamo Bay, Cuba, that any necessary follow-  
6           up medical care may reasonably be provided the in-  
7           dividual at United States Naval Station, Guanta-  
8           namo Bay.

9           (d) STATUS WHILE IN UNITED STATES.—An indi-  
10          vidual who is temporarily transferred under the authority  
11          in subsection (a), while in the United States—

12                (1) shall be deemed at all times and in all re-  
13                spects to be in the uninterrupted custody of the Sec-  
14                retary of Defense, as though the individual remained  
15                physically at United States Naval Station, Guanta-  
16                namo Bay, Cuba;

17                (2) shall not at any time be subject to, and may  
18                not apply for or obtain, or be deemed to enjoy, any  
19                right, privilege, status, benefit, or eligibility for any  
20                benefit under any provision of the immigration laws  
21                (as defined in section 101(a)(17) of the Immigration  
22                and Nationality Act (8 U.S.C. 1101(a)(17)), or any  
23                other law or regulation;

24                (3) shall not be permitted to avail himself of  
25                any right, privilege, or benefit of any law of the

1 United States beyond those available to individuals  
2 detained at United States Naval Station, Guanta-  
3 namo Bay; and

4 (4) shall not, as a result of such transfer, have  
5 a change in any designation that may have attached  
6 to that detainee while detained at United States  
7 Naval Station, Guantanamo Bay, pursuant to the  
8 Authorization for Use of Military Force (Public Law  
9 107–40), as determined in accordance with applica-  
10 ble law and regulations.

11 (e) NO CAUSE OF ACTION.—Any decision to transfer  
12 or not to transfer an individual made under the authority  
13 in subsection (a) shall not give rise to any claim or cause  
14 of action.

15 (f) LIMITATION ON JUDICIAL REVIEW.—

16 (1) LIMITATION.—Except as provided in para-  
17 graph (2), no court, justice, or judge shall have ju-  
18 risdiction to hear or consider any claim or action  
19 against the United States or its departments, agen-  
20 cies, officers, employees, or agents arising from or  
21 relating to any aspect of the detention, transfer,  
22 treatment, or conditions of confinement of an indi-  
23 vidual transferred under this section.

24 (2) EXCEPTION FOR HABEAS CORPUS.—The  
25 United States District Court for the District of Co-

1       lumbia shall have exclusive jurisdiction to consider  
2       an application for writ of habeas corpus seeking re-  
3       lease from custody filed by or on behalf of an indi-  
4       vidual who is in the United States pursuant to a  
5       temporary transfer under the authority in subsection  
6       (a). Such jurisdiction shall be limited to that re-  
7       quired by the Constitution, and relief shall be only  
8       as provided in paragraph (3). In such a proceeding  
9       the court may not review, halt, or stay the return of  
10      the individual who is the object of the application to  
11      United States Naval Station, Guantanamo Bay,  
12      Cuba, pursuant to subsection (c).

13           (3) RELIEF.—A court order in a proceeding  
14      covered by paragraph (2)—

15           (A) may not order the release of the indi-  
16      vidual within the United States; and

17           (B) shall be limited to an order of release  
18      from custody which, when final, the Secretary  
19      of Defense shall implement in accordance with  
20      section 1034 of the National Defense Author-  
21      ization Act for Fiscal Year 2016.

22           (g) NOTIFICATION.—Whenever a temporary transfer  
23      of an individual detained at Guantanamo is made under  
24      the authority of subsection (a), the Secretary of Defense  
25      shall notify the Committees on Armed Services of the Sen-

1 ate and the House of Representatives of the transfer not  
2 later than five days after the date on which the transfer  
3 is made.

4 (h) INDIVIDUAL DETAINED AT GUANTANAMO DE-  
5 FINED.—In this section, the term “individual detained at  
6 Guantanamo” means an individual located at United  
7 States Naval Station, Guantanamo Bay, Cuba, as of Octo-  
8 ber 1, 2009, who—

9 (1) is not a national of the United States (as  
10 defined in section 101(a)(22) of the Immigration  
11 and Nationality Act (8 U.S.C. 1101(a)(22)) or a  
12 member of the Armed Forces of the United States;  
13 and

14 (2) is—

15 (A) in the custody or under the control of  
16 the Department of Defense; or

17 (B) otherwise detained at United States  
18 Naval Station, Guantanamo Bay.

19 (i) APPLICABILITY.—This section shall apply to an  
20 individual temporarily transferred under the authority in  
21 subsection (a) regardless of the status of any pending or  
22 completed proceeding or detention on the date of the en-  
23 actment of this Act.

1 **SEC. 1025. AUTHORITY FOR ARTICLE III JUDGES TO TAKE**  
2 **CERTAIN ACTIONS RELATING TO INDIVID-**  
3 **UALS DETAINED AT UNITED STATES NAVAL**  
4 **STATION, GUANTANAMO BAY, CUBA.**

5 (a) USE OF VIDEO TELECONFERENCING.—A judge  
6 of a United States District Court shall have jurisdiction  
7 to take any of the following actions by video teleconfer-  
8 encing with respect to an individual detained at Guanta-  
9 namo:

10 (1) Arraign the individual for a charge under  
11 the laws of the United States.

12 (2) Accept a plea to a charge under the laws of  
13 the United States.

14 (3) Enter a judgment of conviction and sen-  
15 tence the individual for a charge upon which the in-  
16 dividual is convicted as a result of such a plea.

17 An action specified in paragraph (1), (2), or (3) may be  
18 taken by video teleconferencing only with the consent of  
19 the individual.

20 (b) VENUE.—A judge of a United States District  
21 Court may act by video teleconferencing under subsection  
22 (a) only where such District Court maintains venue con-  
23 cerning the offense alleged.

24 (c) TRANSFER TO SERVE SENTENCE OF IMPRISON-  
25 MENT.—The Attorney General may transfer to a foreign  
26 country an offender who is convicted of an offense by rea-



1 son of a plea entered into as described in subsection (a)  
2 and who is under a sentence of imprisonment resulting  
3 from such conviction. Any such transfer shall be made for  
4 the purpose of the offender serving the sentence imposed  
5 on him, and shall be made under chapter 306 of title 18,  
6 United States Code, without regard to the provisions of  
7 section 4107 and subsections (a) and (b) of section 4100  
8 of that title.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “individual detained at Guanta-  
11 namo” means any individual located at United  
12 States Naval Station, Guantanamo Bay, Cuba, as of  
13 October 1, 2009, who—

14 (A) is not a national of the United States  
15 (as defined in section 101(a)(22) of the Immi-  
16 gration and Nationality Act (8 U.S.C.  
17 1101(a)(22)) or a member of the Armed Forces  
18 of the United States; and

19 (B) is—

20 (i) in the custody or under the control  
21 of the Department of Defense; or

22 (ii) otherwise under detention at  
23 United States Naval Station, Guantanamo  
24 Bay.

1           (2) The terms “imprisonment”, “offender”,  
2           “sentence”, and “transfer” have the meanings given  
3           those terms in section 4101 of title 18, United  
4           States Code.

5 **SEC. 1026. EXTENSION OF PROHIBITION ON USE OF FUNDS**  
6                           **FOR TRANSFER OR RELEASE TO CERTAIN**  
7                           **COUNTRIES OF INDIVIDUALS DETAINED AT**  
8                           **UNITED STATES NAVAL STATION, GUANTA-**  
9                           **NAMO BAY, CUBA.**

10          Section 1033 of the National Defense Authorization  
11          Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat.  
12          968) is amended by striking “December 31, 2016” and  
13          inserting “December 31, 2017”.

14 **SEC. 1027. MATTERS ON MEMORANDUM OF UNDER-**  
15                           **STANDING BETWEEN THE UNITED STATES**  
16                           **AND GOVERNMENTS OF RECEIVING FOREIGN**  
17                           **COUNTRIES AND ENTITIES IN CERTIFI-**  
18                           **CATIONS ON TRANSFER OF DETAINEES AT**  
19                           **UNITED STATES NAVAL STATION, GUANTA-**  
20                           **NAMO BAY, CUBA.**

21          Section 1034(b) of the National Defense Authoriza-  
22          tion Act for Fiscal Year 2016 (Public Law 114–92; 129  
23          Stat. 969; 10 U.S.C. 801 note) is amended—

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

1           (2) by inserting after paragraph (3) the fol-  
2       lowing new paragraph (4):

3           “(4) both—

4               “(A) the United States Government, on  
5       the one hand, and the government of the for-  
6       eign country or the recognized leadership of the  
7       foreign entity, on the other hand, have entered  
8       into a written memorandum of understanding  
9       (MOU) regarding the transfer of the individual;  
10      and

11               “(B) the memorandum of understanding—

12                   “(i) has been transmitted to the ap-  
13      propriate committees of Congress, in clas-  
14      sified form (if necessary); and

15                   “(ii) includes an assessment, whether  
16      in classified or unclassified form, of the ca-  
17      pacity, willingness, and past practices (if  
18      applicable) of the foreign country or for-  
19      eign entity, as the case may be, with re-  
20      spect to the matters certified by the Sec-  
21      retary pursuant to paragraphs (2) and  
22      (3);”.

1 **SEC. 1028. LIMITATION ON TRANSFER OF DETAINEES AT**  
2 **UNITED STATES NAVAL STATION, GUANTA-**  
3 **NAMO BAY, CUBA, PENDING A REPORT ON**  
4 **THEIR TERRORIST ACTIONS AND AFFILI-**  
5 **ATIONS.**

6 (a) LIMITATION.—No amounts authorized to be ap-  
7 propriated or otherwise made available for fiscal year 2017  
8 for the Department of Defense may be used to transfer,  
9 release, or assist in the transfer or release to any foreign  
10 government or foreign entity of an individual detained at  
11 Guantanamo until the Secretary of Defense submits to the  
12 appropriate committees of Congress a report on the indi-  
13 vidual that includes the following:

14 (1) A description of the individual's previous  
15 terrorist activities.

16 (2) A description of the individual's previous  
17 memberships in or affiliations or associations with  
18 terrorist organizations.

19 (3) A description of the individual's support for  
20 or participation in attacks against the United States  
21 or United States allies.

22 (b) FORM.—Each report under subsection (a) shall  
23 be submitted in unclassified form, and may not include  
24 a classified annex as a means of conveying any informa-  
25 tion of material significance to such report.

1       (c) CONSTRUCTION WITH OTHER PROHIBITIONS  
2 AND LIMITATIONS.—The limitation in subsection (a) is in  
3 addition to any prohibition or other limitation on the  
4 transfer or release of individuals detained at Guantanamo  
5 under any other provision of law, including the provisions  
6 of subtitle D of title X of the National Defense Authoriza-  
7 tion Act for Fiscal Year 2016 (Public Law 114–92; 129  
8 Stat. 968).

9       (d) DEFINITIONS.—In this section:

10           (1) The term “appropriate committees of Con-  
11 gress” means—

12               (A) the Committee on Armed Services, the  
13               Committee on Appropriations, and the Select  
14               Committee on Intelligence of the Senate; and

15               (B) the Committee on Armed Services, the  
16               Committee on Appropriations, and the Perma-  
17               nent Select Committee on Intelligence of the  
18               House of Representatives.

19           (2) The term “individual detained at Guanta-  
20 namo” means any individual located at United  
21 States Naval Station, Guantanamo Bay, Cuba, as of  
22 October 1, 2009, who—

23               (A) is not a citizen of the United States or  
24               a member of the Armed Forces of the United  
25               States; and

1 (B) is—

2 (i) in the custody or under the control  
3 of the Department of Defense; or

4 (ii) otherwise under detention at  
5 United States Naval Station, Guantanamo  
6 Bay, Cuba.

7 **SEC. 1029. PROHIBITION ON USE OF FUNDS FOR TRANSFER**  
8 **OR RELEASE OF INDIVIDUALS DETAINED AT**  
9 **UNITED STATES NAVAL STATION, GUANTA-**  
10 **NAMO BAY, CUBA, TO COUNTRIES COVERED**  
11 **BY DEPARTMENT OF STATE TRAVEL WARN-**  
12 **INGS.**

13 (a) FINDING.—The Senate makes the following find-  
14 ings:

15 (1) The Department of State issues travel  
16 warnings regarding travel to foreign countries for  
17 reasons that include “unstable government, civil  
18 war, ongoing intense crime or violence, or frequent  
19 terrorist attacks”.

20 (2) These travel warnings are issued to high-  
21 light the “risks of traveling” to particular countries  
22 and are left in place until the situation in the coun-  
23 try concerned improves.

24 (b) SENSE OF SENATE.—It is the sense of the Senate  
25 that—

1           (1) countries that pose such a significant travel  
2           threat to United States citizens that the Department  
3           of State feels obliged to issue a travel warning  
4           should not be considered an appropriate recipient of  
5           any detainee transferred from United States Naval  
6           Station, Guantanamo Bay, Cuba; and

7           (2) if a country is subject to a Department of  
8           State travel warning, it is highly unlikely that the  
9           government of the country can provide the United  
10          States Government appropriate security and assur-  
11          ances regarding the prevention of the recidivism of  
12          any detainee so transferred.

13          (c) PROHIBITION.—

14          (1) IN GENERAL.—Except as provided in para-  
15          graphs and (2) and (3), no amounts authorized to  
16          be appropriated by this Act or otherwise available  
17          for the Department of Defense may be used, during  
18          the period beginning on the date of the enactment  
19          of this Act and ending on December 31, 2017, to  
20          transfer, release, or assist in the transfer or release  
21          of any individual detained in the custody or under  
22          the control of the Department of Defense at United  
23          States Naval Station, Guantanamo Bay to the cus-  
24          tody or control of any country subject to a Depart-

1       ment of State travel warning at the time the trans-  
2       fer or release would otherwise occur.

3           (2) EXCEPTION FOR CERTAIN WARNINGS.—

4       Paragraph (1) shall not apply with respect to any  
5       country subject to a travel warning described in that  
6       paragraph that is issued solely on the basis of one  
7       or more of the following:

8           (A) Medical deficiencies, infectious disease  
9       outbreaks, or other health-related concerns.

10          (B) A natural disaster.

11          (C) Criminal activity.

12          (3) EXCEPTION FOR CERTAIN COUNTRY.—

13       Paragraph (1) shall not apply with respect to the  
14       Kingdom of Saudi Arabia.

15   **SEC. 1030. EXTENSION OF PROHIBITION ON USE OF FUNDS**  
16                   **FOR REALIGNMENT OF FORCES AT OR CLO-**  
17                   **SURE OF UNITED STATES NAVAL STATION,**  
18                   **GUANTANAMO BAY, CUBA.**

19       Section 1036(a) of the National Defense Authoriza-  
20       tion Act for Fiscal Year 2016 (Public Law 114–92; 129  
21       Stat. 972) is amended by inserting “or 2017” after “fiscal  
22       year 2016”.



**Subtitle E—Assured Access to  
Space**

**SEC. 1036. RESTRICTIONS ON USE OF ROCKET ENGINES  
FROM THE RUSSIAN FEDERATION FOR SPACE  
LAUNCH OF NATIONAL SECURITY SAT-  
ELLITES.**

(a) IN GENERAL.—Except as provided by section 1608(c) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271 note) (as in effect on December 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

1 such a satellite launched by the Air Force, the Navy, or  
2 the National Reconnaissance Office, or any other element  
3 of the Department of Defense.

4 **SEC. 1037. LIMITATION ON USE OF ROCKET ENGINES FROM**  
5 **THE RUSSIAN FEDERATION TO ACHIEVE AS-**  
6 **SURED ACCESS TO SPACE.**

7 Section 2273 of title 10, United States Code, is  
8 amended—

9 (1) by redesignating subsection (c) as sub-  
10 section (d); and

11 (2) by inserting after subsection (b) the fol-  
12 lowing:

13 “(c) LIMITATION ON USE OF RUSSIAN ROCKET EN-  
14 GINES.—Except as provided by section 1608(c) of the Carl  
15 Levin and Howard P. ‘Buck’ McKeon National Defense  
16 Authorization Act for Fiscal Year 2015 (10 U.S.C. 2271  
17 note) (as in effect on December 1, 2015), rocket engines  
18 designed or manufactured in the Russian Federation may  
19 not be used to pursue the attainment of the capabilities  
20 described in subsection (a).”.

1 **SEC. 1038. REPEAL OF PROVISION PERMITTING THE USE**  
 2 **OF ROCKET ENGINES FROM THE RUSSIAN**  
 3 **FEDERATION FOR THE EVOLVED EXPEND-**  
 4 **ABLE LAUNCH VEHICLE PROGRAM.**

5 Section 8048 of the Department of Defense Appro-  
 6 priations Act, 2016 (division C of Public Law 114–113;  
 7 129 Stat. 2363) is repealed.

8 **Subtitle F—Miscellaneous**  
 9 **Authorities and Limitations**

10 **SEC. 1041. ASSIGNED FORCES OF THE COMBATANT COM-**  
 11 **MANDS.**

12 Section 162(a) of title 10, United States Code, is  
 13 amended—

14 (1) in paragraph (1)—

15 (A) by striking “Except as provided in  
 16 paragraph (2)” and inserting “As directed by  
 17 the Secretary of Defense”;

18 (B) by striking “all forces” and inserting  
 19 “specified forces”; and

20 (C) by striking the second sentence;

21 (2) by striking paragraph (2) and inserting the  
 22 following new paragraph (2):

23 “(2) A force not assigned to a combatant command  
 24 or to the United States element of the North American  
 25 Aerospace Defense Command under paragraph (1) shall  
 26 remain assigned to the military department concerned for

1 carrying out the responsibilities of the Secretary of the  
 2 military department concerned as specified in section  
 3 3013, 5013, or 8013 of this title, as applicable.”; and

4 (3) in paragraph (4)—

5 (A) by striking “operating with the geo-  
 6 graphic area” and

7 (B) by striking “assigned to, and”.

8 **SEC. 1042. QUADRENNIAL INDEPENDENT REVIEW OF**  
 9 **UNITED STATES MILITARY STRATEGY AND**  
 10 **FORCE POSTURE IN THE UNITED STATES PA-**  
 11 **CIFIC COMMAND AREA OF RESPONSIBILITY.**

12 (a) INDEPENDENT REVIEW.—

13 (1) IN GENERAL.—Beginning in fiscal year  
 14 2018 and occurring every four years thereafter, the  
 15 Secretary of Defense shall commission an inde-  
 16 pendent review of United States policy in the Indo-  
 17 Asia-Pacific region, with a focus on issues expected  
 18 to be critical during the ten-year period beginning on  
 19 the date of such review, including the national secu-  
 20 rity interests and military strategy of the United  
 21 States in the Indo-Asia-Pacific region.

22 (2) CONDUCT OF REVIEW.—The review con-  
 23 ducted pursuant to paragraph (1) shall be conducted  
 24 by an independent organization that has—

1 (A) recognized credentials and expertise in  
2 national security and military affairs; and

3 (B) access to policy experts throughout the  
4 United States and from the Indo-Asia-Pacific  
5 region.

6 (3) ELEMENTS.—Each review conducted pursu-  
7 ant to paragraph (1) shall include the following ele-  
8 ments:

9 (A) An assessment of the risks to United  
10 States national security interests in the United  
11 States Pacific Command area of responsibility  
12 during the ten-year period beginning on the  
13 date of such review as a result of changes in  
14 the security environment.

15 (B) An assessment of the current and  
16 planned United States force posture adjust-  
17 ments with respect to the Indo-Asia-Pacific re-  
18 gion.

19 (C) An evaluation of any key capability  
20 gaps and shortfalls of the United States in the  
21 Indo-Asia-Pacific region, including undersea  
22 warfare (including submarines), naval and mar-  
23 itime, ballistic missile defense, cyber, munitions,  
24 anti-access area denial, land-force power projec-

1           tion, and intelligence, surveillance, and recon-  
2           naissance capabilities.

3           (D) An analysis of the willingness and ca-  
4           pacity of allies, partners, and regional organiza-  
5           tions to contribute to the security and stability  
6           of the Indo-Asia-Pacific region, including poten-  
7           tial required adjustments to United States mili-  
8           tary strategy based on that analysis.

9           (E) An appraisal of the Arctic ambitions of  
10          actors in the Indo-Asia-Pacific region in the  
11          context of current and projected capabilities, in-  
12          cluding an analysis of the adequacy and rel-  
13          evance of the Arctic Roadmap prepared by the  
14          Navy.

15          (F) An evaluation of theater security co-  
16          operation efforts of the United States Pacific  
17          Command in the context of current and pro-  
18          jected threats, and desired capabilities and pri-  
19          orities of the United States and its allies and  
20          partners.

21          (G) An evaluation of the seams between  
22          United States Pacific Command and adjacent  
23          geographic combatant commands and rec-  
24          ommendations to mitigate the effects of those  
25          seams.

1 (H) The views of noted policy leaders and  
 2 regional experts, including military com-  
 3 manders, in the Indo-Asia-Pacific region.

4 (b) REPORT.—

5 (1) SUBMITTAL TO SECRETARY OF DEFENSE.—

6 Not later than 180 days after commencing a review  
 7 pursuant to subsection (a), the independent organi-  
 8 zation conducting the review shall submit to the Sec-  
 9 retary of Defense a report containing the findings of  
 10 the review. The report shall be submitted in unclas-  
 11 sified form, but may contain an classified annex.

12 (2) SUBMITTAL TO CONGRESS.—Not later than  
 13 90 days after the date of receipt of a report required  
 14 by paragraph (1), the Secretary shall submit to the  
 15 congressional defense committees the report, to-  
 16 gether with any comments on the report that the  
 17 Secretary considers appropriate.

18 **SEC. 1043. DESIGNATION OF A DEPARTMENT OF DEFENSE**

19 **STRATEGIC ARCTIC PORT.**

20 (a) ARCTIC DEFINED.—In this section, the term  
 21 “Arctic” has the meaning given that term in section 112  
 22 of the Arctic Research and Policy Act of 1984 (15 U.S.C.  
 23 4111).

24 (b) IN GENERAL.—Not later than 180 days after the  
 25 date of the enactment of this Act, the Secretary of De-

1 fense, in consultation with the Chairman of the Joint  
2 Chiefs of Staff, the Commanding General of the United  
3 States Army Corps of Engineers, the Commandant of the  
4 Coast Guard, and the Administrator of the Maritime Ad-  
5 ministration, shall submit to the congressional defense  
6 committees a report assessing the future security require-  
7 ments for one or more strategic ports in the Arctic.

8 (c) REQUIREMENTS.—Consistent with the Depart-  
9 ment of Defense Arctic Strategy set forth pursuant to sec-  
10 tion 1068 of the National Defense Authorization Act for  
11 Fiscal Year 2017 (Public Law 114–92; 129 Stat. 992),  
12 the assessment in subsection (b) shall include—

13 (1) the amount of sufficient and suitable space  
14 needed to create capacity for port and other nec-  
15 essary infrastructure for at least one of each of type  
16 of Navy or Coast Guard vessel, including an Arleigh  
17 Burke class destroyer of the Navy, or a national se-  
18 curity cutter or a heavy polar ice breaker of the  
19 Coast Guard;

20 (2) the amount of sufficient and suitable space  
21 needed to create capacity for equipment and fuel  
22 storage, technological infrastructure, and civil infra-  
23 structure to support military and civilian operations,  
24 including—

25 (A) aerospace warning;



- 1 (B) maritime surface and subsurface warn-
- 2 ing;
- 3 (C) maritime control and defense;
- 4 (D) maritime domain awareness;
- 5 (E) homeland defense;
- 6 (F) defense support to civil authorities;
- 7 (G) humanitarian relief;
- 8 (H) search and rescue;
- 9 (I) disaster relief;
- 10 (J) oil spill response;
- 11 (K) medical stabilization and evacuation;
- 12 and
- 13 (L) meteorological measurements and fore-
- 14 casting;
- 15 (3) an identification of proximity and road ac-
- 16 cess to an airport designated as a commercial service
- 17 airport by the Federal Aviation Administration that
- 18 is capable of supporting military and civilian aircraft
- 19 for operations designated in subsection (c)(2); and
- 20 (4) a description of the requirements, to include
- 21 infrastructure and installations, communications,
- 22 and logistics necessary to improve response effective-
- 23 ness to support military and civilian operations des-
- 24 ignated in subsection (c)(2).

1       (d) DESIGNATION.—Upon completion of the report in  
 2 subsection (b), the Secretary of Defense, in consultation  
 3 with the Chairman of the Joint Chiefs of Staff, the Com-  
 4 manding General of the United States Army Corps of En-  
 5 gineers, the Commandant of the Coast Guard, the Admin-  
 6 istrator of the Maritime Administration, shall establish the  
 7 designation criteria for a Department of Defense “Stra-  
 8 tegic Arctic Port” and shall submit recommendations for  
 9 the designation of one or more Strategic Arctic Ports with-  
 10 in eighteen months. The recommendations shall include an  
 11 estimated cost for sufficient construction necessary to ini-  
 12 tiate and sustain expected operations.

13       (e) CONSTRUCTION.—Nothing in this section may be  
 14 construed to authorize any additional Department of De-  
 15 fense appropriations for the establishment of a port rec-  
 16 ommended pursuant to this section.

17 **SEC. 1044. MODIFICATION OF REQUIREMENTS REGARDING**  
 18 **NOTIFICATIONS TO CONGRESS ON SENSITIVE**  
 19 **MILITARY OPERATIONS.**

20       (a) TIMING OF NOTIFICATION REQUIREMENT.—Sub-  
 21 section (a) of section 130f of title 10, United States Code,  
 22 is amended by inserting “not later than 36 hours” before  
 23 “following such operation”.

24       (b) PROCEDURES.—Subsection (b) of such section is  
 25 amended—

1           (1) in paragraph (1), by adding at the end the  
2       following new sentence: “The Secretary shall  
3       promptly notify the congressional defense commit-  
4       tees in writing of any changes to such procedures.”;  
5       and

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

8       “(3) In the event of an unauthorized disclosure de-  
9       scribed in paragraph (2), the Secretary shall ensure, to  
10      the maximum extent practicable, that the congressional  
11      defense committees are notified immediately of the sen-  
12      sitive military operation concerned.”.

13       (c) BRIEFING REQUIREMENTS.—Such section is fur-  
14      ther amended—

15           (1) in subsection (a), by striking the second  
16      sentence; and

17           (2) in subsection (c), by inserting before the pe-  
18      riod at the end the following: “, including Depart-  
19      ment of Defense support to operations conducted  
20      under the National Security Act of 1947 (50 U.S.C.  
21      3001 et seq.)”.

22       (d) DEFINITION.—Subsection (d) of such section is  
23      amended by striking “means” and all that follows and in-  
24      serting “means the following:

1           “(1) A lethal operation or capture operation  
 2           conducted by the armed forces outside the United  
 3           States that targets a specific individual or individ-  
 4           uals.

5           “(2) An operation conducted by the armed  
 6           forces outside a theater of major hostilities in self-  
 7           defense or in defense of foreign partners.”.

8           (e) REPEAL OF EXCEPTION TO NOTIFICATION RE-  
 9           QUIREMENT.—Such section is further amended—

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

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

13           (f) CONFORMING AMENDMENTS.—

14           (1) SECTION HEADING AMENDMENT.—The  
 15           heading of such section is amended to read as fol-  
 16           lows:

17           **“§ 130f. Notification requirements for sensitive mili-  
 18           tary operations”.**

19           (2) TABLE OF SECTIONS AMENDMENT.—The  
 20           table of sections at the beginning of chapter 3 of  
 21           such title is amended by striking the item relating  
 22           to section 130f and insert the following new item:

          “130f. Notification requirements for sensitive military operations.”.

23           **SEC. 1045. RECONNAISSANCE STRIKE GROUP MATTERS.**

24           (a) MODELING OF ALTERNATIVE ARMY DESIGN AND  
 25           OPERATIONAL CONCEPT.—

1           (1) IN GENERAL.—The Secretary of Defense  
2       shall, in consultation with the Chairman of the Joint  
3       Chiefs of Staff, provide for and oversee the modeling  
4       of an alternative Army design and operational con-  
5       cept for the Reconnaissance Strike Group (RSG).

6           (2) REPORT.—Not later than one year after the  
7       date of the enactment of this Act, the Secretary  
8       shall submit to the Committees on Armed Services  
9       of the Senate and the House of Representatives a  
10      report on the alternative design and operational con-  
11      cept modeled as described in paragraph (1). The re-  
12      port shall include an assessment of the feasibility  
13      and advisability of a follow-on pilot program to test  
14      force designs and concepts of operation developed  
15      pursuant to the modeling.

16      (b) TEST, EVALUATION, DEVELOPMENT, AND VALI-  
17      DATION.—

18           (1) OFFICE REQUIRED.—Commencing not later  
19      than 60 days after the date of the enactment of this  
20      Act, the commander of a combatant command des-  
21      ignated by the Secretary for purposes of this sub-  
22      section shall establish within that combatant com-  
23      mand an office to carry out testing, evaluation, de-  
24      velopment and validation of the joint warfighting

1 concepts, and required platforms and structure, of  
2 the Reconnaissance Strike Group.

3 (2) REPORTS.—Not later than 90 days after  
4 the date of the enactment of this Act, and periodi-  
5 cally thereafter, the commander of the combatant  
6 command designated pursuant to paragraph (1)  
7 shall submit to the committees of Congress referred  
8 to in subsection (a)(2) a report on the office re-  
9 quired pursuant to paragraph (1), including the  
10 structure of the office, the programmatic goals of  
11 the office, and the funding required by the office to  
12 carry out the activities specified in paragraph (1).

13 **SEC. 1046. TRANSITION OF AIR FORCE TO OPERATION OF**  
14 **REMOTELY PILOTED AIRCRAFT BY ENLISTED**  
15 **PERSONNEL.**

16 (a) IN GENERAL.—Not later than September 30,  
17 2019, the Air Force shall fully transition to an organiza-  
18 tional model for all Air Force remotely piloted aircraft  
19 (RPA) that uses enlisted personnel as operators of such  
20 aircraft rather than officers as the preponderance of oper-  
21 ators of such aircraft.

22 (b) TRANSITION MATTERS.—The transition required  
23 by subsection (a) shall account for the following:

24 (1) Training infrastructure for enlisted per-  
25 sonnel operating Air Force remotely piloted aircraft.

1           (2) Supervisory roles for officers and senior en-  
2       listed personnel for enlisted personnel operating Air  
3       Force remotely piloted aircraft.

4       (c) REPORTS.—

5           (1) INITIAL REPORT.—Not later than March 1,  
6       2017, the Secretary of Defense shall submit to the  
7       Committees on Armed Services of the Senate and  
8       House of Representatives a report that sets forth a  
9       detailed description of the plan for the transition re-  
10      quired by subsection (a), including the following:

11           (A) The objectives of the transition.

12           (B) The timeline of the transition.

13           (C) The resources required to implement  
14      the transition.

15           (D) Recommendations for any legislation  
16      action required to implement the transition.

17       (2) REPORTS ON PROGRESS IN IMPLEMENTA-  
18      TION.—Not later than each of March 1, 2018, and  
19      March 1, 2019, the Secretary shall submit to the  
20      committees referred to in paragraph (1) a report on  
21      the progress of the Air Force in implementing the  
22      plan required under that paragraph, and in achiev-  
23      ing the transition required by subsection (a), by not  
24      later than September 30, 2019.

1 **SEC. 1047. PROHIBITION ON DIVESTMENT OF MARINE**  
2 **CORPS SEARCH AND RESCUE UNITS.**

3 None of the amounts authorized to be appropriated  
4 by this Act or otherwise made available for fiscal year  
5 2017 for the Navy or the Marine Corps may be obligated  
6 or expended—

7 (1) to retire, prepare to retire, transfer, or  
8 place in storage any Marine Corps Search and Res-  
9 cue Unit (SRU) aircraft; or

10 (2) to make any change or revision to manning  
11 levels with respect to any Marine Corps Search and  
12 Rescue Unit squadron.

13 **SEC. 1048. MODIFICATION OF REQUIREMENTS RELATING**  
14 **TO MANAGEMENT OF MILITARY TECHNI-**  
15 **CIANS.**

16 (a) CONVERSION OF CERTAIN MILITARY TECHNI-  
17 CIAN (DUAL STATUS) POSITIONS.—Subsection (a) of sec-  
18 tion 1053 of the National Defense Authorization Act for  
19 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 981; 10  
20 U.S.C. 10216 note) is amended—

21 (1) by striking paragraph (1) and inserting the  
22 following new paragraph (1):

23 “(1) IN GENERAL.—By not later than October  
24 1, 2017, the Secretary of Defense shall convert not  
25 fewer than 20 percent of all military technician posi-  
26 tions to positions filled by individuals who are em-



1       ployed under section 3101 of title 5, United States  
2       Code, or section 1601 of title 10, United States  
3       Code, or serving under section 328 of title 32,  
4       United States Code, and are not military techni-  
5       cians. The positions to be converted are described in  
6       paragraph (2).”;

7               (2) in paragraph (2), by striking “the report”  
8       and all that follows and inserting “by the Army Re-  
9       serve, the Air Force Reserve, the National Guard  
10      Bureau, and the State adjutants general in the  
11      course of reviewing all military technician positions  
12      for purposes of implementing this section.”; and

13              (3) in paragraph (3), by striking “may fill” and  
14      inserting “shall fill”.

15      (b) CONVERSION OF ARMY RESERVE, AIR FORCE  
16      RESERVE, AND NATIONAL GUARD NON-DUAL STATUS PO-  
17      SITIONS.—Subsection (e) of section 10217 of title 10,  
18      United States Code, is amended is amended to read as  
19      follows:

20              “(e) CONVERSION OF POSITIONS.—(1) No individual  
21      may be newly hired or employed, or rehired or reemployed,  
22      as a non-dual status technician for purposes of this section  
23      after September 30, 2017.

24              “(2) On October 1, 2017, the Secretary of Defense  
25      shall convert all non-dual status technicians to positions

1 filled by individuals who are employed under section 3101  
2 of title 5 or section 1601 of this title and are not military  
3 technicians.

4 “(3) In the case of a position converted under para-  
5 graph (2) for which there is an incumbent employee on  
6 October 1, 2017, the Secretary shall fill that position, as  
7 converted, with the incumbent employee without regard to  
8 any requirement concerning competition or competitive  
9 hiring procedures.

10 “(4) Any individual newly hired or employed, or re-  
11 hired or employed, to a position required to be filled by  
12 reason of paragraph (1) shall an individual employed in  
13 such position under section 3101 of title 5 or section 1601  
14 of this title.”.

15 (c) REPORT ON CONVERSION OF MILITARY TECHNI-  
16 CIAN POSITIONS TO PERSONNEL PERFORMING ACTIVE  
17 GUARD AND RESERVE DUTY.—

18 (1) IN GENERAL.—Not later than March 1,  
19 2017, the Secretary of Defense, shall in consultation  
20 with the Chief of the National Guard Bureau, sub-  
21 mit to the Committees on Armed Services of the  
22 Senate and the House of Representatives a report on  
23 the feasibility and advisability of converting any re-  
24 maining military technicians (dual status) to per-  
25 sonnel performing active Guard and Reserve duty

under section 328 of title 32, United States Code, or other applicable provisions of law. The report shall include the following:

(A) An analysis of the fully-burdened costs of the conversion taking into account the new modernized military retirement system.

(B) An assessment of the ratio of members of the Armed Forces performing active Guard and Reserve duty and civilian employees of the Department of Defense under title 5, United States Code, required to best contribute to the readiness of the National Guard and the Reserves.

(2) ACTIVE GUARD AND RESERVE DUTY DEFINED.—In this subsection, the term “active Guard and Reserve duty” has the meaning given that term in section 101(d)(6) of title 10, United States Code.

**SEC. 1049. SUPPORT FOR THE ASSOCIATE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY FOR MILITARY AFFAIRS.**

(a) SELECTION OF ASSOCIATE DIRECTOR.—The Associate Director of the Central Intelligence Agency for Military Affairs shall be selected by the Secretary of Defense, with the concurrence of the Director of the Central Intelligence Agency, from among commissioned officers of

1 the Armed Forces who are general or flag officers and who  
2 have served, in the five years before selection, in a position  
3 that involved significant interaction and coordination with  
4 the Central Intelligence Agency.

5 (b) SUPPORT FOR ACTIVITIES.—

6 (1) IN GENERAL.—The Secretary of Defense  
7 and the Under Secretary of Defense for Intelligence  
8 shall ensure that the Associate Director of the Cen-  
9 tral Intelligence Agency for Military Affairs has ac-  
10 cess to, and support from, offices, Agencies, and  
11 programs of the Department necessary for the pur-  
12 poses of the Associate Director as follows:

13 (A) To facilitate and coordinate Depart-  
14 ment of Defense support for the Central Intel-  
15 ligence Agency requested by the Director of the  
16 Central Intelligence Agency and approved by  
17 the Secretary, including oversight of Depart-  
18 ment of Defense military and civilian personnel  
19 detailed or assigned to the Central Intelligence  
20 Agency.

21 (B) To prioritize, communicate, and co-  
22 ordinate Department of Defense requests for,  
23 and the provision of support to, the Department  
24 of Defense from the Central Intelligence Agen-  
25 cy, including support requested by and provided

1 to the commanders of the combatant commands  
2 and subordinate task forces and commands.

3 (2) POLICIES.—The Under Secretary shall de-  
4 velop and supervise the implementation of policies to  
5 integrate and prioritize Department of Defense re-  
6 quirements and requests for support from the Cen-  
7 tral Intelligence Agency that are coordinated by the  
8 Associate Director pursuant to paragraph (1)(B).

9 **SEC. 1050. ENHANCEMENT OF INTERAGENCY SUPPORT**  
10 **DURING CONTINGENCY OPERATIONS AND**  
11 **TRANSITION PERIODS.**

12 (a) AUTHORITY.—The Secretary of Defense and the  
13 Secretary of State may enter into an agreement under  
14 which each Secretary may provide covered support, sup-  
15 plies, and services on a reimbursement basis, or by ex-  
16 change of covered support, supplies, and services, to the  
17 other Secretary during a contingency operation and re-  
18 lated transition period for up to two years following the  
19 end of such contingency operation.

20 (b) AGREEMENT.—An agreement entered into under  
21 this section shall be in writing and shall include the fol-  
22 lowing terms:

23 (1) The price charged by a supplying agency  
24 shall be the direct costs that such agency incurred

1 by providing the covered support, supplies, or serv-  
2 ices to the requesting agency under this section.

3 (2) Credits and liabilities of the agencies ac-  
4 crued as a result of acquisitions and transfers of  
5 covered support, supplies, and services under this  
6 section shall be liquidated not less often than once  
7 every 3 months by direct payment to the agency  
8 supplying such support, supplies, or services by the  
9 agency receiving such support, supplies, or services.

10 (3) Exchange entitlements accrued as a result  
11 of acquisitions and transfers of covered support,  
12 supplies, and services under this section shall be sat-  
13 isfied within one year after the date of the delivery  
14 of the covered support, supplies, or services. Ex-  
15 change entitlements not satisfied shall be imme-  
16 diately liquidated by direct payment to the agency  
17 supplying such covered, support, supplies, or serv-  
18 ices.

19 (c) EFFECT OF OBLIGATION AND AVAILABILITY OF  
20 FUNDS.—An order placed by an agency pursuant to an  
21 agreement under this section is deemed to be an obligation  
22 in the same manner that a similar order or contract placed  
23 with a private contractor is an obligation. Appropriations  
24 remain available to pay an obligation to the servicing

1 agency in the same manner as appropriations remain  
2 available to pay an obligation to a private contractor.

3 (d) CREDITING OF RECEIPTS.—Any receipt as a re-  
4 sult of an agreement entered into under this section shall  
5 be credited, at the option of the Secretary of Defense with  
6 respect to the Department of Defense and the Secretary  
7 of State with respect to the Department of State, to—

8 (1) the appropriation, fund, or account used in  
9 incurring the obligation; or

10 (2) an appropriate appropriation, fund, or ac-  
11 count currently available for the purposes for which  
12 the expenditures were made.

13 (e) DEFINITIONS.—In this section:

14 (1) CONTINGENCY OPERATION.—The term  
15 “contingency operation” has the meaning given that  
16 term in section 101(a)(13) of title 10, United States  
17 Code.

18 (2) COVERED SUPPORT, SUPPLIES, AND SERV-  
19 ICES.—The term “covered support, supplies, and  
20 services” means food, billeting, transportation (in-  
21 cluding airlift), petroleum, oils, lubricants, commu-  
22 nications services, medical services, ammunition,  
23 base operations support (and construction incident  
24 to base operations support), use of facilities, spare

1 parts and components, repair and maintenance serv-  
2 ices, and calibration services.

3 **SEC. 1051. ENHANCEMENT OF INFORMATION SHARING AND**  
4 **COORDINATION OF MILITARY TRAINING BE-**  
5 **TWEEN DEPARTMENT OF HOMELAND SECU-**  
6 **RITY AND DEPARTMENT OF DEFENSE.**

7 (a) IN GENERAL.—The Secretary of Homeland Secu-  
8 rity shall ensure that information needs of the Department  
9 of Homeland Security relating to civilian law enforcement  
10 activities in proximity to the borders of the United States  
11 are identified and communicated to the Secretary of De-  
12 fense for the purposes of planning and executing military  
13 training.

14 (b) FORMAL MECHANISM OF NOTIFICATION.—

15 (1) IN GENERAL.—Not later than 90 days after  
16 the date of the enactment of this Act, the Secretary  
17 of Homeland Security shall, in coordination with the  
18 Secretary of Defense, establish a formal mechanism  
19 through which Department of Homeland Security in-  
20 formation needs relating to civilian law enforcement  
21 activities in proximity to the borders of the United  
22 States are identified and communicated to the Sec-  
23 retary of Defense for the purposes of planning and  
24 executing military training.



1           (2) DISSEMINATION TO THE ARMED FORCES.—

2           The Secretary of Defense shall ensure that such in-  
3           formation needs are disseminated to the Armed  
4           Forces in a timely manner so that the Armed Forces  
5           have an opportunity to schedule and design training  
6           in accordance with section 371 of title 10, United  
7           States Code.

8           (3) COORDINATION OF TRAINING.—The Sec-  
9           retary of Defense shall ensure that training sched-  
10          uled and designed as described in paragraph (2) is  
11          coordinated, to the maximum extent practicable,  
12          with the Department of Homeland Security.

13          (c) SHARING OF CERTAIN INFORMATION.—Not later  
14          than 90 days after the date of the enactment of this Act,  
15          the Secretary of Homeland Security and the Secretary of  
16          Defense shall formulate guidance to ensure that informa-  
17          tion relevant to civilian law enforcement matters that is  
18          collected by the Armed Forces during the normal course  
19          of military training or operations in proximity to the bor-  
20          ders of the United States is provided promptly to civilian  
21          law enforcement officials in accordance with section 371  
22          of title 10, United States Code.

1 **SEC. 1052. NOTIFICATION ON THE PROVISION OF DEFENSE**  
2 **SENSITIVE SUPPORT.**

3 (a) LIMITATION.—The Secretary of Defense may pro-  
4 vide defense sensitive support to a non-Department of De-  
5 fense Federal department or agency only after the Sec-  
6 retary has determined that such support—

7 (1) is consistent with the mission and functions  
8 of the Department of Defense; and

9 (2) does—

10 (A) not significantly interfere with the mis-  
11 sion or functions of the Department; or

12 (B) interfere with the mission and func-  
13 tions of the Department of Defense but such  
14 support is in the national security interest of  
15 the United States.

16 (b) NOTICE REQUIRED.—

17 (1) IN GENERAL.—Except as provided in para-  
18 graph (3), before providing defense sensitive support  
19 to a non-Department of Defense Federal department  
20 or agency, the Secretary of Defense shall notify the  
21 congressional defense committees of the Secretary's  
22 intent to provide such support.

23 (2) CONTENTS.—Notice provided under para-  
24 graph (1) shall include the following:

25 (A) A description of the support to be pro-  
26 vided.

1 (B) A description of how the support is  
 2 consistent with the mission and functions of the  
 3 Department.

4 (C) A description of how the support—  
 5 (i) does not significantly interfere with  
 6 the mission or functions of the Depart-  
 7 ment; or  
 8 (ii) significantly interferes with the  
 9 mission or functions of the Department  
 10 but is in the national security interest of  
 11 the United States.

12 (3) TIME SENSITIVE SUPPORT.—In the event  
 13 that the provision of defense sensitive support is  
 14 time-sensitive, the Secretary—

15 (A) may provide notification under para-  
 16 graph (1) after providing the support; and

17 (B) shall provide such notice as soon as  
 18 practicable after providing such support, but  
 19 not later than 48 hours after providing the sup-  
 20 port.

21 (c) DEFENSE SENSITIVE SUPPORT DEFINED.—In  
 22 this section, the term “defense sensitive support” means  
 23 support provided by the Department of Defense to a non-  
 24 Department of Defense Federal department or agency  
 25 that requires special protection from disclosure.

1 **SEC. 1053. MODIFICATION OF AUTHORITY TO TRANSFER**  
2 **DEPARTMENT OF DEFENSE PROPERTY FOR**  
3 **LAW ENFORCEMENT ACTIVITIES.**

4 (a) RESTATEMENT AND MODIFICATION OF CURRENT  
5 AUTHORITY FOR TRANSFER FOR STATE AND LOCAL LAW  
6 ENFORCEMENT ACTIVITIES.—Section 2576a of title 10,  
7 United States Code, is amended by adding at the end the  
8 following new subsections:

9 “(g) DETERMINATION OF ELIGIBLE DEFENSE  
10 ITEMS.—

11 “(1) CONTROLLED DEFENSE ITEMS ELIGIBLE  
12 FOR TREATMENT.—

13 “(A) IN GENERAL.—Subject to the provi-  
14 sions of this paragraph, the controlled defense  
15 items that may be treated as eligible defense  
16 items for purposes of this section shall include  
17 items that—

18 “(i) can be readily put to civilian use  
19 by State and local law enforcement agen-  
20 cies; and

21 “(ii) are suitable for transfer to State  
22 and local law enforcement agencies pursu-  
23 ant to this section.

24 “(B) INITIAL ELIGIBLE DEFENSE  
25 ITEMS.—The controlled defense items to be  
26 treated as eligible defense items for purposes of

1 this section as of the date of the enactment of  
2 the National Defense Authorization Act for  
3 Fiscal Year 2017 are the following:

4 “(i) Camouflage uniforms and cloth-  
5 ing.

6 “(ii) Fixed wing manned aircraft.

7 “(iii) Rotary wing manned aircraft.

8 “(iv) Unmanned aerial vehicles.

9 “(v) Wheeled armored vehicles.

10 “(vi) Wheeled tactical vehicles.

11 “(vii) Specialized firearms and ammu-  
12 nition under .50-caliber.

13 “(viii) Explosives and pyrotechnics,  
14 including explosive breaching tools.

15 “(ix) Breathing apparatus.

16 “(x) Riot batons.

17 “(C) LIST OF CONTROLLED DEFENSE  
18 ITEMS TREATABLE AS ELIGIBLE DEFENSE  
19 ITEMS.—The Secretary of Defense shall, acting  
20 through the Director of the Defense Logistics  
21 Agency and in consultation with the Working  
22 Group established by Executive Order 13688,  
23 maintain, and periodically update, a list of con-  
24 trolled defense items that are currently appro-  
25 priate for treatment as eligible defense items

1 for purposes of this section. The list shall be es-  
2 tablished and maintained in accordance with  
3 the regulations for purposes of this section  
4 under subsection (g).

5 “(2) CONTROLLED DEFENSE ITEMS NOT ELIGI-  
6 BLE FOR TREATMENT.—

7 “(A) IN GENERAL.—A controlled defense  
8 item may not be treated as an eligible defense  
9 item for purposes of this section if—

10 “(i) the item is made exclusively for  
11 the military; and

12 “(ii) the item, or a substantially simi-  
13 lar item, cannot be purchased by State or  
14 local law enforcement agencies in the pri-  
15 vate sector even after the item is demili-  
16 tarized.

17 “(B) INITIAL PROHIBITED ITEMS.—Unless  
18 and until determined otherwise by the Secretary  
19 for purposes of this section, the controlled de-  
20 fense items that may not be treated as eligible  
21 defense items for purposes of this section are  
22 the following:

23 “(i) Tracked armored vehicles.

24 “(ii) Weaponized aircraft, vessels, and  
25 vehicles of any kind.

1 “(iii) Firearms of .50-caliber or high-  
2 er.

3 “(iv) Ammunition of .50-caliber or  
4 higher.

5 “(v) Grenades, flash bang grenades,  
6 grenade launchers, and grenade launcher  
7 attachments.

8 “(vi) Bayonets.

9 “(vii) Mine Resistant Ambush Pro-  
10 tected (MRAP) vehicle.

11 “(viii) Tasers developed primarily for  
12 use by the military.

13 “(C) LIST OF CONTROLLED ITEMS NOT  
14 TREATABLE AS ELIGIBLE DEFENSE ITEMS.—  
15 The Secretary shall, acting through the Direc-  
16 tor and in consultation with the Working Group  
17 referred to in paragraph (1)(C), maintain, and  
18 periodically update, a list of controlled defense  
19 items that are currently prohibited from treat-  
20 ment as eligible defense items for purposes of  
21 this section. The list shall be established and  
22 maintained in accordance with the regulations  
23 for purposes of this section under subsection  
24 (g).

1           “(3) RETURN OF ITEMS NOT TREATED AS ELI-  
2           GIBLE DEFENSE ITEMS NOT IMMEDIATELY RE-  
3           QUIRED.—

4           “(A) RETURN OF INITIAL PROHIBITED  
5           ITEMS NOT GENERALLY REQUIRED.—The regu-  
6           lations for purposes of this section shall provide  
7           that a law enforcement agency in possession on  
8           the date of the enactment of the National De-  
9           fense Authorization Act for Fiscal Year 2017 of  
10          a controlled defense item that is not eligible for  
11          treatment as an eligible defense item pursuant  
12          to paragraph (2)(B) shall not be required to re-  
13          turn such item to the Department pursuant to  
14          Executive Order 13688.

15          “(B) RETURN OF ITEMS SUBSEQUENTLY  
16          TREATED AS NOT ELIGIBLE NOT REQUIRED.—  
17          The regulations for purposes of this section  
18          shall provide that a law enforcement agency in  
19          possession of a controlled defense item that is  
20          no longer eligible for treatment as an eligible  
21          defense item pursuant to paragraph (2)(C)  
22          shall not be required to return such item to the  
23          Department pursuant to Executive Order  
24          13688.



1           “(C) CONSTRUCTION.—Nothing in this  
2           section shall be construed to require a law en-  
3           forcement agency, pursuant to Executive Order  
4           13688, to return to the Department equipment  
5           obtained from the Federal Government, or ob-  
6           tained using Federal funds, if such equipment  
7           was obtained by the agency in a manner con-  
8           sistent with all applicable laws and regulations.

9           “(D) NO TRANSFER OF OWNERSHIP.—  
10          Nothing in this section shall be construed as a  
11          transfer of ownership of any equipment ob-  
12          tained from the Federal Government pursuant  
13          to this section.

14          “(h) PROHIBITION ON REQUIREMENT FOR TIMELY  
15          USE OF TRANSFERRED ITEMS.—The regulations for pur-  
16          poses of this section may not require the use of an eligible  
17          defense item transferred under this section within one  
18          year of the receipt of the item by the State or local law  
19          enforcement agency concerned.

20          “(i) NOTICE ON REQUESTS FOR TRANSFERS TO  
21          STATE AND LOCAL OFFICIALS.—

22                 “(1) IN GENERAL.—Except as provided in para-  
23          graph (2), a State or local law enforcement agency  
24          may not request transfer of an eligible defense item  
25          under this section, including pursuant to interagency

transfer under subsection (t), unless the law enforcement agency has provided notice of the request to the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency.

“(2) EXCEPTION.—

“(A) ITEMS FOR UNDERCOVER OPERATIONS.—A State or local law enforcement agency requesting transfer of an eligible defense item is not required to comply with paragraph (1) if the item requested is for an active undercover operation.

“(B) ALTERNATIVE NOTICE REQUIREMENT.—A State or local law enforcement agency receiving an item under this section pursuant to a request covered by subparagraph (A) shall notify the head and legislative body of the State or political subdivision of a State of which the law enforcement agency is an agency of the request not later than 10 business days after the operation concerned becomes an open record.

“(j) TRAINING REQUIREMENTS.—

“(1) MINIMUM TRAINING REQUIREMENTS FOR LAW ENFORCEMENT OFFICERS.—

1           “(A) IN GENERAL.—On and after the date  
2           that is three years after the date of the enact-  
3           ment of the National Defense Authorization Act  
4           for Fiscal Year 2017, eligible defense items may  
5           not be transferred to a State or local law en-  
6           forcement agency of a State under this section  
7           unless the Governor of the State (or the des-  
8           ignee of the Governor) certifies to the Director  
9           of the Defense Logistics Agency that the State  
10          has in place minimum training requirements for  
11          all sworn law enforcement officers in the State,  
12          including—

13               “(i) a requirement that anyone that  
14               has decisionmaking authority on the de-  
15               ployment of a SWAT team attends the Na-  
16               tional Tactical Officers Association unit  
17               commanders course or an equivalent within  
18               one year of commencing the exercise of  
19               such authority;

20               “(ii) specialized leadership training re-  
21               quirements for unit commanders who  
22               have—

23                       “(I) decisionmaking authority on  
24                       the deployment of SWAT teams and  
25                       tactical military vehicles; or

1                   “(II) responsibility for drafting  
2                   policies on the use of force and SWAT  
3                   team deployment;

4                   “(iii) annual specialized SWAT team  
5                   training requirements for all SWAT team  
6                   members, including in law enforcement  
7                   tactics used in tactical operations;

8                   “(iv) annual training requirements for  
9                   all law enforcement officers that are mem-  
10                  bers of specialized tactical units other than  
11                  SWAT teams (including high-risk warrant  
12                  service teams, hostage rescue teams, and  
13                  drug enforcement task forces);

14                  “(v) annual training on the general  
15                  policing standards of the law enforcement  
16                  agency on equipment such as eligible de-  
17                  fense items;

18                  “(vi) annual training on sensitivity,  
19                  including training on ethnic and racial  
20                  bias, cultural diversity, and police inter-  
21                  action with the disabled, mentally ill, and  
22                  new immigrants;

23                  “(vii) annual training in crowd control  
24                  tactics for any officers that may be called

1           upon to participate in crowd control ef-  
2           forts; and

3           “(viii) such other training as rec-  
4           ommended by the evaluation conducted  
5           pursuant to section 1051(d) of the Na-  
6           tional Defense Authorization Act for Fiscal  
7           Year 2016.

8           “(B) SATISFACTION BY RECENT HIREES.—

9           The requirements under subparagraph (A) shall  
10          provide for the first completion of the training  
11          concerned by an individual who becomes an offi-  
12          cer in a law enforcement agency by not later  
13          than one year after the date on which the indi-  
14          vidual becomes an officer in the law enforce-  
15          ment agency.

16          “(C) RECORD-KEEPING.—Each law en-  
17          forcement agency to which eligible defense  
18          items are transferred pursuant to this section  
19          shall retain training records of each office au-  
20          thorized to use such items, either in the per-  
21          sonnel file of the officer or by the training divi-  
22          sion or equivalent entity of the agency, for not  
23          less than three years after the date on which  
24          the training occurs, and shall provide a copy of  
25          such records to the Director upon request.

1 “(k) SUSPENSION AND TERMINATION.—

2 “(1) FOR LOST OR STOLEN ITEMS.—In the  
3 event an offensive weapon or ordnance transferred to  
4 a State or local law enforcement agency under this  
5 section is lost, stolen, or misappropriated, the Direc-  
6 tor of the Defense Logistics Agency, after providing  
7 the law enforcement agency with notice and the op-  
8 portunity to contest the allegation, shall suspend the  
9 law enforcement agency from eligibility for receipt of  
10 items under this section for a period of six months.

11 “(2) INTENTIONAL FALSIFICATION OF INFOR-  
12 MATION.—In the event a State or local law enforce-  
13 ment agency is determined by the Director (or the  
14 designee of the Director) to have intentionally fal-  
15 sified any information in requesting or applying for  
16 items under this section, the Director, after pro-  
17 viding the law enforcement agency with notice and  
18 the opportunity to contest the determination, shall  
19 terminate the law enforcement agency from eligi-  
20 bility for receipt of items under this section until  
21 such time as the head of the law enforcement agency  
22 is replaced.

23 “(l) CONSTRUCTION WITH OTHER DLA AUTHOR-  
24 ITY.—Nothing in this section shall be construed to over-  
25 ride, alter, or supersede the authority of the Director of

1 the Defense Logistics Agency to dispose of property of the  
2 Department of Defense that is not a controlled defense  
3 item to law enforcement agencies under another provision  
4 of law.

5 “(m) DEFINITIONS.—In this section:

6 “(1) The term ‘bayonet’ means a large knife de-  
7 signed to be attached to the muzzle of a rifle, shot-  
8 gun, or long gun for the purposes of hand-to-hand  
9 combat.

10 “(2) The term ‘breaching apparatus’ means a  
11 tool designed to provide law enforcement rapid entry  
12 into a building or through a secured doorway, in-  
13 cluding battering rams or similar entry devices, bal-  
14 listic devices, and explosive devices.

15 “(3) The term ‘controlled defense item’ means  
16 property of the Department of Defense that is sub-  
17 ject to the restriction of the United States Munitions  
18 List (22 Code of Federal Regulations Part 121) or  
19 the Commerce Control List (15 Code of Federal  
20 Regulations Part 774).

21 “(4) The term ‘eligible defense item’ means a  
22 controlled defense item that is eligible for transfer to  
23 a law enforcement agency pursuant to this section.

1           “(5) The term ‘fixed wing manned aircraft’  
2           means a powered aircraft with a crew aboard, such  
3           as airplanes, that uses a fixed wing for lift.

4           “(6) The term ‘grenade launcher’ means a fire-  
5           arm or firearm accessory designed to launch small  
6           explosive projectiles.

7           “(7) The term ‘riot baton’ means a nonexpand-  
8           able baton of greater length than service-issued  
9           types that are intended to protect its wielder during  
10          melees by providing distance from assailants. The  
11          term does not include a service-issued telescopic or  
12          fixed length straight baton.

13          “(8) The term ‘specialized firearm and ammu-  
14          nition under .50 caliber’ means a weapon and cor-  
15          responding ammunition for specialized operations or  
16          assignments. The term does not include service-  
17          issued handguns, rifles, or shotguns that are issued  
18          or approved by an agency to be used during the  
19          course of regularly assigned duties.

20          “(9) The term ‘State Coordinator’ means an in-  
21          dividual appointed by the Governor of a State—

22                 “(A) to manage requests of State and local  
23                 law enforcement agencies of the State for eligi-  
24                 ble defense items; and



1           “(B) to ensure the appropriate use of eligi-  
2           ble defense items transferred under this section  
3           by such law enforcement agencies.

4           “(10) The term ‘State or local law enforcement  
5           agency’ means a State or local agency or entity with  
6           law enforcement officers that have arrest and appre-  
7           hension authority and whose primary function is to  
8           enforce the laws. The term includes a local edu-  
9           cational agency with such officers. The term does  
10          not include a firefighting agency or entity.

11          “(11) The term ‘SWAT team’ means a Special  
12          Weapons and Tactics team or other specialized tac-  
13          tical team composed of State or local sworn law en-  
14          forcement officers.

15          “(12) The term ‘tactical military vehicle’ means  
16          an armored vehicle having military characteristics  
17          resulting from military research and development  
18          processes that is designed primarily for use by forces  
19          in the field in direct connection with, or support of,  
20          combat or tactical operations.

21          “(13) The term ‘tracked armored vehicle’  
22          means a vehicle that provides ballistic protection to  
23          their occupants and utilizes a tracked system instead  
24          of wheels for forward motion.

1           “(14) The term ‘unmanned aerial vehicle’  
2 means a remotely piloted, powered aircraft without  
3 a crew aboard.

4           “(15) The term ‘wheeled armored vehicle’  
5 means any wheeled vehicle either purpose-built or  
6 modified to provide ballistic protection to its occu-  
7 pants, such as a Mine Resistant Ambush Protected  
8 (MRAP) vehicle of an Armored Personnel Carrier.

9           “(16) The term ‘wheeled tactical vehicle’ means  
10 a vehicle purpose-built to operate onroad and offroad  
11 in support of military operations, such as a  
12 HMMWV (‘Humvee’), 2.5ton truck, 5ton truck, or a  
13 vehicle with a breaching or entry apparatus at-  
14 tached.”.

15       (b) IN GENERAL.—Chapter 153 of title 10, United  
16 States Code, is amended by inserting after section 2576b  
17 the following new section:

18       **“§ 2576c. Excess property: priority in transfer to**  
19                       **other Federal agencies of property also**  
20                       **transferrable to State and local agencies**

21       “(a) IN GENERAL.—In transferring excess property  
22 of the Department of Defense under authorities specified  
23 in subsection (b) that authorize the transfer of such prop-  
24 erty to both other Federal agencies and State and local  
25 agencies, the Secretary of Defense shall afford a priority

1 to other Federal agencies in the transfer of any property  
2 that is not a controlled defense item.

3 “(b) AUTHORITIES.—The authorities specified in this  
4 subsection are the following:

5 “(1) The authority to transfer personal prop-  
6 erty for law enforcement activities under section  
7 2576a of this title.

8 “(2) The authority to transfer personal prop-  
9 erty to assist firefighting activities under section  
10 2576b of this title.

11 “(3) The authority to transfer documents, arti-  
12 facts, and other materiel under section 2572 of this  
13 title.

14 “(4) The authority to transfer nonlethal sup-  
15 plies for homeless and humanitarian relief under sec-  
16 tion 2557 of this title.

17 “(5) The authority to make foreign military  
18 sales under the Arms Export Control Act (22 U.S.C.  
19 2751 et seq.).

20 “(6) The authority to transfer research equip-  
21 ment under section 11(i) of the Stevenson-Wydler  
22 Technology Innovation Act of 1980 (15 U.S.C.  
23 3710(i)).

“2576c. Excess property: priority in transfer to other Federal agencies of property also transferrable to State and local agencies.”.

(a) EXEMPTION.—Subsection (a) of section 130e of title 10, United States Code, is amended—

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

21 “(A) Department of Defense critical infra-  
22 structure security information; or

1           “(B) related to a military tactic, technique,  
2           or procedure, including a military rule of en-  
3           gagement;”;

4           (3) by redesignating paragraph (2) as para-  
5           graph (3); and

6           (4) by inserting after paragraph (1) the fol-  
7           lowing new paragraph (2):

8           “(2) the public disclosure of the information  
9           could reasonably be expected to risk impairment of  
10          the effective operation of Department of Defense by  
11          providing an advantage to an adversary or potential  
12          adversary; and”.

13          (b) DEFINITIONS.—Subsection (c) of such section—

14           (1) is transferred to the end of such section and  
15           redesignated as subsection (f); and

16           (2) as so transferred and redesignated, is  
17           amended—

18           (A) by striking “DEFINITION.—In this sec-  
19           tion, the” and inserting the following: “DEFINI-  
20           TIONS.—In this section:”

21           “(1) DEPARTMENT OF DEFENSE CRITICAL IN-  
22           FRASTRUCTURE SECURITY INFORMATION.—The”;  
23           and

24           (B) by adding at the end the following new  
25           paragraphs:

1           “(2) TACTIC.—The term ‘tactic’ means the em-  
2           ployment and ordered arrangement of forces in rela-  
3           tion to each other.

4           “(3) TECHNIQUE.—The term ‘technique’ means  
5           a non-prescriptive way or method used to perform a  
6           mission, function, or task.

7           “(4) RULE OF ENGAGEMENT.—The term ‘rule  
8           of engagement’ means a directive issued by a com-  
9           petent military authority that delineates the cir-  
10          cumstances and limitations under which the armed  
11          forces will initiate or continue combat engagement  
12          with other forces encountered.”.

13          (c) DELEGATION AND TRANSPARENCY.—Such sec-  
14          tion is further amended—

15               (1) by striking subsection (d);

16               (2) by redesignating subsections (e) and (f) (as  
17               transferred and redesignated by subsection (b)(1) of  
18               this section) as subsections (c) and (e), respectively;  
19               and

20               (3) in subsection (c), as redesignated by para-  
21               graph (2)—

22                       (A) by striking “, or the Secretary’s des-  
23                       ignee,”; and

24                       (B) by striking “through the Office of the  
25                       Director of Administration and Management”

1           and inserting “in accordance with guidelines  
2           prescribed by the Secretary”.

3           (d) CITATION FOR PURPOSES OF OPEN FOIA ACT  
4 OF 2009.—Such section is further amended—

5           (1) in subsection (a), as amended by subsection  
6           (a) of this section, by striking “pursuant to section  
7           552(b)(3) of title 5” in the matter preceding para-  
8           graph (1); and

9           (2) by inserting after subsection (c), as redesign-  
10          nated by subsection (c)(2) of this section, the fol-  
11          lowing new subsection (d):

12          “(d) CITATION FOR PURPOSES OF OPEN FOIA ACT  
13 OF 2009.—This section is a statute that specifically ex-  
14 empts certain matters from disclosure under section 552  
15 of title 5, as described in subsection (b)(3) of that sec-  
16 tion.”.

17          (e) CONFORMING AND CLERICAL AMENDMENTS.—

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

20          **“§ 130e. Nondisclosure of information: critical infra-  
21                           structure; military tactics, techniques,  
22                           and procedures”.**

23           (2) CLERICAL AMENDMENT.—The table of sec-  
24          tions at the beginning of chapter 3 of such title is

1       amended by striking the item relating to section  
2       130e and inserting the following new item:

“130e. Nondisclosure of information: critical infrastructure; military tactics,  
techniques, and procedures”.

3       **SEC. 1055. TREATMENT OF CERTAIN SENSITIVE INFORMA-**  
4                                   **TION BY STATE AND LOCAL GOVERNMENTS.**

5       (a) SPECIAL NUCLEAR MATERIAL.—Section 128 of  
6 title 10, United States Code, is amended by adding at the  
7 end the following new subsection:

8       “(d) Information that the Secretary prohibits to be  
9 disseminated pursuant to subsection (a) that is provided  
10 to a State or local government shall remain under the con-  
11 trol of the Department of Defense, and a State or local  
12 law authorizing or requiring a State or local government  
13 to disclose such information shall not apply to such infor-  
14 mation.”.

15       (b) CRITICAL INFRASTRUCTURE SECURITY INFORMA-  
16 TION.—Section 130e of such title is amended—

17               (1) by transferring subsection (c) to the end of  
18 such section and redesignating such subsection, as  
19 so transferred, as subsection (f); and

20               (2) by striking subsection (b) and inserting the  
21 following new subsections:

22       “(b) DESIGNATION OF DEPARTMENT OF DEFENSE  
23 CRITICAL INFRASTRUCTURE SECURITY INFORMATION.—  
24 In addition to any other authority or requirement regard-



1 ing protection from dissemination of information, the Sec-  
2 retary may designate information as being Department of  
3 Defense critical infrastructure security information, in-  
4 cluding during the course of creating such information,  
5 to ensure that such information is not disseminated with-  
6 out authorization. Information so designated is subject to  
7 the determination process under subsection (a) to deter-  
8 mine whether to exempt such information from disclosure  
9 described in such subsection.

10 “(c) INFORMATION PROVIDED TO STATE AND LOCAL  
11 GOVERNMENTS.—(1) Department of Defense critical in-  
12 frastructure security information covered by a written de-  
13 termination under subsection (a) or designated under sub-  
14 section (b) that is provided to a State or local government  
15 shall remain under the control of the Department of De-  
16 fense.

17 “(2)(A) A State or local law authorizing or requiring  
18 a State or local government to disclose Department of De-  
19 fense critical infrastructure security information that is  
20 covered by a written determination under subsection (a)  
21 shall not apply to such information.

22 “(B) If a person requests pursuant to a State or local  
23 law that a State or local government disclose information  
24 that is designated as Department of Defense critical infra-  
25 structure security information under subsection (b), the

1 State or local government shall provide the Secretary an  
 2 opportunity to carry out the determination process under  
 3 subsection (a) to determine whether to exempt such infor-  
 4 mation from disclosure pursuant to subparagraph (A).”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) SECTION 128.—The heading of section 128  
 7 of such title is amended to read as follows:

8 **“§ 128. Control and physical protection of special nu-**  
 9 **clear material: limitation on dissemina-**  
 10 **tion of unclassified information”.**

11 (2) SECTION 130E.—Section 130e of such title  
 12 is further amended—

13 (A) by striking the section heading and in-  
 14 serting the following new section heading:

15 **“§ 130e. Control and protection of critical infrastruc-**  
 16 **ture security information”;**

17 (B) in subsection (a), by striking the sub-  
 18 section heading and inserting the following new  
 19 subsection heading; “EXEMPTION FROM FREE-  
 20 DOM OF INFORMATION ACT.—”;

21 (C) in subsection (d), by striking the sub-  
 22 section heading and inserting the following new  
 23 subsection heading: “DELEGATION OF DETER-  
 24 MINATION AUTHORITY.—”; and

1 (D) in subsection (e), by striking the sub-  
 2 section heading and inserting the following new  
 3 subsection heading: “TRANSPARENCY OF DE-  
 4 TERMINATIONS.—”.

5 (d) CLERICAL AMENDMENTS.—The table of sections  
 6 at the beginning of chapter 3 of such title is amended—

7 (1) by striking the item relating to section 128  
 8 and inserting the following new item:

“128. Control and physical protection of special nuclear material: limitation on  
 dissemination of unclassified information.”; and

9 (2) by striking the item relating to section 130e  
 10 and inserting the following new item:

“130e. Control and protection of critical infrastructure security information.”.

11 **SEC. 1056. RECOVERY OF EXCESS FIREARMS, AMMUNITION,**  
 12 **AND PARTS GRANTED TO FOREIGN COUN-**  
 13 **TRIES AND TRANSFER TO CERTAIN PERSONS.**

14 (a) RECOVERY.—Subchapter II of chapter 407 of  
 15 title 36, United States Code, is amended by inserting after  
 16 section 40728A the following new section:

17 **“§ 40728B. Recovery of excess firearms, ammunition,**  
 18 **and parts granted to foreign countries**  
 19 **and transfer to certain persons**

20 “(a) AUTHORITY TO RECOVER.—(1) Subject to para-  
 21 graph (2) and subsection (b), the Secretary of the Army  
 22 may acquire from any person any firearm, ammunition,

1 repair parts, or other supplies described in section  
2 40731(a) of this title which were—

3 “(A) provided to any country on a grant basis  
4 under the conditions imposed by section 505 of the  
5 Foreign Assistance Act of 1961 (22 U.S.C. 2314)  
6 that became excess to the needs of such country;  
7 and

8 “(B) lawfully acquired by such person.

9 “(2) The Secretary of the Army may not acquire any-  
10 thing under paragraph (1) except for transfer to a person  
11 in the United States under subsection (c).

12 “(3) The Secretary of the Army may accept firearms,  
13 ammunition, repair parts, or other supplies under para-  
14 graph (1) notwithstanding section 1342 of title 31.

15 “(b) COST OF RECOVERY.—The Secretary of the  
16 Army may not acquire anything under subsection (a) if  
17 the United States would incur any cost for such acquisi-  
18 tion.

19 “(c) AVAILABILITY FOR TRANSFER.—Any firearms,  
20 ammunition, repair parts, or supplies acquired under sub-  
21 section (a) shall be available for transfer in the United  
22 States to the person from whom acquired if such person—

23 “(1) is licensed as a manufacturer, importer, or  
24 dealer pursuant to section 923(a) of title 18; and

1           “(2) uses an ammunition depot of the Army  
2           that is an eligible facility for receipt of any firearms,  
3           ammunition, repair parts, or supplies under this  
4           paragraph.

5           “(d) CONTRACTS.—Notwithstanding subsection (k)  
6 of section 2304 of title 10, the Secretary may enter into  
7 such contracts or cooperative agreements on a sole source  
8 basis pursuant to paragraphs (4) and (5) of subsection  
9 (c) of such section to carry out this section.

10          “(e) FIREARM DEFINED.—In this section, the term  
11 ‘firearm’ has the meaning given such term in section 921  
12 of title 18.”.

13          (b) SALE.—Section 40732 of such title is amended—  
14               (1) by adding at the end the following new sub-  
15               section:

16          “(d) SALES BY OTHER PERSONS.—A person who re-  
17 ceives a firearm or any ammunition, repair parts, or sup-  
18 plies under section 40728B(c) of this title may sell, at fair  
19 market value, such firearm, ammunition, repair parts, or  
20 supplies.”; and

21               (2) in subsection (c), in the heading, by insert-  
22               ing “BY THE CORPORATION” after “LIMITATION ON  
23               SALES”.

24          (c) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 407 of such title is amended

1 by inserting after the item relating to section 40728A the  
 2 following new item:

“40728B. Recovery of excess firearms, ammunition, and parts granted to foreign countries and transfer to certain persons.”.

3 **SEC. 1057. SENSE OF THE SENATE ON DEVELOPMENT AND**  
 4 **FIELDING OF FIFTH GENERATION AIRBORNE**  
 5 **SYSTEMS.**

6 (a) FINDINGS.—The Senate makes the following  
 7 findings:

8 (1) The term “fifth generation”, with respect to  
 9 airborne systems, means those airborne systems capable of operating effectively in highly contested battle spaces defined by the most capable currently fielded threats, and those reasonably expected to be operational in the foreseeable future.

14 (2) Continued modernization of Department of  
 15 Defense airborne systems such as fighters, bombers, and intelligence, surveillance, and reconnaissance (ISR) aircraft with fifth generation capabilities is required because—

19 (A) adversary integrated air defense systems (IADS) have created regions where fourth generation airborne systems may be limited in their ability to effectively operate;

23 (B) adversary aircraft, air-to-air missiles, and airborne electronic attack or electronic pro-

1           tection systems are advancing beyond the capa-  
2           bilities of fourth generation airborne systems;  
3           and

4           (C) fifth generation airborne systems pro-  
5           vide a wider variety of options for a given  
6           warfighting challenge, preserve the technological  
7           advantage of the United States over near-peer  
8           threats, and serve as a force multiplier by in-  
9           creasing situational awareness and combat ef-  
10          fectiveness of fourth generation airborne sys-  
11          tems.

12       (b) SENSE OF THE SENATE.—It is the sense of the  
13       Senate that development and fielding of fifth generation  
14       airborne system systems should include the following:

15           (1) Multispectral (radar, infrared, visual, emis-  
16           sions) low observable (LO) design features, self-pro-  
17           tection jamming, and other capabilities that signifi-  
18           cantly delay or deny threat system detection, track-  
19           ing, and engagement.

20           (2) Integrated avionics that autonomously fuse  
21           and prioritize onboard multispectral sensors and  
22           offboard information data to provide an accurate  
23           realtime operating picture and data download for  
24           postmission exploitation and analysis.

1           (3) Resilient communications, navigation, and  
2           identification techniques designed to effectively  
3           counter adversary attempts to deny or confuse  
4           friendly systems.

5           (4) Robust and secure networks linking indi-  
6           vidual platforms to create a common, accurate, and  
7           highly integrated picture of the battle space for  
8           friendly forces.

9           (5) Advanced onboard diagnostics capable of  
10          monitoring system health, accurately reporting sys-  
11          tem faults, and increasing overall system perform-  
12          ance and reliability.

13          (6) Integrated platform and subsystem designs  
14          to maximize lethality and survivability while enabling  
15          decision superiority.

16          (7) Maximum consideration for the fielding of  
17          unmanned platforms either employed in concert with  
18          fifth generation manned platforms or as standalone  
19          unmanned platforms, to increase warfighting effec-  
20          tiveness and reduce risk to personnel during high  
21          risk missions.

22          (8) Advanced air-to-air, air-to-ground, and  
23          other weapons able to leverage fifth generation capa-  
24          bilities.



1           (9) Comprehensive and high-fidelity live, vir-  
 2           tual, and constructive training systems, updated  
 3           range infrastructure, and sufficient threat-represent-  
 4           ative adversary training assets to maximize fifth  
 5           generation force proficiency, effectiveness, and readi-  
 6           ness while protecting sensitive capabilities.

7 **SEC. 1058. TECHNICAL AND CONFORMING AMENDMENTS.**

8           (a) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
 9 FISCAL YEAR 2016.—The National Defense Authoriza-  
 10 tion Act for Fiscal Year 2016 (Public Law 114–92) is  
 11 amended—

12           (1) in section 804(d)(3), by inserting “within 5  
 13           business days after such transfer” before the period  
 14           at the end of the first sentence; and

15           (2) in section 809(e)(2)(A), by striking “re-  
 16           pealed” and inserting “rescinded”.

17           (b) SECTION 2431B OF TITLE 10, UNITED STATES  
 18 CODE.—Subsection (d) of section 2431b of title 10,  
 19 United States Code, is amended to read as follows:

20           “(d) DEFINITIONS.—

21           “(1) CONCURRENCY.—The term ‘concurrency’  
 22           means, with respect to an acquisition strategy, the  
 23           combination or overlap of program phases or activi-  
 24           ties.

1           “(2) MAJOR DEFENSE ACQUISITION PROGRAMS  
2           AND MAJOR SYSTEMS.—The terms ‘major defense  
3           acquisition programs’ and ‘major systems’ have the  
4           meanings provided in section 2431a of this title.”.

5   **Subtitle G—National Commission**  
6       **on Military, National, and Pub-**  
7       **lic Service**

8   **SEC. 1066. PURPOSE AND SCOPE.**

9           (a) PURPOSE.—The purpose of this subtitle is to es-  
10   tablish the National Commission on Military, National,  
11   and Public Service to—

12           (1) conduct a review of the military selective  
13   service process (commonly referred to as “the  
14   draft”); and

15           (2) consider methods to increase participation  
16   in military, national, and public service in order to  
17   address national security and other public service  
18   needs of the Nation.

19           (b) SCOPE OF REVIEW.—In order to provide the full-  
20   est understanding of the matters required under the re-  
21   view under subsection (a), the Commission shall con-  
22   sider—

23           (1) the need for a military selective service  
24   process, including the continuing need for a mecha-

1 nism to draft large numbers of replacement combat  
2 troops;

3 (2) means by which to foster a greater attitude  
4 and ethos of service among United States youth, in-  
5 cluding an increased propensity for military service;

6 (3) the feasibility and advisability of modifying  
7 the military selective service process in order to ob-  
8 tain for military, national, and public service individ-  
9 uals with skills (such as medical, dental, and nursing  
10 skills, language skills, cyber skills, and science, tech-  
11 nology, engineering, and mathematics (STEM)  
12 skills) for which the Nation has a critical need, with-  
13 out regard to age or sex; and

14 (4) the feasibility and advisability of including  
15 in the military selective service process, as so modi-  
16 fied, an eligibility or entitlement for the receipt of  
17 one or more Federal benefits (such as educational  
18 benefits, subsidized or secured student loans, grants  
19 or hiring preferences) specified by the Commission  
20 for purposes of the review.

21 (c) DEFINITIONS.—In this subtitle:

22 (1) The term “military service” means active  
23 service (as that term is defined in subsection (d)(3)  
24 of section 101 of title 10, United States Code) in

1       one of the uniformed services (as that term is de-  
2       fined in subsection (a)(5) of such section).

3           (2) The term “national service” means civilian  
4       employment in Federal or State Government in a  
5       field in which the Nation and the public have critical  
6       needs.

7           (3) The term “public service” means civilian  
8       employment in any non-governmental capacity, in-  
9       cluding with private for-profit organizations and  
10      non-profit organizations (including with appropriate  
11      faith-based organizations), that pursues and en-  
12      hances the common good and meets the needs of  
13      communities, the States, or the Nation in sectors re-  
14      lated to security, health, care for the elderly, and  
15      other areas considered appropriate by the Commis-  
16      sion for purposes of this subtitle.

17 **SEC. 1067. NATIONAL COMMISSION ON MILITARY, NA-**  
18 **TIONAL, AND PUBLIC SERVICE.**

19       (a) ESTABLISHMENT.—There is established in the ex-  
20      ecutive branch an independent commission to be known  
21      as the National Commission on Military, National, and  
22      Public Service (in this subtitle referred to as the “Com-  
23      mission”). The Commission shall be considered an inde-  
24      pendent establishment of the Federal Government as de-

1 fined by section 104 of title 5, United States Code, and  
2 a temporary organization under section 3161 of such title.

3 (b) MEMBERSHIP.—

4 (1) NUMBER AND APPOINTMENT.—The Com-  
5 mission shall be composed of 11 members appointed  
6 as follows:

7 (A) The President shall appoint three  
8 members.

9 (B) The Majority Leader of the Senate  
10 shall appoint one member.

11 (C) The Minority Leader of the Senate  
12 shall appoint one member.

13 (D) The Speaker of the House of Rep-  
14 resentatives shall appoint one member.

15 (E) The Minority Leader of the House of  
16 Representatives shall appoint one member.

17 (F) The Chairman of the Committee on  
18 Armed Services of the Senate shall appoint one  
19 member.

20 (G) The Ranking Member of the Com-  
21 mittee on Armed Services of the Senate shall  
22 appoint one member.

23 (H) The Chairman of the Committee on  
24 Armed Services of the House of Representatives  
25 shall appoint one member.

1           (I) The Ranking Member of the Committee  
2           on Armed Services of the House of Representa-  
3           tives shall appoint one member.

4           (2) DEADLINE FOR APPOINTMENT.—Members  
5           shall be appointed to the Commission under para-  
6           graph (1) not later than 90 days after the Commis-  
7           sion establishment date.

8           (3) EFFECT OF LACK OF APPOINTMENT BY AP-  
9           POINTMENT DATE.—If one or more appointments  
10          under subparagraph (A) of paragraph (1) is not  
11          made by the appointment date specified in para-  
12          graph (2), the authority to make such appointment  
13          or appointments shall expire, and the number of  
14          members of the Commission shall be reduced by the  
15          number equal to the number of appointments so not  
16          made. If an appointment under subparagraph (B),  
17          (C), (D), (E), (F), (G), (H), or (I) of paragraph (1)  
18          is not made by the appointment date specified in  
19          paragraph (2), the authority to make an appoint-  
20          ment under such subparagraph shall expire, and the  
21          number of members of the Commission shall be re-  
22          duced by the number equal to the number otherwise  
23          appointable under such subparagraph.

24          (c) CHAIR AND VICE CHAIR.—The Commission shall  
25          elect a Chair and Vice Chair from amount its members.

1       (d) TERMS.—Members shall be appointed for the life  
2 of the Commission. A vacancy in the Commission shall not  
3 affect its powers, and shall be filled in the same manner  
4 as the original appointment was made.

5       (e) STATUS AS FEDERAL EMPLOYEES.—Notwith-  
6 standing the requirements of section 2105 of title 5,  
7 United States Code, including the required supervision  
8 under subsection (a)(3) of such section, the members of  
9 the Commission shall be deemed to be Federal employees.

10      (f) PAY FOR MEMBERS OF THE COMMISSION.—

11           (1) IN GENERAL.—Each member, other than  
12 the Chair, of the Commission shall be paid at a rate  
13 equal to the daily equivalent of the annual rate of  
14 basic pay payable for level IV of the Executive  
15 Schedule under section 5315 of title 5, United  
16 States Code, for each day (including travel time)  
17 during which the member is engaged in the actual  
18 performance of duties vested in the Commission.

19           (2) CHAIR.—The Chair of the Commission shall  
20 be paid at a rate equal to the daily equivalent of the  
21 annual rate of basic pay payable for level III of the  
22 Executive Schedule under section 5314, of title 5,  
23 United States Code, for each day (including travel  
24 time) during which the member is engaged in the ac-

1 tual performance of duties vested in the Commis-  
 2 sion.

3 (g) USE OF GOVERNMENT INFORMATION.—The  
 4 Commission may secure directly from any department or  
 5 agency of the Federal Government such information as the  
 6 Commission considers necessary to carry out its duties.  
 7 Upon such request of the Chair of the Commission, the  
 8 head of such department or agency shall furnish such in-  
 9 formation to the Commission.

10 (h) POSTAL SERVICES.—The Commission may use  
 11 the United States mails in the same manner and under  
 12 the same conditions as departments and agencies of the  
 13 United States.

14 (i) AUTHORITY TO ACCEPT GIFTS.—The Commission  
 15 may accept, use, and dispose of gifts or donations of serv-  
 16 ices, goods, and property from non-Federal entities for the  
 17 purposes of aiding and facilitating the work of the Com-  
 18 mission. The authority in this subsection does not extend  
 19 to gifts of money.

20 (j) PERSONAL SERVICES.—

21 (1) AUTHORITY TO PROCURE.—The Commis-  
 22 sion may—

23 (A) procure the services of experts or con-  
 24 sultants (or of organizations of experts or con-



1           sultants) in accordance with the provisions of  
2           section 3109 of title 5, United States Code; and

3           (B) pay in connection with such services  
4           travel expenses of individuals, including trans-  
5           portation and per diem in lieu of subsistence,  
6           while such individuals are traveling from their  
7           homes or places of business to duty stations.

8           (2) LIMITATION.—The total number of experts  
9           or consultants procured pursuant to paragraph (1)  
10          may not exceed five experts or consultants.

11          (3) MAXIMUM DAILY PAY RATES.—The daily  
12          rate paid an expert or consultant procured pursuant  
13          to paragraph (1) may not exceed the daily rate paid  
14          a person occupying a position at level IV of the Ex-  
15          ecutive Schedule under section 5315 of title 5,  
16          United States Code.

17 **SEC. 1068. COMMISSION HEARINGS AND MEETINGS.**

18          (a) IN GENERAL.—The Commission shall conduct  
19          hearings on the recommendations it is taking under con-  
20          sideration. Any such hearing, except a hearing in which  
21          classified information is to be considered, shall be open  
22          to the public. Any hearing open to the public shall be an-  
23          nounced on a Federal website at least 14 days in advance.  
24          For all hearings open to the public, the Commission shall  
25          release an agenda and a listing of materials relevant to

1 the topics to be discussed. The Commission is authorized  
2 and encouraged to hold hearings and meetings in various  
3 locations throughout the country to provide maximum op-  
4 portunity for public comment and participation in the  
5 Commission's execution of its duties.

6 (b) MEETINGS.—

7 (1) INITIAL MEETING.—The Commission shall  
8 hold its initial meeting not later than 30 days after  
9 the date as of which all members have been ap-  
10 pointed.

11 (2) SUBSEQUENT MEETINGS.—After its initial  
12 meeting, the Commission shall meet upon the call of  
13 the Chair or a majority of its members.

14 (3) PUBLIC MEETINGS.—Each meeting of the  
15 Commission shall be held in public unless any mem-  
16 ber objects or classified information is to be consid-  
17 ered.

18 (c) QUORUM.—Six members of the Commission shall  
19 constitute a quorum, but a lesser number may hold hear-  
20 ings or meetings.

21 (d) PUBLIC COMMENTS.—

22 (1) SOLICITATION.—The Commission shall seek  
23 written comments from the general public and inter-  
24 ested parties on matters of the Commission's review  
25 under this subtitle. Comments shall be requested

1 through a solicitation in the Federal Register and  
2 announcement on the Internet website of the Com-  
3 mission.

4 (2) PERIOD FOR SUBMITTAL.—The period for  
5 the submittal of comments pursuant to the solicita-  
6 tion under paragraph (1) shall end not earlier than  
7 30 days after the date of the solicitation and shall  
8 end on or before the date on which recommendations  
9 are transmitted to the Commission under section  
10 1069(d).

11 (3) USE BY COMMISSION.—The Commission  
12 shall consider the comments submitted under this  
13 subsection when developing its recommendations.

14 (e) SPACE FOR USE OF COMMISSION.—Not later  
15 than 90 days after the date of the enactment of this Act,  
16 the Administrator of General Services, in consultation  
17 with the Secretary, shall identify and make available suit-  
18 able excess space within the Federal space inventory to  
19 house the operations of the Commission. If the Adminis-  
20 trator is not able to make such suitable excess space avail-  
21 able within such 90-day period, the Commission may lease  
22 space to the extent the funds are available.

23 (f) CONTRACTING AUTHORITY.—The Commission  
24 may acquire administrative supplies and equipment for  
25 Commission use to the extent funds are available.

1 **SEC. 1069. PRINCIPLES AND PROCEDURE FOR COMMISSION**  
2 **RECOMMENDATIONS.**

3 (a) CONTEXT OF COMMISSION REVIEW.—The Com-  
4 mission shall—

5 (1) conduct review of the military selective serv-  
6 ice process; and

7 (2) consider methods to increase participation  
8 in military, national and public service opportunities  
9 to address national security and other public service  
10 needs of the Nation.

11 (b) DEVELOPMENT OF COMMISSION RECOMMENDA-  
12 TIONS.—The Commission shall develop recommendations  
13 on the matters subject to its review under subsection (a)  
14 that are consistent with the principles established by the  
15 President under subsection (c).

16 (c) PRESIDENTIAL PRINCIPLES.—

17 (1) IN GENERAL.—Not later than three months  
18 after the Commission establishment date, the Presi-  
19 dent shall establish and transmit to the Commission  
20 and Congress principles for reform of the military  
21 selective service process, including means by which  
22 to best acquire for the Nation skills necessary to  
23 meet the military, national, and public service re-  
24 quirements of the Nation in connection with that  
25 process.

1           (2) ELEMENTS.—The principles required under  
2 this subsection shall address the following:

3           (A) Whether, in light of the current and  
4 predicted global security environment and the  
5 changing nature of warfare, there continues to  
6 be a continuous or potential need for a military  
7 selective service process designed to produce  
8 large numbers of combat members of the  
9 Armed Forces, and if so, whether such a system  
10 should include mandatory registration by all  
11 citizens and residents, regardless of sex.

12           (B) The need, and how best to meet the  
13 need, of the Nation, the military, the Federal  
14 civilian sector, and the private sector (including  
15 the non-profit sector) for individuals possessing  
16 critical skills and abilities, and how best to em-  
17 ploy individuals possessing those skills and  
18 abilities for military, national, or public service.

19           (C) How to foster within the Nation, par-  
20 ticularly among United States youth, an in-  
21 creased sense of service and civic responsibility  
22 in order to enhance the acquisition by the Na-  
23 tion of critically needed skills through education  
24 and training, and how best to acquire those  
25 skills for military, national, or public service.

1           (D) How to increase a propensity among  
2           United States youth for service in the military,  
3           or alternatively in national or public service, in-  
4           cluding how to increase the pool of qualified ap-  
5           plicants for military service.

6           (E) The need in Government, including the  
7           military, and in the civilian sector to increase  
8           interest, education, and employment in certain  
9           critical fields, including science, technology, en-  
10          gineering, and mathematics (STEM), national  
11          security, cyber, linguistics and foreign language,  
12          education, health care, and the medical profes-  
13          sions.

14          (F) How military, national, and public  
15          service may be incentivized, including through  
16          educational benefits, grants, Federally-insured  
17          loans, Federal or State hiring preferences, or  
18          other mechanisms that the President considers  
19          appropriate.

20          (G) Any other matters the President con-  
21          siders appropriate for purposes of this subtitle.

22       (d) CABINET RECOMMENDATIONS.—Not later than  
23       seven months after the Commission establishment date,  
24       the Secretary of Defense, the Attorney General, the Sec-  
25       retary of Homeland Security, the Secretary of Labor, and

1 such other Government officials, and such experts, as the  
2 President shall designate for purposes of this subsection  
3 shall jointly transmit to the Commission and Congress rec-  
4 ommendations for the reform of the military selective serv-  
5 ice process and military, national, and public service in  
6 connection with that process.

7 (e) COMMISSION REPORT AND RECOMMENDA-  
8 TIONS.—

9 (1) REPORT.—Not later than 30 months after  
10 the Commission establishment date, the Commission  
11 shall transmit to the President and Congress a re-  
12 port containing the findings and conclusions of the  
13 Commission, together with the recommendations of  
14 the Commission regarding the matters reviewed by  
15 the Commission pursuant to this subtitle. The Com-  
16 mission shall include in the report legislative lan-  
17 guage and recommendations for administrative ac-  
18 tion to implement the recommendations of the Com-  
19 mission. The findings and conclusions in the report  
20 shall be based on the review and analysis by the  
21 Commission of the recommendations made under  
22 subsection (d).

23 (2) REQUIREMENT FOR APPROVAL.—The rec-  
24 ommendations of the Commission must be approved  
25 by at least five members of the Commission before

1 the recommendations may be transmitted to the  
2 President and Congress under paragraph (1).

3 (3) PUBLIC AVAILABILITY.—The Commission  
4 shall publish a copy of the report required by para-  
5 graph (1) on an Internet website available to the  
6 public on the same date on which it transmits that  
7 report to the President and Congress under that  
8 paragraph.

9 **SEC. 1070. EXECUTIVE DIRECTOR AND STAFF.**

10 (a) EXECUTIVE DIRECTOR.—The Commission shall  
11 appoint and fix the rate of basic pay for an Executive Di-  
12 rector in accordance with section 3161 of title 5, United  
13 States Code.

14 (b) STAFF.—Subject to subsections (c) and (d), the  
15 Executive Director, with the approval of the Commission,  
16 may appoint and fix the rate of basic pay for additional  
17 personnel as staff of the Commission in accordance with  
18 section 3161 of title 5, United States Code.

19 (c) LIMITATIONS ON STAFF.—

20 (1) NUMBER OF DETAILEES FROM EXECUTIVE  
21 DEPARTMENTS.—Not more than one-third of the  
22 personnel employed by or detailed to the Commission  
23 may be on detail from the Department of Defense  
24 and other executive branch departments.



1           (2) PRIOR DUTIES WITHIN EXECUTIVE  
 2 BRANCH.—A person may not be detailed from the  
 3 Department of Defense or other executive branch  
 4 department to the Commission if, in the year before  
 5 the detail is to begin, that person participated per-  
 6 sonally and substantially in any matter concerning  
 7 the preparation of recommendations for the military  
 8 selective service process and military and public  
 9 service in connection with that process.

10       (d) LIMITATIONS ON PERFORMANCE REVIEWS.—No  
 11 member of the uniformed services, and no officer or em-  
 12 ployee of the Department of Defense or other executive  
 13 branch department (other than a member of the uni-  
 14 formed services or officer or employee who is detailed to  
 15 the Commission), may—

16           (1) prepare any report concerning the effective-  
 17 ness, fitness, or efficiency of the performance of the  
 18 staff of the Commission or any person detailed to  
 19 that staff;

20           (2) review the preparation of such a report  
 21 (other than for administrative accuracy); or

22           (3) approve or disapprove such a report.

23 **SEC. 1071. JUDICIAL REVIEW PRECLUDED.**

24       Actions under section 1069 of the President, the offi-  
 25 cials specified or designated under subsection (d) of such

1 section, and the Commission shall not be subject to judi-  
2 cial review.

3 **SEC. 1072. TERMINATION.**

4 Except as otherwise provided in this subtitle, the  
5 Commission shall terminate not later than 36 months  
6 after the Commission establishment date.

7 **SEC. 1073. FUNDING.**

8 Of the amounts authorized to be appropriated by this  
9 Act for fiscal year 2017 for the Department of Defense,  
10 up to \$15,000,000 shall be made available to the Commis-  
11 sion to carry out its duties under this subtitle. Funds  
12 made available to the Commission under the preceding  
13 sentence shall remain available until expended.

14 **Subtitle H—Studies and Reports**

15 **SEC. 1076. ANNUAL REPORTS ON UNFUNDED PRIORITIES**  
16 **OF THE ARMED FORCES AND THE COMBAT-**  
17 **ANT COMMANDS.**

18 (a) ANNUAL REPORTS REQUIRED.—

19 (1) IN GENERAL.—Chapter 9 of title 10, United  
20 States Code, is amended by inserting after section  
21 222 the following new section:

22 **“§ 222a. Unfunded priorities of the armed forces and**  
23 **combatant commands: annual report**

24 **“(a) ANNUAL REPORT.—**Not later than 25 days after  
25 the date on which the budget of the President for a fiscal

1 year is submitted to Congress pursuant to section 1105  
2 of title 31, each officer specified in subsection (b) shall  
3 submit to the Secretary of Defense and the Chairman of  
4 the Joint Chiefs of Staff, and to the congressional defense  
5 committees, a report on the current unfunded priorities  
6 of the armed force or forces or combatant command under  
7 the jurisdiction or command of such officer.

8 “(b) OFFICERS.—The officers specified in this sub-  
9 section are the following:

10 “(1) The Chief of Staff of the Army.

11 “(2) The Chief of Naval Operations.

12 “(3) The Chief of Staff of the Air Force.

13 “(4) The Commandant of the Marine Corps.

14 “(5) The commanders of the geographic com-  
15 batant commands and the commanders of the func-  
16 tional combatant commands.

17 “(c) ELEMENTS.—

18 “(1) IN GENERAL.—Each report under this  
19 subsection shall specify, for each unfunded priority  
20 covered by such report, the following:

21 “(A) A summary description of such pri-  
22 ority, including the objectives to be achieved if  
23 such priority is funded (whether in whole or in  
24 part).

1           “(B) The additional funds required to fully  
2 fund such priority.

3           “(C) Account information with respect to  
4 such priority, including the following (as appli-  
5 cable):

6                   “(i) Line Item Number (LIN) for ap-  
7 plicable procurement accounts.

8                   “(ii) Program Element (PE) number  
9 for applicable research, development, test,  
10 and evaluation accounts.

11                   “(iii) Sub-activity group (SAG) for  
12 applicable operation and maintenance ac-  
13 counts.

14           “(2) PRIORITIZATION OF PRIORITIES.—Each  
15 report shall present the unfunded priorities covered  
16 by such report in order of urgency of priority.

17           “(d) UNFUNDED PRIORITY DEFINED.—in this sec-  
18 tion, the term ‘unfunded priority’, in the case of a fiscal  
19 year, means a program, activity, or mission requirement  
20 that—

21                   “(1) is not funded in the budget of the Presi-  
22 dent for the fiscal year as submitted to Congress  
23 pursuant to section 1105 of title 31;

24                   “(2) is necessary to fulfill a requirement associ-  
25 ated with an operational or contingency plan of a

1 combatant command or other validated global force  
2 requirement; and

3 “(3) would have been recommended for funding  
4 through the budget referred to in paragraph (1) by  
5 the officer submitting the report required by sub-  
6 section (a) in connection with the budget if—

7 “(A) additional resources been available for  
8 the budget to fund the program, activity, or  
9 mission requirement; or

10 “(B) the program, activity, or mission re-  
11 quirement had emerged before the budget was  
12 so submitted.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of chapter 9 of such title is  
15 amended by inserting after the item relating to sec-  
16 tion 222 the following new item:

“222a. Unfunded priorities of the armed forces and combatant commands: an-  
nual report.”.

17 (b) REPEAL OF SUPERSEDED PROVISION.—Section  
18 1003 of the National Defense Authorization Act for Fiscal  
19 Year 2013 (Public Law 113–239; 126 Stat. 1903) is re-  
20 pealed.

21 **SEC. 1077. ASSESSMENT OF THE JOINT GROUND FORCES**  
22 **OF THE ARMED FORCES.**

23 (a) IN GENERAL.—The Secretary of Defense shall,  
24 in consultation with the Chairman of the Joint Chiefs of

1 Staff, provide for and oversee an assessment of the joint  
2 ground forces of the Armed Forces.

3 (b) REPORT.—Not later than one year after the date  
4 of the enactment of this Act, the Secretary shall submit  
5 to the Committees on Armed Services of the Senate and  
6 the House of Representatives a report on the assessment  
7 described in subsection (a). The report shall include the  
8 following:

9 (1) A description of any gaps in the capabilities  
10 and capacities of the joint ground forces that threat-  
11 en the successful execution of decisive operational  
12 maneuver by the joint ground forces.

13 (2) Recommendations for actions to be taken to  
14 eliminate or otherwise address such gaps in capabili-  
15 ties or capacities.

16 **SEC. 1078. REPORT ON INDEPENDENT ASSESSMENT OF THE**  
17 **FORCE STRUCTURE OF THE ARMED FORCES**  
18 **TO MEET THE NATIONAL DEFENSE STRAT-**  
19 **EGY.**

20 (a) REPORT REQUIRED.—The Secretary of Defense  
21 shall, as provided in subsection (d), submit to Congress  
22 a report setting forth an assessment, obtained by the Sec-  
23 retary from an organization independent of the Depart-  
24 ment of Defense, of the adequacy and sufficiency of the

1 force structure of the Armed Forces to meet future threats  
2 to the United States.

3 (b) CONDUCT OF REVIEW.—

4 (1) CONTRACT.—Not later than 90 days after  
5 the date of the enactment of this Act, the Secretary  
6 shall contract with an organization independent of  
7 the Department for the review required pursuant to  
8 subsection (a).

9 (2) ENTITY QUALIFICATIONS.—The entity with  
10 which the Secretary contracts under this subsection  
11 shall be an organization that has—

12 (A) recognized credentials and expertise in  
13 national security and military affairs; and

14 (B) access to policy experts throughout the  
15 United States.

16 (c) ELEMENTS.—The report under subsection (a)  
17 shall include the following:

18 (1) An identification and assessment of the  
19 threats to the United States from Russia, China,  
20 North Korea, Iran, the Islamic State of Iraq and the  
21 Levant, global terrorism, and other sources.

22 (2) A description of potential conflicts arising  
23 from the threats identified pursuant to paragraph  
24 (1) and the proposed responses of the Department  
25 and the Armed Forces to meet such threats, includ-

1       ing the concepts of operations, the end states de-  
2       sired, the timelines required, the availability of host  
3       nation and allied support, the use of weapons of  
4       mass destruction, the anticipated duration of the  
5       conflicts, and the need, if any, for post-hostilities  
6       stabilization operations.

7           (3) An identification and assessment of the  
8       forces, warfighting systems, acquisition programs,  
9       and associated personnel strengths required to exe-  
10      cute such responses at moderate risk, including the  
11      demands of simultaneous or nearly simultaneous  
12      conflicts in connection with such threats and ongo-  
13      ing global commitments, with such strengths to in-  
14      clude strengths for the regular and reserve compo-  
15      nents of each Armed Force, for the United States  
16      Special Operations Command, and for Government  
17      civilian and operational contractor personnel.

18          (4) An identification and assessment of the  
19      funding required to build and sustain the forces,  
20      warfighting systems, acquisition programs, and per-  
21      sonnel identified pursuant to paragraph (3).

22          (5) A comparison of the forces, warfighting sys-  
23      tems, acquisition programs, manpower, and funding  
24      identified pursuant to paragraphs (3) and (4) with  
25      the forces, warfighting systems, acquisition pro-



grams, manpower, and funding planned in the future-years defense program for fiscal year 2017, as amended by any announced changes.

(6) An assessment of the ability of the forces planned in the future-years defense program for fiscal year 2017 to meet the day-to-day requirements of the commanders of the combatant commands for forward deployments, forward stationing (such as in Korea, Japan, and Europe), crisis response (such as Freedom of Navigation operations), humanitarian assistance and disaster response, no-fly zones, evacuation operations, peacekeeping, counterterrorism, operations in Iraq (Operation Inherent Resolve) and Afghanistan (Operation Resolute Support), allied and partner engagement, and homeland security (including missile defense), including a specification of appropriate dwell times for forces and members of the Armed Forces, an assessment of the ability of the Armed Forces to meet such specified dwell times, and a specification of the readiness levels needed for deployed and nondeployed forces.

(d) DEADLINE FOR REPORT; INTERIM BRIEFINGS.—

(1) SUBMITTAL TO SECRETARY OF DEFENSE.—

Not later than 180 days after the date on which the Secretary enters into the contract described in sub-

1 section (b)(1), the organization with which the Sec-  
 2 retary contracts shall submit to the Secretary a re-  
 3 port containing the results of the review required  
 4 pursuant to subsection (a).

5 (2) INTERIM REPORTS.—The organization shall  
 6 provide the Secretary such interim briefings as the  
 7 Secretary considers appropriate to assist the Depart-  
 8 ment in the preparation of the national defense  
 9 strategy required by section 118 of title 10, United  
 10 States Code (as amended by section 1096 of this  
 11 Act), and the quadrennial roles and missions review  
 12 required by section 118b of such title.

13 (3) TRANSMITTAL TO CONGRESS.—Not later  
 14 than 90 days after the date of the receipt of the re-  
 15 port under paragraph (1), the Secretary shall trans-  
 16 mit the report to the congressional defense commit-  
 17 tees, together with any comments on the report that  
 18 the Secretary considers appropriate. The report and  
 19 such comments shall be transmitted in unclassified  
 20 form, but may contain a classified annex.

21 **SEC. 1079. ANNUAL REPORT ON OBSERVATION FLIGHTS**  
 22 **OVER THE UNITED STATES UNDER THE OPEN**  
 23 **SKIES TREATY.**

24 (a) ANNUAL REPORT ON OBSERVATION FLIGHTS.—

1           (1) IN GENERAL.—Not less frequently than  
2           once each year, the Secretary of Defense shall sub-  
3           mit to the appropriate committees of Congress a re-  
4           port on the observation flights over the United  
5           States under the Open Skies Treaty during the pre-  
6           vious year.

7           (2) CONTENTS.—Each report required by para-  
8           graph (1) shall include, for each observation flight  
9           described in such paragraph covered by such report,  
10          the following:

11                 (A) A description of the flight path of such  
12                 observation flight.

13                 (B) An analysis of whether and the extent  
14                 to which any critical infrastructure of the  
15                 United States or any covered state party critical  
16                 was the subject of image capture activities of  
17                 such observation flight.

18                 (C) A description of the mitigation meas-  
19                 ures and costs imposed on the Department of  
20                 Defense or other departments and agencies of  
21                 the United States Government by such observa-  
22                 tion flight.

23          (b) UPGRADE ROADMAP.—In the first report sub-  
24          mitted under subsection (a), the Secretary shall also in-  
25          clude an upgrade roadmap for the observation aircraft of

1 the United States under the Open Skies Treaty that are  
 2 located at Offutt Air Force Base, Nebraska, and for any  
 3 analysis and support staff and equipment required in con-  
 4 nection with such aircraft.

5 (c) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-  
 7 GRESS.—The term “appropriate committees of Con-  
 8 gress” means—

9 (A) the Committee on Armed Services, the  
 10 Committee on Foreign Relations, and the Select  
 11 Committee on Intelligence of the Senate; and

12 (B) the Committee on Armed Services, the  
 13 Committee on Foreign Affairs, and the Perma-  
 14 nent Select Committee on Intelligence of the  
 15 House of Representatives.

16 (2) COVERED STATE PARTY.—The term “cov-  
 17 ered state party” means a foreign country that—

18 (A) is a state party to the Open Skies  
 19 Treaty; and

20 (B) is not the Russian Federation or  
 21 Belarus.

22 (3) OBSERVATION FLIGHT; OBSERVATION AIR-  
 23 CRAFT.—The terms “observation flight” and “obser-  
 24 vation aircraft” have the meaning given such terms  
 25 in Article II of the Open Skies Treaty.

1           (4) OPEN SKIES TREATY.—The term “Open  
2       Skies Treaty” means the Treaty on Open Skies,  
3       done at Helsinki March 24, 1992, and entered into  
4       force January 1, 2002.

5 **SEC. 1080. REPORTS ON PROGRAMS MANAGED UNDER AL-**  
6 **TERNATIVE COMPENSATORY CONTROL**  
7 **MEASURES IN THE DEPARTMENT OF DE-**  
8 **FENSE.**

9       (a) IN GENERAL.—Chapter 2 of title 10, United  
10      States Code, is amended by adding at the end the fol-  
11      lowing new section:

12 **“§ 119a. Programs managed under alternative com-**  
13 **pensatory control measures: congres-**  
14 **sional oversight**

15      “(a) ANNUAL REPORT ON CURRENT PROGRAMS  
16      UNDER ACCMS.—

17           “(1) IN GENERAL.—Not later than March 1  
18      each year, the Secretary of Defense shall submit to  
19      the congressional defense committees a report on the  
20      programs being managed under alternative compen-  
21      satory control measures in the Department of De-  
22      fense.

23           “(2) ELEMENTS.—Each report under para-  
24      graph (1) shall set forth the following:

1           “(A) The total amount requested for pro-  
2           grams being managed under alternative com-  
3           pensatory control measures in the Department  
4           in the budget of the President under section  
5           1105 of title 31 for the fiscal year beginning in  
6           the fiscal year in which such report is sub-  
7           mitted.

8           “(B) For each program in that budget  
9           that is a program being managed under alter-  
10          native compensatory control measures in the  
11          Department—

12               “(i) a brief description of the pro-  
13               gram;

14               “(ii) a brief discussion of the major  
15               milestones established for the program;

16               “(iii) the actual cost of the program  
17               for each fiscal year during which the pro-  
18               gram has been conducted before the fiscal  
19               year during which that budget is sub-  
20               mitted; and

21               “(iv) the estimated total cost of the  
22               program and the estimated cost of the pro-  
23               gram for—

24                       “(I) the current fiscal year;

1                   “(II) the fiscal year for which  
2                   that budget is submitted; and

3                   “(III) each of the four succeeding  
4                   fiscal years during which the program  
5                   is expected to be conducted.

6                   “(3) ELEMENTS ON PROGRAMS COVERED BY  
7                   MULTIYEAR BUDGETING.—In the case of a report  
8                   under paragraph (1) submitted in a year during  
9                   which the budget of the President for the fiscal year  
10                  concerned does not, because of multiyear budgeting  
11                  for the Department, include a full budget request for  
12                  the Department, the report required by paragraph  
13                  (1) shall set forth—

14                  “(A) the total amount already appro-  
15                  priated for the next fiscal year for programs  
16                  being managed under alternative compensatory  
17                  control measures in the Department, and any  
18                  additional amount requested in that budget for  
19                  such programs for such fiscal year; and

20                  “(B) for each program that is a program  
21                  being managed under alternative compensatory  
22                  control measures in the Department, the infor-  
23                  mation specified in paragraph (2)(B).

24                  “(b) ANNUAL REPORT ON NEW PROGRAMS UNDER  
25                  ACCMS.—

1           “(1) IN GENERAL.—Not later than February 1  
2           each year, the Secretary shall submit to the congres-  
3           sional defense committees a report that, with respect  
4           to each new program being managed under alter-  
5           native compensatory control measures in the Depart-  
6           ment, provides—

7                   “(A) notice of the designation of the pro-  
8                   gram as a program being managed under alter-  
9                   native compensatory control measures in the  
10                  Department; and

11                  “(B) a justification for such designation.

12           “(2) ADDITIONAL ELEMENTS.—A report under  
13           paragraph (1) with respect to a program shall in-  
14           clude—

15                   “(A) the current estimate of the total pro-  
16                   gram cost for the program; and

17                   “(B) an identification of existing programs  
18                   or technologies that are similar to the tech-  
19                   nology, or that have a mission similar to the  
20                   mission, of the program that is the subject of  
21                   the report.

22           “(3) NEW PROGRAM BEING MANAGED UNDER  
23           ALTERNATIVE COMPENSATORY CONTROL MEASURES  
24           DEFINED.—In this subsection, the term ‘new pro-  
25           gram being managed under alternative compensatory



1 control measures' means a program in the Depart-  
2 ment that has not previously been covered by a re-  
3 port under this subsection.

4 “(c) REPORT ON CHANGE IN CLASSIFICATION OR  
5 DECLASSIFICATION OF PROGRAMS.—

6 “(1) IN GENERAL.—Whenever a change in the  
7 classification of a program being managed under al-  
8 ternative compensatory control measures in the De-  
9 partment is planned to be made, or whenever classi-  
10 fied information concerning a program being man-  
11 aged under alternative compensatory control meas-  
12 ures in the Department is to be declassified and  
13 made public, the Secretary shall submit to the con-  
14 gressional defense committees a report containing a  
15 description of the proposed change, the reasons for  
16 the proposed change, and notice of any public an-  
17 nouncement planned to be made with respect to the  
18 proposed change.

19 “(2) DEADLINE FOR REPORT.—Except as pro-  
20 vided in paragraph (3), a report required by para-  
21 graph (1) shall be submitted not less than 14 days  
22 before the date on which the proposed change or  
23 public announcement concerned is to occur.

24 “(3) EXCEPTION.—If the Secretary determines  
25 that because of exceptional circumstances the re-

1        requirement in paragraph (2) cannot be met with re-  
2        spect to a proposed change or public announcement  
3        concerning a program covered by paragraph (1), the  
4        Secretary may submit the report required by that  
5        paragraph regarding the proposed change or public  
6        announcement at any time before the proposed  
7        change or public announcement is made, and shall  
8        include in the report an explanation of the excep-  
9        tional circumstances.

10       “(d) MODIFICATION OF CRITERIA OR POLICY FOR  
11       DESIGNATING PROGRAMS UNDER ACCMS.—Whenever  
12       there is a modification or termination of the policy or cri-  
13       teria used for designating a program as a program being  
14       managed under alternative compensatory control meas-  
15       ures in the Department, the Secretary shall promptly no-  
16       tify the congressional defense committees of such modi-  
17       fication or termination. Any such notification shall contain  
18       the reasons for the modification or termination and, in the  
19       case of a modification, the provisions of the policy or cri-  
20       teria as modified.

21       “(e) WAIVER.—

22                “(1) IN GENERAL.—The Secretary may waive  
23       any requirement in subsection (a), (b), or (c) that  
24       certain information be included in a report under  
25       such subsection if the Secretary determines that in-

1       clusion of that information in the report would ad-  
2       versely affect the national security. Any such waiver  
3       shall be made on a case-by-case basis.

4           “(2) NOTICE TO CONGRESS.—If the Secretary  
5       exercises the authority in paragraph (1), the Sec-  
6       retary shall provide the information described in the  
7       applicable subsection with respect to the program  
8       concerned, and the justification for the waiver, joint-  
9       ly to the chairman and ranking minority member of  
10      each of the congressional defense committees.

11      “(f) LIMITATION ON INITIATION OF PROGRAMS  
12      UNDER ACCMS.—

13           “(1) NOTICE AND WAIT.—Except as provided in  
14      paragraph (2), a program to be managed under al-  
15      ternative compensatory control measures in the De-  
16      partment may not be initiated until—

17           “(A) the congressional defense committees  
18           are notified of the program; and

19           “(B) a period of 30 days elapses after such  
20           notification is received.

21           “(2) EXCEPTION.—If the Secretary determines  
22      that waiting for the regular notification process be-  
23      fore initiating a program as described in paragraph  
24      (1) would cause exceptionally grave damage to the  
25      national security, the Secretary may begin a pro-

1       gram to be managed under alternative compensatory  
 2       control measures in the Department before such  
 3       waiting period elapses. The Secretary shall notify  
 4       the congressional defense committees within 10 days  
 5       of initiating a program under this paragraph, includ-  
 6       ing a justification for the determination of the Sec-  
 7       retary that waiting for the regular notification proc-  
 8       ess would cause exceptionally grave damage to the  
 9       national security.”.

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

“119a. Programs managed under alternative compensatory control measures:  
 congressional oversight.”.

13       **SEC. 1081. REQUIREMENT FOR NOTICE AND REPORTING TO**  
 14                               **COMMITTEES ON ARMED SERVICES ON CER-**  
 15                               **TAIN EXPENDITURES OF FUNDS BY DEFENSE**  
 16                               **INTELLIGENCE AGENCY.**

17       Section 105(c) of the National Security Act of 1947  
 18       (50 U.S.C. 3038(c)) is amended by inserting “, the Com-  
 19       mittee on Armed Services of the Senate, and the Com-  
 20       mittee on Armed Services of the House of Representa-  
 21       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(c), 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. 670c–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(c)(4) of the Intelligence Re-  
 5       form and Terrorism Prevention Act of 2004 (50  
 6       U.S.C. 3343(c)(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      (c).

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 (c).

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(c) (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 **Subtitle I—Other Matters**

10 **SEC. 1086. MILITARY SERVICE MANAGEMENT OF F–35 JOINT**  
 11 **STRIKE FIGHTER PROGRAM.**

12 (a) DISESTABLISHMENT OF F–35 JOINT PROGRAM  
 13 OFFICE.—

14 (1) IN GENERAL.—Except as provided under  
 15 subsection (d), not later than 180 days after Mile-  
 16 stone C approval for the F–35 Joint Strike Fighter  
 17 program, the Secretary of Defense shall disestablish  
 18 the F–35 Joint Program Office and devolve relevant  
 19 responsibilities to the Department of the Air Force  
 20 and the Department of the Navy. The Department  
 21 of the Air Force and the Department of the Navy  
 22 shall establish separate program offices to manage  
 23 the production, sustainment, and modernization of  
 24 their respective aircraft.

25 (2) RESPONSIBILITIES OF THE DEPARTMENT  
 26 OF THE AIR FORCE.—The Department of the Air

1 Force shall manage all aspects related to the F-35A  
2 variant.

3 (3) RESPONSIBILITIES OF THE DEPARTMENT  
4 OF THE NAVY.—The Department of the Navy shall  
5 manage all aspects related to the F-35B and F-35C  
6 variants.

7 (4) COORDINATION.—The Department of the  
8 Air Force and the Department of the Navy shall es-  
9 tablish processes to coordinate on F-35 Joint Strike  
10 Fighter issues where commonality exists.

11 (b) REPORT.—Not later than February 1, 2017, the  
12 Secretary of Defense shall submit to the congressional de-  
13 fense committees a report outlining the Department’s plan  
14 for implementing the changes to management of the F-  
15 35 Joint Strike Fighter program required under sub-  
16 section (a).

17 (c) GAO REVIEW.—Not later than 90 days after the  
18 Secretary of Defense submits the report and implementa-  
19 tion plan required under subsection (b), the Comptroller  
20 General of the United States shall review the implementa-  
21 tion plan and brief the congressional defense committees  
22 on its findings.

23 (d) WAIVER.—The Secretary of Defense may waive  
24 the requirements of this section if the Secretary certifies  
25 to the congressional defense committees that the current



1 Joint Program Office management structure is the opti-  
2 mal management structure for the F-35 Joint Strike  
3 Fighter program, including a business case analysis dem-  
4 onstrating that the current management structure is the  
5 optimal structure.

6 **SEC. 1087. TREATMENT OF FOLLOW-ON MODERNIZATION**  
7 **FOR THE F-35 JOINT STRIKE FIGHTER AS A**  
8 **MAJOR DEFENSE ACQUISITION PROGRAM.**

9 (a) IN GENERAL.—The Secretary of Defense shall  
10 treat the programs referred to in subsection (b) for the  
11 F-35 Joint Strike Fighter as a major defense acquisition  
12 program for which Selected Acquisition Reports shall be  
13 submitted to Congress in accordance with the require-  
14 ments of section 2432 of title 10, United States Code.

15 (b) COVERED PROGRAMS.—The programs referred to  
16 in this subsection for the F-35 Joint Strike Fighter are  
17 the Block 4 Follow-on Modernization and any future F-  
18 35 Joint Strike Fighter modernization program that  
19 would otherwise, if a standalone program, qualify for  
20 treatment as a major defense acquisition program for pur-  
21 poses of chapter 144 of title 10, United States Code.

1 **SEC. 1088. REDUCTION IN MINIMUM NUMBER OF NAVY**  
 2 **CARRIER AIR WINGS AND CARRIER AIR WING**  
 3 **HEADQUARTERS REQUIRED TO BE MAIN-**  
 4 **TAINED.**

5 (a) CODIFICATION AND REDUCTION.—Section 5062  
 6 of title 10, United States Code, is amended by adding at  
 7 the end the following new subsection:

8 “(e) The Secretary of the Navy shall ensure that the  
 9 Navy maintains—

10 “(1) a minimum of 9 carrier air wings; and

11 “(2) for each such carrier air wing, a dedicated  
 12 and fully staffed headquarters.”.

13 (b) REPEAL OF SUPERSEDED REQUIREMENT.—Sec-  
 14 tion 1093 of the National Defense Authorization Act for  
 15 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1606;  
 16 10 U.S.C. 5062 note) is repealed.

17 **SEC. 1089. STREAMLINING OF THE NATIONAL SECURITY**  
 18 **COUNCIL.**

19 Section 101 of the National Security Act of 1947 (50  
 20 U.S.C. 3021) is amended to read as follows:

21 **“SEC. 101. NATIONAL SECURITY COUNCIL.**

22 “(a) NATIONAL SECURITY COUNCIL.—There is a  
 23 council known as the National Security Council (in this  
 24 section referred to as the ‘Council’).

25 “(b) FUNCTIONS.—Consistent with the direction of  
 26 the President, the functions of the Council shall be to—

1           “(1) advise the President with respect to the in-  
2           tegration of domestic, foreign, and military policies  
3           relating to the national security so as to enable the  
4           Armed Forces and the other departments and agen-  
5           cies of the United States Government to cooperate  
6           more effectively in matters involving the national se-  
7           curity;

8           “(2) assess and appraise the objectives, commit-  
9           ments, and risks of the United States in relation to  
10          the actual and potential military power of the  
11          United States, and make recommendations thereon  
12          to the President; and

13          “(3) make recommendations to the President  
14          concerning policies on matters of common interest to  
15          the departments and agencies of the United States  
16          Government concerned with the national security.

17          “(c) MEMBERSHIP.—

18                 “(1) IN GENERAL.—The Council consists of the  
19                 President, the Vice President, the Secretary of  
20                 State, the Secretary of Defense, and such other offi-  
21                 cers of the United States Government as the Presi-  
22                 dent may designate.

23                 “(2) ATTENDANCE AND PARTICIPATION IN  
24                 MEETINGS.—The President may designate such  
25                 other officers of the United States Government as

1 the President considers appropriate, including the  
2 Director of National Intelligence, the Director of  
3 National Drug Control Policy, and the Chairman of  
4 the Joint Chiefs of Staff, to attend and participate  
5 in meetings of the Council.

6 “(d) PRESIDING OFFICERS.—At meetings of the  
7 Council, the President shall preside or, in the absence of  
8 the President, a member of the Council designated by the  
9 President shall preside.

10 “(e) STAFF.—

11 “(1) IN GENERAL.—The Council shall have a  
12 staff headed by a civilian executive secretary ap-  
13 pointed by the President.

14 “(2) STAFF.—Consistent with the direction of  
15 the President and subject to paragraph (3), the ex-  
16 ecutive secretary may, subject to the civil service  
17 laws and chapter 51 and subchapter III of chapter  
18 53 of title 5, United States Code, appoint and fix  
19 the compensation of such personnel as may be nec-  
20 essary to perform such duties as may be prescribed  
21 by the President in connection with performance of  
22 the functions of the Council.

23 “(3) NUMBER OF PROFESSIONAL STAFF.—The  
24 professional staff for which this subsection provides  
25 shall not exceed 150 persons, including persons em-

1       employed by, assigned to, detailed to, under contract to  
 2       serve on, or otherwise serving or affiliated with the  
 3       staff. The limitation in this paragraph does not  
 4       apply to personnel serving wholly in support or ad-  
 5       ministrative positions.”.

6   **SEC. 1090. FORM OF ANNUAL NATIONAL SECURITY STRAT-**  
 7                   **EGY REPORT.**

8       Section 108(c) of the National Security Act of 1947  
 9   (50 U.S.C. 3043(c)) is amended by striking “in both a  
 10   classified form and an unclassified form” and inserting  
 11   “in classified form, but may include an unclassified sum-  
 12   mary”.

13   **SEC. 1091. BORDER SECURITY METRICS.**

14       (a) DEFINITIONS.—In this section:

15           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
 16       TEES.—The term “appropriate congressional com-  
 17       mittees” means—

18                   (A) the Committee on Homeland Security  
 19                   and Governmental Affairs of the Senate;

20                   (B) the Committee on Homeland Security  
 21                   of the House of Representatives;

22                   (C) the Committee on the Judiciary of the  
 23                   Senate; and

24                   (D) the Committee on the Judiciary of the  
 25                   House of Representatives.

1           (2) CONSEQUENCE DELIVERY SYSTEM.—The  
2       term “Consequence Delivery System” means the se-  
3       ries of consequences applied by the Border Patrol to  
4       persons unlawfully entering the United States to  
5       prevent unlawful border crossing recidivism.

6           (3) GOT AWAY.—The term “got away” means  
7       an unlawful border crosser who—

8               (A) is directly or indirectly observed mak-  
9               ing an unlawful entry into the United States;  
10              and

11             (B) is not a turn back and is not appre-  
12              hended.

13           (4) KNOWN MIGRANT FLOW.—The term  
14       “known migrant flow” means the sum of the num-  
15       ber of undocumented migrants—

16               (A) interdicted at sea;

17               (B) identified at sea, but not interdicted;

18               (C) that successfully entered the United  
19       States through the maritime border; or

20               (D) not described in subparagraph (A),  
21       (B), or (C), which were otherwise reported, with  
22       a significant degree of certainty, as having en-  
23       tered, or attempted to enter, the United States  
24       through the maritime border.

1           (5) MAJOR VIOLATOR.—The term “major viola-  
2           tor” means a person or entity that has engaged in  
3           serious criminal activities at any land, air, or sea  
4           port of entry, including—

5                   (A) possession of illicit drugs;

6                   (B) smuggling of prohibited products;

7                   (C) human smuggling;

8                   (D) weapons possession;

9                   (E) use of fraudulent United States docu-  
10           ments; or

11                   (F) other offenses that are serious enough  
12           to result in arrest.

13           (6) SITUATIONAL AWARENESS.—The term “sit-  
14           uational awareness” means knowledge and unified  
15           understanding of current unlawful cross-border ac-  
16           tivity, including—

17                   (A) threats and trends concerning illicit  
18           trafficking and unlawful crossings;

19                   (B) the ability to forecast future shifts in  
20           such threats and trends;

21                   (C) the ability to evaluate such threats and  
22           trends at a level sufficient to create actionable  
23           plans; and

1 (D) the operational capability to conduct  
2 persistent and integrated surveillance of the  
3 international borders of the United States.

4 (7) TRANSIT ZONE.—The term “transit zone”  
5 means the sea corridors of the western Atlantic  
6 Ocean, the Gulf of Mexico, the Caribbean Sea, and  
7 the eastern Pacific Ocean through which undocu-  
8 mented migrants and illicit drugs transit, either di-  
9 rectly or indirectly, to the United States.

10 (8) TURN BACK.—The term “turn back” means  
11 an unlawful border crosser who, after making an un-  
12 lawful entry into the United States, promptly re-  
13 turns to the country from which such crosser en-  
14 tered.

15 (9) UNLAWFUL BORDER CROSSING EFFECTIVE-  
16 NESS RATE.—The term “unlawful border crossing  
17 effectiveness rate” means the percentage that results  
18 from dividing—

19 (A) the number of apprehensions and turn  
20 backs; and

21 (B) the number of apprehensions, esti-  
22 mated unlawful entries, turn backs, and got  
23 aways.

24 (10) UNLAWFUL ENTRY.—The term “unlawful  
25 entry” means an unlawful border crosser who enters



1 the United States and is not apprehended by a bor-  
2 der security component of the Department of Home-  
3 land Security.

4 (b) METRICS FOR SECURING THE BORDER BETWEEN  
5 PORTS OF ENTRY.—

6 (1) IN GENERAL.—Not later than 120 days  
7 after the date of the enactment of this Act, the Sec-  
8 retary of Homeland Security shall develop metrics,  
9 informed by situational awareness, to measure the  
10 effectiveness of security between ports of entry. The  
11 Secretary shall annually implement the metrics de-  
12 veloped under this subsection, which shall include—

13 (A) estimates, including recidivism data,  
14 survey data, known-flow data, technologically-  
15 measured data, and alternative methodologies  
16 considered appropriate by the Secretary, of—

17 (i) total attempted unlawful border  
18 crossings;

19 (ii) the rate of apprehension of at-  
20 tempted unlawful border crossers; and

21 (iii) the number of unlawful entries;

22 (B) measurement of situational awareness  
23 achieved in each Border Patrol sector;

24 (C) an unlawful border crossing effective-  
25 ness rate;

1           (D) a probability of detection, which com-  
2 pares the estimated total unlawful border cross-  
3 ing attempts not detected by the Border Patrol  
4 to the unlawful border crossing effectiveness  
5 rate, as informed by subparagraph (A);

6           (E) an illicit drugs seizure rate for drugs  
7 seized by the Border Patrol, which compares  
8 the ratio of the amount and type of illicit drugs  
9 seized by the Border Patrol in any fiscal year  
10 to the average of the amount and type of illicit  
11 drugs seized by the Border Patrol in the imme-  
12 diately preceding 5 fiscal years;

13           (F) estimates of the impact of the Con-  
14 sequence Delivery System on the rate of recidi-  
15 vism of unlawful border crossers over multiple  
16 fiscal years; and

17           (G) an examination of each consequence  
18 referred to in subparagraph (F), including—

- 19                   (i) voluntary return;  
20                   (ii) warrant of arrest or notice to ap-  
21 pear;  
22                   (iii) expedited removal;  
23                   (iv) reinstatement of removal;  
24                   (v) alien transfer exit program;  
25                   (vi) Operation Streamline;

- 1 (vii) standard prosecution; and
- 2 (viii) Operation Against Smugglers
- 3 Initiative on Safety and Security.

4 (2) METRICS CONSULTATION.—In developing  
5 the metrics required under paragraph (1), the Sec-  
6 retary shall—

7 (A) consult with the appropriate compo-  
8 nents of the Department of Homeland Security;  
9 and

10 (B) as appropriate, work with other agen-  
11 cies, including the Office of Refugee Resettle-  
12 ment of the Department of Health and Human  
13 Services and the Executive Office for Immigra-  
14 tion Review of the Department of Justice, to  
15 ensure that authoritative data sources are uti-  
16 lized.

17 (3) MANNER OF COLLECTION.—The data used  
18 by the Secretary of Homeland Security shall be col-  
19 lected and reported in a consistent and standardized  
20 manner across all Border Patrol sectors, informed  
21 by situational awareness.

22 (c) METRICS FOR SECURING THE BORDER AT PORTS  
23 OF ENTRY.—

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

1       retary of Homeland Security shall develop metrics,  
2       informed by situational awareness, to measure the  
3       effectiveness of security at ports of entry. The Sec-  
4       retary shall annually implement the metrics devel-  
5       oped under this subsection, which shall include—

6               (A) estimates, using alternative methodolo-  
7               gies, including survey data and randomized sec-  
8               ondary screening data, of—

9                       (i) total attempted inadmissible border  
10                      crossings;

11                     (ii) the rate of apprehension of at-  
12                     tempted inadmissible border crossings; and

13                     (iii) the number of unlawful entries;

14               (B) the amount and type of illicit drugs  
15               seized by the Office of Field Operations of U.S.  
16               Customs and Border Protection at United  
17               States land, air, and sea ports during the pre-  
18               vious fiscal year;

19               (C) an illicit drugs seizure rate for drugs  
20               seized by the Office of Field Operations, which  
21               compares the ratio of the amount and type of  
22               illicit drugs seized by the Office of Field Oper-  
23               ations in any fiscal year to the average of the  
24               amount and type of illicit drugs seized by the

Office of Field Operations in the immediately preceding 5 fiscal years;

(D) the number of infractions related to travelers and cargo committed by major violators who are apprehended by the Office of Field Operations at ports of entry, and the estimated number of such infractions committed by major violators who are not apprehended;

(E) a measurement of how border security operations affect crossing times, including—

(i) a wait time ratio that compares the average wait times to total commercial and private vehicular traffic volumes at each port of entry;

(ii) an infrastructure capacity utilization rate that measures traffic volume against the physical and staffing capacity at each port of entry;

(iii) a secondary examination rate that measures the frequency of secondary examinations at each port of entry; and

(iv) an enforcement rate that measures the effectiveness of secondary examinations at detecting major violators; and

(F) a cargo scanning rate that includes—

1                   (i) a comparison of the number of  
2                   high-risk cargo containers scanned by the  
3                   Office of Field Operations at each United  
4                   States seaport during the fiscal year to the  
5                   total number of high-risk cargo containers  
6                   entering the United States at each seaport  
7                   during the previous fiscal year;

8                   (ii) the percentage of all cargo that is  
9                   considered “high-risk” cargo; and

10                  (iii) the percentage of high-risk cargo  
11                  scanned—

12                         (I) upon arrival at a United  
13                         States seaport before entering United  
14                         States commerce; and

15                         (II) before being laden on a ves-  
16                         sel destined for the United States.

17                  (2) METRICS CONSULTATION.—In developing  
18                  the metrics required under paragraph (1), the Sec-  
19                  retary shall—

20                         (A) consult with the appropriate compo-  
21                         nents of the Department of Homeland Security;  
22                         and

23                         (B) as appropriate, work with other agen-  
24                         cies, including the Office of Refugee Resettle-  
25                         ment of the Department of Health and Human

1 Services and the Executive Office for Immigra-  
2 tion Review of the Department of Justice, to  
3 ensure that authoritative data sources are uti-  
4 lized.

5 (3) MANNER OF COLLECTION.—The data used  
6 by the Secretary of Homeland Security shall be col-  
7 lected and reported in a consistent and standardized  
8 manner across all field offices, informed by situa-  
9 tional awareness.

10 (d) METRICS FOR SECURING THE MARITIME BOR-  
11 DER.—

12 (1) IN GENERAL.—Not later than 120 days  
13 after the date of the enactment of this Act, the Sec-  
14 retary of Homeland Security shall develop metrics,  
15 informed by situational awareness, to measure the  
16 effectiveness of security in the maritime environ-  
17 ment. The Secretary shall annually implement the  
18 metrics developed under this subsection, which shall  
19 include—

20 (A) situational awareness achieved in the  
21 maritime environment;

22 (B) an undocumented migrant interdiction  
23 rate, which compares the migrants interdicted  
24 at sea to the total known migrant flow;

1           (C) an illicit drugs removal rate, for drugs  
2 removed inside and outside of a transit zone,  
3 which compares the amount and type of illicit  
4 drugs removed, including drugs abandoned at  
5 sea, by the Department of Homeland Security's  
6 maritime security components in any fiscal year  
7 to the average of the amount and type of illicit  
8 drugs removed by the Department of Homeland  
9 Security's maritime components for the imme-  
10 diately preceding 5 fiscal years;

11           (D) a response rate, which compares the  
12 ability of the maritime security components of  
13 the Department of Homeland Security to re-  
14 spond to and resolve known maritime threats,  
15 whether inside and outside a transit zone, by  
16 placing assets on-scene, to the total number of  
17 events with respect to which the Department  
18 has known threat information; and

19           (E) an intergovernmental response rate,  
20 which compares the ability of the maritime se-  
21 curity components of the Department of Home-  
22 land Security or other United States Govern-  
23 ment entities to respond to and resolve action-  
24 able maritime threats, whether inside or outside  
25 the Western Hemisphere transit zone, by tar-



1            getting maritime threats in order to detect them,  
2            and of those threats detected, the total number  
3            of maritime threats interdicted or disrupted.

4            (2) METRICS CONSULTATION.—In developing  
5            the metrics required under paragraph (1), the Sec-  
6            retary shall—

7                    (A) consult with the appropriate compo-  
8                    nents of the Department of Homeland Security;  
9                    and

10                    (B) as appropriate, work with other agen-  
11                    cies, including the Drug Enforcement Agency,  
12                    the Department of Defense, and the Depart-  
13                    ment of Justice, to ensure that authoritative  
14                    data sources are utilized.

15            (3) MANNER OF COLLECTION.—The data used  
16            by the Secretary of Homeland Security shall be col-  
17            lected and reported in a consistent and standardized  
18            manner, informed by situational awareness.

19            (e) AIR AND MARINE SECURITY METRICS IN THE  
20            LAND DOMAIN.—

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 the aviation assets and operations of

1 the Office of Air and Marine of U.S. Customs and  
2 Border Protection. The Secretary shall annually im-  
3 plement the metrics developed under this subsection,  
4 which shall include—

5 (A) an effectiveness rate, which compares  
6 Office of Air and Marine flight hours require-  
7 ments to the number of flight hours flown by  
8 such Office;

9 (B) a funded flight hour effectiveness rate,  
10 which compares the number of funded flight  
11 hours appropriated to the Office of Air and Ma-  
12 rine to the number of actual flight hours flown  
13 by such Office;

14 (C) a readiness rate, which compares the  
15 number of aviation missions flown by the Office  
16 of Air and Marine to the number of aviation  
17 missions cancelled by such Office due to main-  
18 tenance, operations, or other causes;

19 (D) the number of missions cancelled by  
20 such Office due to weather compared to the  
21 total planned missions;

22 (E) the number of subjects detected by the  
23 Office of Air and Marine through the use of un-  
24 manned aerial systems and manned aircrafts;

1 (F) the number of apprehensions assisted  
2 by the Office of Air and Marine through the use  
3 of unmanned aerial systems and manned air-  
4 crafts;

5 (G) the number and quantity of illicit drug  
6 seizures assisted by the Office of Air and Ma-  
7 rine through the use of unmanned aerial sys-  
8 tems and manned aircrafts; and

9 (H) the number of times that actionable  
10 intelligence related to border security was ob-  
11 tained through the use of unmanned aerial sys-  
12 tems and manned aircraft.

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 de-  
20 partments and agencies, including the Depart-  
21 ment of Justice, to ensure that authoritative  
22 data sources are utilized.

23 (3) MANNER OF COLLECTION.—The data used  
24 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       (f) DATA TRANSPARENCY.—The Secretary of Home-  
4       land Security shall—

5               (1) in accordance with applicable privacy laws,  
6       make data related to apprehensions, inadmissible  
7       aliens, drug seizures, and other enforcement actions  
8       available to the public, academic research, and law  
9       enforcement communities; and

10              (2) provide the Office of Immigration Statistics  
11       of the Department of Homeland Security with unfet-  
12       tered access to the data described in paragraph (1).

13       (g) EVALUATION BY THE GOVERNMENT ACCOUNT-  
14       ABILITY OFFICE AND THE SECRETARY OF HOMELAND  
15       SECURITY.—

16              (1) METRICS REPORT.—

17                      (A) MANDATORY DISCLOSURES.—The Sec-  
18       retary of Homeland Security shall submit an  
19       annual report containing the metrics required  
20       under subsections (b) through (e) and the data  
21       and methodology used to develop such metrics  
22       to—

23                      (i) the appropriate congressional com-  
24       mittees; and

1 (ii) the Comptroller General of the  
2 United States.

3 (B) PERMISSIBLE DISCLOSURES.—The  
4 Secretary of Homeland Security, for the pur-  
5 pose of validation and verification, may submit  
6 the annual report described in subparagraph  
7 (A) to—

8 (i) the National Center for Border Se-  
9 curity and Immigration;

10 (ii) the head of a national laboratory  
11 within the Department of Homeland Secu-  
12 rity laboratory network with prior expertise  
13 in border security; and

14 (iii) a Federally Funded Research and  
15 Development Center sponsored by the De-  
16 partment of Homeland Security.

17 (2) GAO REPORT.—Not later than 270 days  
18 after receiving the first report under paragraph  
19 (1)(A), and biennially thereafter for the following 10  
20 years, the Comptroller General of the United States,  
21 shall submit a report to the appropriate congres-  
22 sional committees that—

23 (A) analyzes the suitability and statistical  
24 validity of the data and methodology contained  
25 in such report; and

1 (B) includes recommendations to Congress  
2 on—

3 (i) the feasibility of other suitable  
4 metrics that may be used to measure the  
5 effectiveness of border security; and

6 (ii) improvements that need to be  
7 made to the metrics being used to measure  
8 the effectiveness of border security.

9 (3) STATE OF THE BORDER REPORT.—Not  
10 later than 60 days after the end of each fiscal year  
11 through fiscal year 2025, the Secretary of Homeland  
12 Security shall submit a “State of the Border” report  
13 to the appropriate congressional committees that—

14 (A) provides trends for each metric under  
15 subsections (b) through (e) for the last 10  
16 years, to the extent possible;

17 (B) provides selected analysis into related  
18 aspects of illegal flow rates, including legal  
19 flows and stock estimation techniques; and

20 (C) includes any other information that the  
21 Secretary determines appropriate.

22 (4) METRICS UPDATE.—

23 (A) IN GENERAL.—After submitting the  
24 final report to the Comptroller General under  
25 paragraph (2), the Secretary of Homeland Se-

curity may reevaluate and update any of the metrics required under subsections (b) through (e) to ensure that such metrics—

(i) meet the Department of Homeland Security’s performance management needs; and

(ii) are suitable to measure the effectiveness of border security.

(B) CONGRESSIONAL NOTIFICATION.—Not later than 30 days before updating the metrics under subparagraph (A), the Secretary shall notify the appropriate congressional committees of such updates.

**SEC. 1092. CONSOLIDATION OF MARKETING OF THE ARMY  
WITHIN THE ARMY MARKETING RESEARCH  
GROUP.**

(a) NATURE OF RESPONSIBILITY.—The marketing the Army, and each of the components of the Army, is the responsibility of the Secretary of the Army in the Secretary’s duty as the principal officer responsible for the authority, direction, and control of the Army and each of the components of the Army.

(b) CONSOLIDATION WITHIN AMRG.—

(1) CONSOLIDATION REQUIRED.—Not later than October 1, 2017, the Secretary of the Army

1 shall consolidate within the Army Marketing Re-  
 2 search Group all functions relating to the marketing  
 3 of the Army and each of the components of the  
 4 Army in order to assure unity of effort and cost ef-  
 5 fectiveness in the marketing of the Army and each  
 6 of the components of the Army.

7 (2) REPORT.—Not later than October 1, 2016,  
 8 the Secretary shall submit to the Committees on  
 9 Armed Services of the Senate and the House of Rep-  
 10 resentatives a report setting forth the plan of the  
 11 Secretary to carry out the consolidation required by  
 12 paragraph (1).

13 **SEC. 1093. PROTECTION AGAINST MISUSE OF NAVAL SPE-**  
 14 **CIAL WARFARE COMMAND INSIGNIA.**

15 (a) IN GENERAL.—Chapter 663 of title 10, United  
 16 States Code, is amended by adding at the end the fol-  
 17 lowing new section:

18 **“§ 7882. Protection against misuse of insignia of**  
 19 **Naval Special Warfare Command**

20 “(a) PROTECTION AGAINST MISUSE.—Subject to  
 21 subsection (b), no person may use any covered Naval Spe-  
 22 cial Warfare insignia in connection with any promotion,  
 23 good, service, or other commercial activity when a par-  
 24 ticular use would be likely to suggest a false affiliation,  
 25 connection, or association with, endorsement by, or ap-



1 proval of, the United States, the Department of Defense,  
2 or the Department of the Navy.

3 “(b) EXCEPTION.—Subsection (a) shall not apply to  
4 the use of a covered Naval Special Warfare insignia for  
5 purposes such as criticism, comment, news reporting,  
6 analysis, research, or scholarship.

7 “(c) TREATMENT OF DISCLAIMERS.—Any determina-  
8 tion of whether a person has violated this section shall  
9 be made without regard to any use of a disclaimer of affili-  
10 ation, connection, or association with, endorsement by, or  
11 approval of the United States Government, the Depart-  
12 ment of Defense, the Department of the Navy, or any sub-  
13 ordinate organization thereof to the extent consistent with  
14 international obligations of the United States.

15 “(d) ENFORCEMENT.—Whenever it appears to the  
16 Attorney General that any person is engaged in, or is  
17 about to engage in, an act or practice that constitutes or  
18 will constitute conduct prohibited by this section, the At-  
19 torney General may initiate a civil proceeding in a district  
20 court of the United States to enjoin such act or practice,  
21 and such court may take such injunctive or other action  
22 as is warranted to prevent the act, practice, or conduct.

23 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
24 tion shall be construed to limit the authority of the Sec-  
25 retary of the Navy to register any symbol, name, phrase,

1 term, acronym, or abbreviation otherwise capable of reg-  
2 istration under the provisions of the Act of July 5, 1946,  
3 popularly known as the Lanham Act or the Trademark  
4 Act of 1946 (15 U.S.C. 1051 et seq.).

5 “(f) COVERED NAVAL SPECIAL WARFARE INSIGNIA  
6 DEFINED.—In this section, the term ‘covered Naval Spe-  
7 cial Warfare insignia’ means any of the following:

8 “(1) The Naval Special Warfare insignia com-  
9 prising or consisting of the design of an eagle hold-  
10 ing an anchor, trident, and flint-lock pistol.

11 “(2) The Special Warfare Combatant Craft  
12 Crewman insignia comprising or consisting of the  
13 design of the bow and superstructure of a Special  
14 Operations Craft on a crossed flint-lock pistol and  
15 enlisted cutlass, on a background of ocean swells.

16 “(3) Any colorable imitation of the insignia re-  
17 ferred to in paragraphs (1) and (2), in a manner  
18 which could reasonably be interpreted or construed  
19 as conveying the false impression that an advertise-  
20 ment, solicitation, business activity, or product is in  
21 any manner approved, endorsed, sponsored, or au-  
22 thorized by, or associated with, the United States  
23 Government, the Department of Defense, or the De-  
24 partment of the Navy.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of chapter 663 of such title is amended  
 3 by adding at the end the following new item:

“7882. Protection against misuse of insignia of Naval Special Warfare Com-  
 mand.”.

4 **SEC. 1094. PROGRAM TO COMMEMORATE THE 100TH ANNI-**  
 5 **VERSARY OF THE TOMB OF THE UNKNOWN**  
 6 **SOLDIER.**

7 (a) COMMEMORATIVE PROGRAM.—

8 (1) IN GENERAL.—The Secretary of Defense  
 9 shall conduct a program to commemorate the 100th  
 10 anniversary of the Tomb of the Unknown Soldier. In  
 11 conducting the commemorative program, the Sec-  
 12 retary shall coordinate, support, and facilitate other  
 13 programs and activities of the Federal Government  
 14 and State and local governments.

15 (2) WORK WITH NONGOVERNMENTAL ORGANI-  
 16 ZATIONS.—In conducting the commemorative pro-  
 17 gram, the Secretary may work with nongovern-  
 18 mental organizations working to support the com-  
 19 memoration of the Tomb of the Unknown Soldier.  
 20 No public funds may be used to undertake activities  
 21 sponsored by such organizations.

22 (b) SCHEDULE.—The Secretary shall determine the  
 23 schedule of major events and priority of efforts for the

1 commemorative program in order to ensure achievement  
2 of the objectives specified in subsection (c).

3 (c) COMMEMORATIVE ACTIVITIES AND OBJEC-  
4 TIVES.—The commemorative program may include activi-  
5 ties and ceremonies to achieve the following objectives:

6 (1) To honor America’s commitment to never  
7 forget or forsake those who served and sacrificed for  
8 our Country, including personnel who were held as  
9 prisoners of war or listed as missing in action, and  
10 to thank and honor the families of these veterans.

11 (2) To highlight the service of the Armed  
12 Forces in times of war or armed conflict and con-  
13 tributions of Federal agencies and governmental and  
14 nongovernmental organizations that served with, or  
15 in support of, the Armed Forces.

16 (3) To pay tribute to the contributions made on  
17 the home front by the people of the United States  
18 in times of war or armed conflict.

19 (4) To educate the American Public about serv-  
20 ice and sacrifice on behalf of the United States of  
21 America and the principles that define and unite us.

22 (5) To recognize the contributions and sac-  
23 rifices made by the allies of the United States dur-  
24 ing times of war or armed conflict.

1       (d) NAMES AND SYMBOLS.—The Secretary shall have  
2 the sole and exclusive right to use the name “The United  
3 States of America Tomb of the Unknown Soldier Com-  
4 memoration”, and such seal, emblems, and badges incor-  
5 porating such name as the Secretary may lawfully adopt.  
6 Nothing in this section may be construed to supersede  
7 rights that are established or vested before the date of the  
8 enactment of this Act.

9       (e) COMMEMORATION FUND.—

10           (1) IN GENERAL.—Upon the establishment of  
11 the commemorative program under subsection (a),  
12 the Secretary of the Treasury shall establish in the  
13 Treasury of the United States an account to be  
14 known as the “Tomb of the Unknown Soldier Com-  
15 memoration Fund” (in this subsection referred to as  
16 the “Fund”). The Fund shall be administered by the  
17 Secretary of Defense.

18           (2) DEPOSITS.—There shall be deposited into  
19 the Fund the following:

20                   (A) Amounts appropriated to the Fund.

21                   (B) Proceeds derived from the use by the  
22 Secretary of Defense of the exclusive rights de-  
23 scribed in subsection (d).

1 (C) Donations made in support of the com-  
2 memorative program by private and corporate  
3 donors.

4 (D) Funds transferred to the Fund by the  
5 Secretary of Defense from funds appropriated  
6 for fiscal year 2017 and subsequent years for  
7 the Department of Defense.

8 (3) USE OF FUND.—The Secretary of Defense  
9 shall use the assets of the Fund only for the purpose  
10 of conducting the commemorative program. The Sec-  
11 retary shall prescribe such regulations regarding the  
12 use of the Fund as the Secretary considers appro-  
13 priate.

14 (4) AVAILABILITY.—Amounts deposited under  
15 paragraph (2) shall constitute the assets of the  
16 Fund and remain available until expended.

17 (5) BUDGET REQUEST.—The Secretary of De-  
18 fense may establish a separate budget line for the  
19 commemorative program. In the budget justification  
20 materials submitted by the Secretary in support of  
21 the budget of the President for any fiscal year for  
22 which the Secretary establishes the separate budget  
23 line (as submitted to Congress pursuant to section  
24 1105 of title 31, United States Code), the Secretary  
25 shall—

1 (A) identify and explain any amounts ex-  
2 pended for the commemorative program in the  
3 fiscal year preceding the budget request;

4 (B) identify and explain the amounts being  
5 requested to support the commemorative pro-  
6 gram for the fiscal year of the budget request;  
7 and

8 (C) present a summary of the fiscal status  
9 of the Fund.

10 (f) ACCEPTANCE OF VOLUNTARY SERVICES.—

11 (1) AUTHORITY TO ACCEPT SERVICES.—Not-  
12 withstanding section 1342 of title 31, United States  
13 Code, the Secretary of Defense may accept from any  
14 person voluntary services to be provided in further-  
15 ance of the commemorative program. The Secretary  
16 shall prohibit the solicitation of any voluntary serv-  
17 ices if the nature or circumstances of such solicita-  
18 tion would compromise the integrity or the appear-  
19 ance of integrity of any program of the Department  
20 of Defense or of any individual involved in the pro-  
21 gram.

22 (2) REIMBURSEMENT OF INCIDENTAL EX-  
23 PENSES.—The Secretary may provide for reimburse-  
24 ment of incidental expenses incurred by a person  
25 providing voluntary services under this subsection.

1       The Secretary shall determine which expenses are el-  
2       igible for reimbursement under this paragraph.

3       (g) FINAL REPORT.—Not later than 60 days after  
4 the end of the commemorative program, if established by  
5 the Secretary of Defense under subsection (a), the Sec-  
6 retary shall submit to Congress a report containing an ac-  
7 counting of the following:

8           (1) All of the funds deposited into and ex-  
9       pended from the Tomb of the Unknown Soldier  
10      Commemoration Fund.

11          (2) Any other funds expended under this sec-  
12      tion.

13          (3) Any unobligated funds remaining in the  
14      Fund.

15 **SEC. 1095. SENSE OF CONGRESS REGARDING THE OCONUS**  
16 **BASING OF THE KC-46A AIRCRAFT.**

17      (a) FINDING.—Congress finds that the Department  
18 of Defense is continuing its process of permanently sta-  
19 tioning the KC-46A aircraft at installations in the Conti-  
20 nental United States (in this section referred to as  
21 “CONUS”) and forward-basing outside the Continental  
22 United States (in this section referred to as “OCONUS”).

23      (b) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that the Secretary of the Air Force, as part of the  
25 strategic basing process for the KC-46A aircraft, should



1 continue to place emphasis on and consider the benefits  
2 derived from outside the continental United States  
3 (OCONUS) locations that—

4 (1) support day-to-day air refueling operations,  
5 combatant commander operations plans, and flexi-  
6 bility for contingency ops, and have—

7 (A) a strategic location that is essential to  
8 the defense of the United States and its inter-  
9 ests;

10 (B) receivers for boom or probe-and-drogue  
11 training opportunities with joint and inter-  
12 national partners; and

13 (C) sufficient airfield and airspace avail-  
14 ability and capacity to meet requirements; and

15 (2) possess facilities that—

16 (A) take full advantage of existing infra-  
17 structure to provide—

18 (i) runway, hangars, and aircrew and  
19 maintenance operations; and

20 (ii) sufficient fuels receipt, storage,  
21 and distribution for 5-day peacetime oper-  
22 ating stock; and

23 (B) minimize overall construction and  
24 operational costs.

1 **SEC. 1096. REPLACEMENT OF QUADRENNIAL DEFENSE RE-**  
2 **VIEW WITH NATIONAL DEFENSE STRATEGY.**

3 (a) REPLACEMENT OF QUADRENNIAL REVIEW WITH  
4 NATIONAL DEFENSE STRATEGY.—Section 118 of title 10,  
5 United States Code, is amended to read as follows:

6 **“§ 118. National defense strategy**

7 “(a) PRESENTATION OF DEFENSE STRATEGY.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (5), in January each year, the Secretary of  
10 Defense shall present to the congressional defense  
11 committees a defense strategy for such year. The  
12 strategy shall be known as the ‘national defense  
13 strategy’ for the year concerned.

14 “(2) ELEMENTS.—The defense strategy for a  
15 year shall include the following:

16 “(A) The highest priority missions for the  
17 Department of Defense.

18 “(B) The most critical and enduring  
19 threats to the national security of the United  
20 States and its allies posed by states or non-  
21 state actors, and the strategies that the Depart-  
22 ment will employ to counter such threats and  
23 provide for the national defense.

24 “(C) A strategic framework that conforms  
25 to resource levels prescribed by the Secretary  
26 for the manner in which the Department will

1           prioritize among the threats described in sub-  
2           paragraph (B) and the missions specified pur-  
3           suant to subparagraph (A), allocate the result-  
4           ing risks, and seek to mitigate such risks.

5           “(D) The major investments in defense ca-  
6           pabilities, force readiness, global posture, and  
7           technological innovation that the Department  
8           will make over the following five-year period in  
9           accordance with the strategic framework de-  
10          scribed in subparagraph (C).

11          “(3) ADVICE OF CHAIRMAN OF JCS.—The Sec-  
12         retary shall seek the military advice of the Chairman  
13         of the Joint Chiefs of Staff in preparing each de-  
14         fense strategy required by this subsection.

15          “(4) FORM.—Each defense strategy under this  
16         subsection shall be presented in classified form, and  
17         shall also include a written unclassified summary.

18          “(5) SUBMITTAL IN YEARS OF NEW ADMINIS-  
19         TRATION.—In a year following an election for Presi-  
20         dent, which election results in the President appoint-  
21         ing a new Secretary of Defense, the Secretary shall  
22         present the defense strategy required by this sub-  
23         section as soon as possible after appointment by and  
24         with the advice and consent of the Senate.

25          “(b) NATIONAL DEFENSE PANEL.—

1           “(1) QUADRENNIAL PANEL REQUIRED.—Not  
2 later than February 1 of a year following a year  
3 evenly divisible by four, there shall be established an  
4 independent panel to be known as the National De-  
5 fense Panel (in this subsection referred to as the  
6 ‘Panel’).

7           “(2) MEMBERSHIP.—The Panel shall be com-  
8 posed of ten members from private civilian life who  
9 are recognized experts in matters relating to the na-  
10 tional security of the United States. Eight of the  
11 members shall be appointed as follows:

12               “(A) Two by the chair of the Committee  
13 on Armed Services of the Senate.

14               “(B) Two by the chair of the Committee  
15 on Armed Services of the House of Representa-  
16 tives.

17               “(C) Two by the ranking member of the  
18 Committee on Armed Services of the Senate.

19               “(D) Two by the ranking member of the  
20 Committee on Armed Services of the House of  
21 Representatives.

22           “(3) CO-CHAIRS PANEL.—In addition to the  
23 members appointed under paragraph (2), the Sec-  
24 retary of Defense shall appoint two members of the

1 Panel from private civilian life to serve as co-chairs  
2 of the Panel.

3 “(4) PERIOD OF APPOINTMENT; VACANCIES.—  
4 Members shall be appointed for the life of the Panel.  
5 Any vacancy in the Panel shall be filled in the same  
6 manner as the original appointment.

7 “(5) FIRST MEETING.—If the Secretary of De-  
8 fense has not made appointments to the Panel under  
9 paragraph (3) by March 1 of a year in which the  
10 Panel is established, the Panel shall convene for its  
11 first meeting with its other members on that date.

12 “(6) RECEIPT OF NATIONAL DEFENSE STRAT-  
13 EGY.—The national defense strategy under sub-  
14 section (a) for a year in which the Panel is estab-  
15 lished under this subsection shall be submitted to  
16 the Panel by the Secretary not later than March 1  
17 of such year.

18 “(7) DUTIES.—The Panel shall have the fol-  
19 lowing duties:

20 “(A) Assessing the current national de-  
21 fense strategy submitted to the Panel pursuant  
22 to paragraph (5).

23 “(B) Identifying any changes in domestic  
24 or international circumstances that could un-

1           dermine or limit the effectiveness of the na-  
2           tional defense strategy.

3           “(C) Assessing the key assumptions on  
4           which the national defense strategy is based.

5           “(D) Evaluating the efforts of the Depart-  
6           ment of Defense to mitigate risks in connection  
7           with the strategic framework and choices in the  
8           national defense strategy.

9           “(E) Assessing the extent to which the  
10          current annual budget, future-years defense  
11          program, and other critical activities of the De-  
12          partment align with the national defense strat-  
13          egy.

14          “(F) Considering alternative national de-  
15          fense strategies.

16          “(G) Providing to the Secretary and Con-  
17          gress, in the report required by paragraph (8),  
18          any recommendations the Panel considers ap-  
19          propriate for consideration.

20          “(8) REPORT.—Not later than November 1 of  
21          each year in which the Panel is established, the  
22          Panel shall submit to the Secretary and the congres-  
23          sional defense committees a report on the results of  
24          the discharge of the duties of the Panel in that year  
25          under paragraph (7). The report shall be submitted

1 to the congressional defense committees in an un-  
2 classified summary, but shall also include with such  
3 summary the full report in a classified annex.

4 “(9) ADMINISTRATIVE PROVISIONS.—The fol-  
5 lowing administrative provisions apply to a Panel:

6 “(A) The Panel may request directly from  
7 the Department and any of its components such  
8 information as the Panel considers necessary to  
9 carry out its duties under this subsection. The  
10 head of the department or agency concerned  
11 shall cooperate with the Panel to ensure that  
12 information requested by the Panel under this  
13 paragraph is promptly provided to the max-  
14 imum extent practical.

15 “(B) Upon the request of the co-chairs, the  
16 Secretary shall make available to the Panel the  
17 services of any Federally funded research and  
18 development center that is covered by a spon-  
19 soring agreement of the Department of De-  
20 fense.

21 “(C) The Panel shall have the authorities  
22 provided in section 3161 of title 5, and shall be  
23 subject to the conditions set forth in such sec-  
24 tion.

1           “(D) Funds for activities of the Panel shall  
2           be derived from amounts available to the De-  
3           partment.”.

4           (b) CLERICAL AMENDMENT.—The table of sections  
5           at the beginning of chapter 2 of such title is amended by  
6           striking the item relating to section 118 and inserting the  
7           following new item:

          “118. National defense strategy.”.

8       **TITLE XI—CIVILIAN PERSONNEL**  
9               **MATTERS**

10       **Subtitle A—Department of Defense**  
11               **Matters Generally**

12       **SEC. 1101. CIVILIAN PERSONNEL MANAGEMENT.**

13           (a) MODIFICATION OF MANAGEMENT LIMITA-  
14           TIONS.—Section 129 of title 10, United States Code, is  
15           amended—

16               (1) in subsection (a)—

17                       (A) in the first sentence, by striking “sole-  
18                       ly”;

19                       (B) in the second sentence—

20                               (i) by striking “The management of  
21                               such personnel in any fiscal year shall not  
22                               be subject to any” and inserting “Any”;  
23                               and

24                               (ii) by inserting before the period the  
25                               following: “shall be developed on the basis



1 of those factors and shall be subject to ad-  
2 justment solely for reasons of changed cir-  
3 cumstances”; and

4 (C) in the third sentence, by striking “un-  
5 less such reduction” and all that follows and in-  
6 serting “except in accordance with the require-  
7 ments of this section and section 129a of this  
8 title.”;

9 (2) by striking subsections (b), (c), (e), and (f);

10 (3) by redesignating subsection (d) as sub-  
11 section (b); and

12 (4) by adding at the end the following new sub-  
13 section (c):

14 “(c)(1) Not later than February 1 of each year—

15 “(A) the Secretary of Defense shall submit to  
16 the congressional defense committees a report on the  
17 management of the civilian workforce of the Office  
18 of the Secretary of Defense and the Defense Agen-  
19 cies and Field Activities; and

20 “(B) the Secretary of each military department  
21 shall submit to the congressional defense committees  
22 a report on the management of the civilian  
23 workforces under the jurisdiction of such Secretary.

1 “(2) Each report under paragraph (1) shall contain,  
 2 with respect to the civilian workforce under the jurisdic-  
 3 tion of the official submitting the report, the following:

4 “(A) An assessment of the projected size of  
 5 such civilian workforce in the current year and for  
 6 each year in the future-years defense program.

7 “(B) If the projected size of such civilian work-  
 8 force has changed from the previous year’s projected  
 9 size, an explanation of the reasons for the increase  
 10 or decrease from the previous projection, including  
 11 an explanation of any efforts that have been taken  
 12 to identify offsetting reductions and avoid unneces-  
 13 sary overall growth in the size of the civilian work-  
 14 force.

15 “(C) In the case of a transfer of functions be-  
 16 tween military, civilian, and contractor workforces,  
 17 an explanation of the reasons for the transfer and  
 18 the steps that have been taken to control the overall  
 19 cost of the function to the Department.”.

20 (b) CONFORMING AMENDMENTS.—

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

23 **“§ 129. Civilian personnel management”.**

24 (2) CLERICAL AMENDMENT.—The item relating  
 25 to such section in the table of sections at the begin-

1       ning of chapter 3 of such title is amended to read  
 2       as follows:

“129. Civilian personnel management.”.

3       **SEC. 1102. REPEAL OF REQUIREMENT FOR ANNUAL STRA-**  
 4                               **TEGIC WORKFORCE PLAN FOR THE DEPART-**  
 5                               **MENT OF DEFENSE.**

6       (a) REPEAL.—Section 115b of title 10, United States  
 7       Code, is repealed.

8       (b) CLERICAL AMENDMENT.—The table of sections  
 9       at the beginning of chapter 2 of such title is amended by  
 10       striking the item relating to section 115b.

11       **SEC. 1103. TEMPORARY AND TERM APPOINTMENTS IN THE**  
 12                               **COMPETITIVE SERVICE IN THE DEPARTMENT**  
 13                               **OF DEFENSE.**

14       (a) APPOINTMENT.—

15               (1) IN GENERAL.—The Secretary of Defense  
 16       may make a temporary appointment or a term ap-  
 17       pointment in the Department when the need for the  
 18       services of an employee in the Department is not  
 19       permanent.

20               (2) EXTENSION.—The Secretary may extend a  
 21       temporary appointment or a term appointment made  
 22       under paragraph (1).

23       (b) APPOINTMENTS FOR CRITICAL HIRING NEEDS.—

24               (1) IN GENERAL.—If there is a critical hiring  
 25       need, the Secretary of Defense may make a non-

1 competitive temporary appointment or a noncompeti-  
2 tive term appointment in the Department of De-  
3 fense, without regard to the requirements of sections  
4 3327 and 3330 of title 5, United States Code, for  
5 a period that is not more than 18 months.

6 (2) NO EXTENSION AVAILABLE.—An appoint-  
7 ment made under paragraph (1) may not be ex-  
8 tended.

9 (c) REGULATIONS.—The Secretary may prescribe  
10 regulations to carry out this section.

11 (d) DEFINITIONS.—In this section:

12 (1) The term “temporary appointment” means  
13 the appointment of an employee in the competitive  
14 service for a period that is not more than one year.

15 (2) The term “term appointment” means the  
16 appointment of an employee in the competitive serv-  
17 ice for a period that is more than one year and not  
18 more than five years, unless the Secretary of De-  
19 fense, before the appointment of the employee, au-  
20 thorizes a longer period.

21 **SEC. 1104. PERSONNEL AUTHORITIES RELATED TO THE DE-**  
22 **FENSE ACQUISITION WORKFORCE.**

23 (a) REPLACEMENT FOR ACQUISITION DEMONSTRA-  
24 TION PROGRAM.—Chapter 87 of title 10, United States

1 Code, is amended by inserting after section 1762 the fol-  
 2 lowing new section.

3 **“§ 1763. Special system of personnel authorities re-**  
 4 **lated to the acquisition workforce**

5 “(a) **AUTHORITY.**—The Secretary of Defense may es-  
 6 tablish, and from time to time adjust, a special system  
 7 of personnel programs under the authorities provided by  
 8 this section for employees in the acquisition workforce of  
 9 the Department of Defense and supporting personnel as-  
 10 signed to work directly with the acquisition workforce.

11 “(b) **COVERED EMPLOYEES.**—

12 “(1) **IN GENERAL.**—The Secretary of Defense  
 13 may determine which employees who meet the re-  
 14 quirements in subparagraphs (A) and (B) of sub-  
 15 section (k)(1) are covered by system established  
 16 under this section, subject to the requirements in  
 17 subsection (i).

18 “(2) **NOTICE AND WAIT OF COVERAGE OF CAT-**  
 19 **EGORIES OF EMPLOYEES.**—A determination by the  
 20 Secretary under paragraph (1) to cover a category  
 21 of employees under a system established under this  
 22 section may not take effect until—

23 “(A) a general notice of the proposed cov-  
 24 erage is provided to affected employees; and

1           “(B) a period of 30 days has elapsed from  
2           the date of the notice, during which those em-  
3           ployees (for their representatives) shall be pro-  
4           vided an opportunity to provide comments.

5           “(c) CLASSIFICATION AND RATES OF BASIC PAY.—  
6           The Secretary of Defense may determine classification and  
7           fix rates of basic pay for covered employees without regard  
8           to chapter 51 and subchapter III of chapter 53 of title  
9           5, subject to the following requirements:

10           “(1) Broadband or classification levels under  
11           the system shall be linked to specific levels of the  
12           General Schedule and associated minimum and max-  
13           imum rates of basic pay.

14           “(2) Rates of basic pay fixed under this sub-  
15           section may not exceed the maximum rate of basic  
16           pay for a position at GS–15 of the General Schedule  
17           under section 5332 of title 5, except for a retained  
18           rate established under section 3594 or 5363 of such  
19           title.

20           “(3) Covered employees shall receive locality-  
21           based comparability payments under section 5304 of  
22           title 5 on the same basis as if they were in a General  
23           Schedule position, with rates of basic pay fixed  
24           under this subsection treated as scheduled rates of  
25           basic pay.

1           “(4) A covered employee shall be treated as if  
2           the covered employee is in a General Schedule posi-  
3           tion for the purposes of determining eligibility under  
4           the following provisions of title 5:

5                   “(A) The pay retention provisions in sec-  
6                   tions 5363-5366.

7                   “(B) Section 5545(d) (relating to eligibility  
8                   for hazardous duty differentials).

9                   “(C) Sections 5753-5755 (relating to re-  
10                  cruitment, relocation, and retention bonuses,  
11                  and supervisory differentials).

12                  “(D) Section 5941 (relating to allowances  
13                  based on living costs and environmental condi-  
14                  tions for employees stationed in parts of the  
15                  United States outside the continental United  
16                  States or Alaska).

17           “(d) PERFORMANCE MANAGEMENT APPRAISALS AND  
18   ADVERSE ACTIONS.—In applying the provisions of chap-  
19   ter 43 (relating to performance appraisal), chapter 45 (re-  
20   lating to incentive awards), and chapter 75 (relating to  
21   adverse actions) of title 5 to a covered employee, the Sec-  
22   retary of Defense—

23                   “(1) shall exclude from the provisions in chap-  
24                  ters 43 and 75 dealing with a reduction in grade any  
25                  reduction in broadband or classification level under

1 the system established under this section, if such re-  
2 duction in broadband or classification level is the re-  
3 sult of a covered employee's rate of basic pay falling  
4 below the minimum rate of basic pay for the level  
5 to which the covered employee is assigned (because  
6 the covered employee did not receive the full amount  
7 of an increase in the rate of basic pay based on in-  
8 adequate performance or contributions); and

9 “(2) may provide awards that are integrated  
10 within the system of providing performance-based or  
11 contribution-based salary adjustments without re-  
12 gard to the limitations on awards in subsections (a)  
13 and (b) of section 4502.

14 “(e) **AUTHORITY TO WAIVE CERTAIN PROVISIONS OF**  
15 **LAW.**—In applying the provisions of chapter 31 (relating  
16 to employment), chapter 33 (relating to examination, se-  
17 lection, and placement, chapter 43 (relating to perform-  
18 ance appraisals), chapter 71, and chapter 75 of title 5 to  
19 a covered employee, the Secretary of Defense may act  
20 without regard to the following provisions:

21 “(1) Section 3111 (relating to acceptance of  
22 volunteer service), to the extent necessary to allow  
23 volunteer service under the provisions of a voluntary  
24 emeritus program established by the Secretary for  
25 covered employees.



1           “(2) Section 3308 (relating to examination for  
2           the competitive service), to the extent necessary to  
3           accommodate the requirement for a college degree  
4           appointment as part of a scholastic achievement pro-  
5           gram established by the Secretary for covered em-  
6           ployees.

7           “(3) Section 3317(a) (relating to competitive  
8           service registers) and section 3318(a) (relating to  
9           competitive service selection).

10          “(4) Subchapter I of chapter 33 (other than  
11          sections 3303 and 3328), to the extent necessary to  
12          structure streamlined external recruitment and ap-  
13          pointment programs that afford the swiftest and  
14          best access to qualified candidates for direct ap-  
15          pointment to positions covered by this chapter.

16          “(5) Section 3341(b) (relating to details within  
17          executive or military departments).

18          “(6) Section 4304(b) (relating to OPM review  
19          of agency performance appraisal systems).

20          “(7) Sections 7105(a)(2)(E), 7114, and 7116,  
21          to the extent those provisions are inconsistent with  
22          this section or would prohibit the Department or a  
23          labor organization from unilaterally terminating ne-  
24          gotiations over whether the system will apply to em-

1        ployees represented by a labor organization or would  
2        allow for review of such a termination.

3            “(8) Section 7119 (relating to negotiation im-  
4        passes and the Federal Service Impasses Panel), to  
5        the extent it gives the Federal Service Impasses  
6        Panel jurisdiction to resolve impasses referred to it  
7        by either party or both parties during or after imple-  
8        mentation of the system.

9            “(9) Section 7512(4) (relating to adverse ac-  
10       tions), to the extent necessary to exclude a conver-  
11       sion from a General Schedule position for which a  
12       special rate of pay is in effect under section 5305,  
13       or similar provision of law, to a rate of pay under  
14       the system that does not result in a reduction in the  
15       covered employee’s total rate of pay.

16        “(f) STATUS OF CERTAIN VOLUNTEERS.—A volun-  
17       teer under a voluntary emeritus program established by  
18       the Secretary of Defense for covered employees shall be  
19       considered to be an employee of the Federal Government  
20       for the purposes specified in section 1588(d) of this title.

21        “(g) AUTHORITY TO WAIVE CERTAIN OPM REGULA-  
22       TIONS.—The Secretary of Defense may waive application  
23       of regulations of the Office of Personnel Management to  
24       a system established under this section to the same extent  
25       that such regulations were waived for the demonstration

1 project that applied to certain employees in the Depart-  
2 ment of Defense acquisition workforce under section 1762  
3 of this title as of the day before the date of the enactment  
4 of this section.

5 “(h) REGULATIONS.—The Secretary of Defense shall  
6 prescribe regulations to carry out the system of personnel  
7 programs established under this section.

8 “(i) LABOR ORGANIZATIONS.—

9 “(1) IN GENERAL.—An employee within a unit  
10 with respect to which a labor organization is ac-  
11 corded exclusive recognition under chapter 71 of title  
12 5 shall not be covered by a system established under  
13 this section unless the labor organization and the  
14 Department of Defense have entered into a written  
15 agreement covering participation in such system.

16 “(2) NEW UNITS FOR LABOR ORGANIZATION  
17 REPRESENTATION.—If a labor organization is ac-  
18 corded exclusive recognition for a newly recognized  
19 unit that includes employees who are designated as  
20 covered employees before being included in an appro-  
21 priate unit under section 7112 of title 5, the labor  
22 organization has the right to determine that affected  
23 employees (including vacant positions) will be re-  
24 moved from such system and placed under the sys-  
25 tem that would otherwise apply, under applicable

1 law and regulation. If a labor organization notifies  
2 the Secretary of Defense in writing of its determina-  
3 tion to remove such an employee (or vacant position)  
4 from a system established under this section, the re-  
5 moval may not take effect earlier than 6 months  
6 after the date of the receipt by the Secretary of the  
7 written notification, unless there is an agreement by  
8 the labor organization and the Secretary for an ear-  
9 lier date.

10 “(3) LIMITATION ON SCOPE OF NEGOTIA-  
11 TIONS.—For purposes of section 7117(a)(1) of title  
12 5, the duty to bargain in good faith with a labor or-  
13 ganization regarding a matter arising under a sys-  
14 tem established under this section shall not extend  
15 to any matter relating to the establishment of rates  
16 of pay or any other matter which is the subject of  
17 any regulation of the Secretary regarding the system  
18 in the same manner as if the regulation were a Gov-  
19 ernment-wide regulation.

20 “(4) LIMITATION ON APPEALS.—Section  
21 7117(c) of title 5 does not apply to a determination  
22 by the Secretary that a matter is the subject of reg-  
23 ulations prescribed under this section by the Sec-  
24 retary.

1       “(j) STATUS OF EMPLOYEES MOVING OUT OF SYS-  
 2     TEM.—An employee who, while continuously employed,  
 3     moves from a position as a covered employee to a General  
 4     Schedule position—

5               “(1) shall be treated as if the employee were in  
 6     a General Schedule position immediately before such  
 7     movement for the purpose of applying the promotion  
 8     provision in section 5334(b) of such title; and

9               “(2) shall be converted to an equivalent level of  
 10    the General Schedule and rate of basic pay imme-  
 11    diately before such movement, under regulations pre-  
 12    scribed by the Director of the Office of Personnel  
 13    Management, for the purpose of applying paragraph  
 14    (1).

15       “(k) DEFINITIONS.—In this section:

16               “(1) The term ‘covered employee’ means an em-  
 17     ployee who—

18                       “(A) is—

19                               “(i) in the acquisition workforce of  
 20                               the Department of Defense; or

21                               “(ii) is a supporting employee as-  
 22                               signed to work directly with the acquisition  
 23                               workforce;

1           “(B) would be in a General Schedule posi-  
 2           tion, except for the exercise of the authority  
 3           under this section; and

4           “(C) is designated by the Secretary of De-  
 5           fense to be covered under a system established  
 6           under this section in accordance with subsection  
 7           (b).

8           “(2) The term ‘General Schedule position’  
 9           means a position to which subchapter III of chapter  
 10          53 of title 5 applies.”.

11          (b) REPEAL OF ACQDEMO STATUE.—Section 1762  
 12          of such title is repealed.

13          (c) CLERICAL AMENDMENT.—The table of sections  
 14          at the beginning of subchapter V of chapter 87 of such  
 15          title is amended by striking the item relating to section  
 16          1762 and inserting the following new item:

          “1763. Special system of personnel authorities related to the acquisition work-  
   force.”.

17          (d) TRANSITION PROVISIONS.—

18               (1) CONTINUITY OF ACQDEMO SYSTEM.—The  
 19               system established under the demonstration project  
 20               authority under section 1762 of title 10, United  
 21               States Code, as in effect on the day before the date  
 22               of the enactment of this Act, shall be considered a  
 23               system established under section 1763 of title 10,  
 24               United States Code, as added by subsection (a).

1           (2) CONTINUITY OF ACQDEMO REGULATIONS.—

2           The demonstration project plan published in the  
3           Federal Register under section 1762 of title, United  
4           States Code, for the Department of Defense acqui-  
5           sition workforce, as in effect on the day before the  
6           date of the enactment of this Act, shall be consid-  
7           ered to be a regulation prescribed by the Secretary  
8           of Defense under subsection (h) of section 1763 of  
9           title 10, United States Code, as so added. The provi-  
10          sions of such plan related to the conversion of em-  
11          ployees back to the General Schedule pay system  
12          shall not apply, except as necessary to allow for pos-  
13          sible application of the General Schedule promotion  
14          rule in section 5334(b) of title 5, United States  
15          Code, pending the issuance of regulation under sub-  
16          section (j)(2) of section 1763, as so added.

17          (3) CONTINUITY OF COVERED EMPLOYEES.—

18          The categories of employees covered on the day be-  
19          fore the day of the enactment of this Act by the  
20          demonstration project referred to in paragraph (1)  
21          shall be covered by a system established by the Sec-  
22          retary under section 1763 of title 10, United States  
23          Code, as so added, without regard to subsection (b)  
24          of that section.

1       (e) **EFFECTIVE DATE.**—This section and the amend-  
2       ments made by this section shall take effect on the first  
3       day of the first month beginning more than 60 days after  
4       the date of the enactment of this Act.

5       **SEC. 1105. DIRECT HIRE AUTHORITY FOR FINANCIAL MAN-**  
6                               **AGEMENT EXPERTS IN THE DEPARTMENT OF**  
7                               **DEFENSE WORKFORCE.**

8       (a) **AUTHORITY.**—Each Secretary concerned may ap-  
9       point qualified candidates possessing a finance, account-  
10      ing, management, or actuarial science degree, or a related  
11      degree or equivalent experience, to positions specified in  
12      subsection (c) for the Defense Agencies or the applicable  
13      military department without regard to the provisions of  
14      subchapter I of chapter 33 of title 5, United States Code.

15      (b) **SECRETARY CONCERNED.**—For purposes of this  
16      section, the Secretary concerned is as follows:

17               (1) The Secretary of Defense with respect to  
18      the Defense Agencies.

19               (2) The Secretary of a military department with  
20      respect to such military department.

21      (c) **POSITIONS.**—The positions specified in this sub-  
22      section are the positions within the Department of De-  
23      fense workforce as follows:

24               (1) Financial management positions.

25               (2) Accounting positions.



1           (3) Auditing positions.

2           (4) Actuarial positions.

3           (5) Cost estimation positions.

4           (6) Operational research positions.

5           (d) LIMITATION.—Authority under this section may  
6 not, in any calendar year and with respect to any Defense  
7 Agency or military department, be exercised with respect  
8 to a number of candidates greater than the number equal  
9 to 10 percent of the total number of the financial manage-  
10 ment, accounting, auditing, and actuarial positions within  
11 the financial management workforce of such Defense  
12 Agency or military department that are filled as of the  
13 close of the fiscal year last ending before the start of such  
14 calendar year.

15          (e) NATURE OF APPOINTMENT.—Any appointment  
16 under this section shall be treated as an appointment on  
17 a full-time equivalent basis, unless such appointment is  
18 made on a term or temporary basis.

19          (f) EMPLOYEE DEFINED.—In this section, the term  
20 “employee” has the meaning given that term in section  
21 2105 of title 5, United States Code.

22          (g) TERMINATION.—The authority to make appoint-  
23 ments under this section shall not be available after De-  
24 cember 31, 2022.

1 **SEC. 1106. DIRECT-HIRE AUTHORITY FOR THE DEPART-**  
2 **MENT OF DEFENSE FOR POST-SECONDARY**  
3 **STUDENTS AND RECENT GRADUATES.**

4 (a) **HIRING AUTHORITY.**—For purposes of sections  
5 3304, 5333, and 5753 of title 5, United States Code, the  
6 Secretary of Defense may recruit and appoint qualified re-  
7 cent graduates and current post-secondary students to po-  
8 sitions within the Department of Defense.

9 (b) **LIMITATION ON APPOINTMENTS.**—Subject to  
10 subsection (c)(2), the total number of employees appointed  
11 by the Secretary under subsection (a) during a fiscal year  
12 may not exceed the number equal to 15 percent of the  
13 number of hires made into professional and administrative  
14 occupations of the Department at the GS–11 level and  
15 below (or equivalent) under competitive examining proce-  
16 dures during the previous fiscal year.

17 (c) **REGULATIONS.**—

18 (1) **IN GENERAL.**—The Secretary shall admin-  
19 ister this section in accordance with regulations pre-  
20 scribed by the Secretary for purposes of this section.

21 (2) **LOWER LIMIT ON APPOINTMENTS.**—The  
22 regulations may establish a lower limit on the num-  
23 ber of individuals appointable under subsection (a)  
24 during a fiscal year than is otherwise provided for  
25 under subsection (b), based on such factors as the  
26 Secretary considers appropriate.

1 (d) SUNSET.—The authority in this section termi-  
2 nates on the date that is four years after the date on which  
3 the Secretary first appoints a recent graduate or current  
4 post-secondary student to a position under this section.

5 (e) DEFINITIONS.—In this section:

6 (1) The term “current post-secondary student”  
7 means a person who—

8 (A) is currently enrolled in, and in good  
9 academic standing at, a full-time program at an  
10 institution of higher education;

11 (B) is making satisfactory progress toward  
12 receipt of a baccalaureate or graduate degree;  
13 and

14 (C) has completed at least one year of the  
15 program.

16 (2) The term “institution of higher education”  
17 has the meaning given the term in section 101 of the  
18 Higher Education Act of 1965 (20 U.S.C. 1001).

19 (3) The term “recent graduate”, with respect to  
20 appointment of a person under this section, means  
21 a person who was awarded a degree by an institu-  
22 tion of higher education not more than two years be-  
23 fore the date of the appointment of such person, ex-  
24 cept that in the case of a person who has completed  
25 a period of obligated service in a uniformed service

1 of more than four years, such term means a person  
 2 who was awarded a degree by an institution of high-  
 3 er education not more than four years before the  
 4 date of the appointment of such person.

5 **SEC. 1107. PUBLIC-PRIVATE TALENT EXCHANGE.**

6 (a) IN GENERAL.—Chapter 81 of title 10, United  
 7 States Code, is amended by adding at the end the fol-  
 8 lowing new section:

9 **“§ 1599g. Public-private exchange**

10 “(a) ASSIGNMENT AUTHORITY.—The Secretary of  
 11 Defense may, with the agreement of the private-sector or-  
 12 ganization concerned, arrange for the temporary assign-  
 13 ment of a Department of Defense employee to such pri-  
 14 vate-sector organization, or from such private-sector orga-  
 15 nization to a Department organization under this section.

16 “(b) AGREEMENTS.—

17 “(1) IN GENERAL.—The Secretary of Defense  
 18 shall provide for a written agreement among the De-  
 19 partment of Defense, the private-sector organization,  
 20 and the employee concerned regarding the terms and  
 21 conditions of the employee’s assignment under this  
 22 section. The agreement—

23 “(A) shall require that an employee of the  
 24 Department, upon completion of the assign-  
 25 ment, will serve in the Department, or else-

1           where in the civil service if approved by the  
2           Secretary, for a period equal to the length of  
3           the assignment; and

4           “(B) shall provide that if the employee of  
5           the Department or the private-sector organiza-  
6           tion (as the case may be) fails to carry out the  
7           agreement, the employee shall be liable to the  
8           United States for payment of all expenses of  
9           the assignment, unless that failure was for good  
10          and sufficient reason, as determined by the Sec-  
11          retary.

12          “(2) TREATMENT OF EMPLOYEE LIABILITY.—  
13          An amount for which an employee is liable under  
14          paragraph (1) shall be treated as a debt due the  
15          United States.

16          “(c) TERMINATION.—An assignment under this sec-  
17          tion may, at any time and for any reason, be terminated  
18          by the Department of Defense or the private-sector orga-  
19          nization concerned.

20          “(d) DURATION.—

21                 “(1) IN GENERAL.—Except as provided in para-  
22          graph (2), an assignment under this section shall be  
23          for a period of not less than three months and not  
24          more than two years.

1           “(2) EXCEPTION TO MEET CRITICAL MISSION  
 2           OR PROGRAM REQUIREMENTS.—An assignment  
 3           under this section may be for a period in excess of  
 4           two years, but not more than four years, if the Sec-  
 5           retary determines that such assignment is necessary  
 6           to meet critical mission or program requirements.

7           “(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR  
 8           EMPLOYEES.—An employee of a private-sector organiza-  
 9           tion who is assigned to a Department of Defense organiza-  
 10          tion under this section—

11           “(1) may continue to receive pay and benefits  
 12           from the private-sector organization from which such  
 13           employee is assigned;

14           “(2) is deemed to be an employee of the De-  
 15           partment for the purposes of—

16           “(A) chapter 73 of title 5;

17           “(B) sections 201, 203, 205, 207, 208,  
 18           209, 603, 606, 607, 643, 654, 1905, and 1913  
 19           of title 18;

20           “(C) sections 1343, 1344, and 1349(b) of  
 21           title 31;

22           “(D) the Federal Tort Claims Act and any  
 23           other Federal tort liability statute;

24           “(E) the Ethics in Government Act of  
 25           1978; and

1 “(F) chapter 21 of title 41; and

2 “(3) may not have access to any trade secrets  
3 or to any other nonpublic information which is of  
4 commercial value to the private-sector organization  
5 from which such employee is assigned.

6 “(f) PROHIBITION AGAINST CHARGING CERTAIN  
7 COSTS TO THE FEDERAL GOVERNMENT.—A private-sec-  
8 tor organization may not charge the Department of De-  
9 fense or any other agency of the Federal Government, as  
10 direct or indirect costs under a Federal contract, the costs  
11 of pay or benefits paid by the organization to an employee  
12 assigned to the Department under this section for the pe-  
13 riod of the assignment.

14 “(g) CONSIDERATIONS.—In carrying out this section,  
15 the Secretary of Defense shall take into consideration how  
16 assignments under this section might best be used to help  
17 meet the needs of the Department of Defense with respect  
18 to the training of employees.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of 81 of such title is amended by adding  
21 at the end the following new item:

“1599g. Public-private exchange.”.

1 **SEC. 1108. TRAINING FOR EMPLOYMENT PERSONNEL OF**  
2 **DEPARTMENT OF DEFENSE ON MATTERS RE-**  
3 **LATING TO AUTHORITIES FOR RECRUITMENT**  
4 **AND RETENTION AT UNITED STATES CYBER**  
5 **COMMAND.**

6 (a) TRAINING REQUIRED.—Section 1599f of title 10,  
7 United States Code, is amended—

8 (1) by redesignating subsections (f) through (j)  
9 as subsections (h) through (k), respectively; and

10 (2) by inserting after subsection (e) the fol-  
11 lowing new subsection (f):

12 “(f) TRAINING.—(1) The Secretary shall provide  
13 training to covered personnel on hiring and pay matters  
14 relating to authorities under this section.

15 “(2) For purposes of this subsection, covered per-  
16 sonnel are employees of the Department who—

17 “(A) carry out functions relating to—

18 “(i) the management of human resources  
19 and the civilian workforce of the Department;  
20 or

21 “(ii) the writing of guidance for the imple-  
22 mentation of authorities regarding hiring and  
23 pay under this section; or

24 “(B) are employed in supervisory positions or  
25 have responsibilities relating to the hiring of individ-  
26 uals for positions in the Department and to whom



1 the Secretary intends to delegate authority under  
2 this section.”.

3 (b) REPORTS.—

4 (1) INITIAL REPORT.—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 appropriate  
7 committees of Congress (as defined in section 1599f  
8 of title 10, United States Code) a report on the  
9 training the Secretary intends to provide to each of  
10 the employees described in subsection (f)(2) of such  
11 section (as added by subsection (a) of this section)  
12 and the frequency with which the Secretary intends  
13 to provide such training.

14 (2) ONGOING REPORTS.—Subsection (h)(2)(E)  
15 of such section, as redesignated by subsection (a)(1)  
16 of this section, is amended by striking “supervisors  
17 of employees in qualified positions at the Depart-  
18 ment on the use of the new authorities” and insert-  
19 ing “employees described in subsection (f)(2) on the  
20 use of authorities under this section”.

1 **SEC. 1109. INCREASE IN MAXIMUM AMOUNT OF VOL-**  
 2 **UNTARY SEPARATION INCENTIVE PAY AU-**  
 3 **THORIZED FOR CIVILIAN EMPLOYEES OF**  
 4 **THE DEPARTMENT OF DEFENSE.**

5 Section 9902(f)(5)(A)(ii) of title 5, United States  
 6 Code, is amended by striking “\$25,000” and inserting “an  
 7 amount determined by the Secretary, not to exceed  
 8 \$40,000”.

9 **SEC. 1110. REPEAL OF CERTAIN BASIS FOR APPOINTMENT**  
 10 **OF A RETIRED MEMBER OF THE ARMED**  
 11 **FORCES TO DEPARTMENT OF DEFENSE POSI-**  
 12 **TION WITHIN 180 DAYS OF RETIREMENT.**

13 Section 3326(b) of title 5, United States Code, is  
 14 amended—

15 (1) in paragraph (1), by adding “or” at the  
 16 end;

17 (2) in paragraph (2), by striking “; or” and in-  
 18 serting a period; and

19 (3) by striking paragraph (3).

20 **SEC. 1111. PILOT PROGRAMS ON CAREER SABBATICALS**  
 21 **FOR DEPARTMENT OF DEFENSE CIVILIAN**  
 22 **EMPLOYEES.**

23 (a) PILOT PROGRAMS AUTHORIZED.—

24 (1) IN GENERAL.—Each Secretary of a military  
 25 department may carry out one or more pilot pro-  
 26 grams under which civilian employees of the Depart-

1       ment of Defense under the jurisdiction of such Sec-  
2       retary are permitted periods of recess of not more  
3       than one year from full-time employment by the De-  
4       partment in order to meet personal, familial, or pro-  
5       fessional needs and return to their full-time civilian  
6       employment by the Department at the end of such  
7       periods of recess without loss of civil service status  
8       or privilege.

9           (2) PURPOSE.—The purpose of the pilot pro-  
10       grams is to assess whether permitting periods of re-  
11       cess from civilian employment for civilian employees  
12       of the Department provides an effective means of  
13       enhancing retention of civilian employees of the De-  
14       partment and the capacity of the Department to re-  
15       spond to the personal, familial, and professional  
16       needs of individual members of its civilian workforce.

17       (b) INELIGIBLE EMPLOYEES.—A civilian employee of  
18       the Department is not eligible to participate in a pilot pro-  
19       gram under this section during any period of service re-  
20       quired of the employee—

21           (1) during the initial probationary period before  
22       the appointment of the employee in the competitive  
23       service becomes final; or

24           (2) in connection with any recruitment, reten-  
25       tion, or relocation bonus, incentive payment, or other

1 additional payment for employment received by the  
2 employee pursuant to a provision of title 5 or 10,  
3 United States Code, or any other provision of law.

4 (c) PARTICIPATION.—

5 (1) IN GENERAL.—Civilian employees of a mili-  
6 tary department shall be selected for participation in  
7 pilot programs of the military department under this  
8 section by the Secretary of the military department  
9 in accordance with such procedures as the Secretary  
10 of Defense shall establish for purposes of the pilot  
11 programs.

12 (2) LIMITATION ON NUMBER OF PARTICI-  
13 PANTS.—Not more than 300 civilian employees of  
14 each military department may be selected during  
15 each of calendar years 2017 through 2022 to par-  
16 ticipate in pilot programs under this section.

17 (d) PERIOD OF RECESS FROM CIVILIAN EMPLOY-  
18 MENT.—

19 (1) PERIOD OR RECESS.—The period of recess  
20 from civilian employment by the Department under  
21 a pilot program under this section of an employee  
22 participating in the pilot program shall be such pe-  
23 riod as the Secretary of the military department  
24 concerned shall specify in the agreement of the em-

1        ployee under subsection (e), except that such period  
2        may not exceed one year.

3            (2) PERIOD NOT CREDITABLE TOWARD RETIRE-  
4        MENT BENEFITS.—Any period of recess of a civilian  
5        employee of the Department under a pilot program  
6        shall not count as creditable service for purposes of  
7        chapter 83 or 84 of title 5, United States Code.

8            (3) CONTINUATION OF ENROLLMENT IN  
9        HEALTH BENEFITS PLANS.—A civilian employee of  
10       the Department who undertakes a period of recess  
11       from full-time employment under a pilot program  
12       shall, at the election of the employee, be treated as  
13       an employee in nonpay status during such period of  
14       recess for purposes of section 890.303(e) of title 5,  
15       Code of Federal Regulations (relating to continu-  
16       ation in enrollment in Federal health benefits plans),  
17       as such section is in effect on December 15, 2015,  
18       for purposes of the eligibility of the employee and  
19       any dependents of the employee for enrollment in a  
20       Federal health benefits plan.

21           (4) CONTINUATION OF LIFE INSURANCE.—A ci-  
22       vilian employee of the Department who undertakes  
23       a period of recess from full-time employment under  
24       a pilot program shall be treated as an employee in  
25       nonpay status during such period of recess for pur-

1 poses of continuation of life insurance under the  
2 Federal Employees' Group Life Insurance Program  
3 without requirement for employee premium pay-  
4 ments under section 870.508(a) of title 5, Code of  
5 Federal Regulations, or agency premium payments  
6 under section 870.404(c) of title 5, Code of Federal  
7 Regulations, as such sections are in effect on De-  
8 cember 31, 2015.

9 (e) AGREEMENT.—

10 (1) IN GENERAL.—Each civilian employee of  
11 the Department who participates in a pilot program  
12 under this section shall enter into a written agree-  
13 ment with the Secretary of the military department  
14 concerned under which agreement such employee  
15 shall agree as follows:

16 (A) To undergo during each period of the  
17 recess of such employee from full-time employ-  
18 ment by the Department under the pilot pro-  
19 gram such skills training as the Secretary shall  
20 require in order to ensure that such employee  
21 retains proficiency, at a level determined by the  
22 Secretary to be sufficient, in such employee's  
23 professional qualifications and certifications.

24 (B) Following completion of a period of  
25 the recess of such civilian employee under the

1 pilot program, to serve two months as a civilian  
2 employee of the Department on a full-time basis  
3 for each month of such period of the recess of  
4 such employee under the pilot program.

5 (2) NOTICE ON OBLIGATED SERVICE.—Each  
6 employee entering into an agreement under this sub-  
7 section for purposes of a pilot program shall be noti-  
8 fied at the time of entry into the agreement of the  
9 obligated service required of the employee as a result  
10 of a period of recess from full-time employment by  
11 the Department under the pilot program pursuant to  
12 paragraph (1)(B).

13 (f) TERMS AND CONDITIONS OF RELEASE FOR PE-  
14 RIOD OF RECESS.—A civilian employee of the Department  
15 who participates in a pilot program under this section  
16 shall be eligible for periods of release from full-time em-  
17 ployment by the Department under the pilot program in  
18 accordance with such terms and conditions as are specified  
19 in the agreement of the employee under subsection (e).  
20 Such terms and conditions shall conform to guidelines  
21 issued by the Secretary of Defense for purposes of the  
22 pilot programs under this section.

23 (g) INVOLUNTARY RETURN TO FULL-TIME EMPLOY-  
24 MENT.—

1           (1) IN GENERAL.—Under guidelines issued by  
2           the Secretary of the military department concerned  
3           for the purpose of pilots programs of such military  
4           department under this section, a civilian employee of  
5           the Department who is in a period of recess from  
6           full-time employment by the Department under a  
7           pilot program may, at the election of Secretary and  
8           without the consent of the employee, be required to  
9           return to full-time employment by the Department  
10          at any time during such period of recess.

11          (2) GUIDELINES AND PROCEDURES.—The cir-  
12          cumstances under which a civilian employee may be  
13          required to return to full-time employment pursuant  
14          to paragraph (1), and the procedures applicable to  
15          requiring such return, shall be specified in guidelines  
16          issued by the Secretary of Defense for purposes of  
17          the pilot programs.

18          (h) PAY AND ALLOWANCES.—

19               (1) PROHIBITION ON RECEIPT OF BASIC PAY  
20               AND ALLOWANCES.—While undertaking a period of  
21               recess from full-time employment by the Department  
22               under a pilot program under this section, a civilian  
23               employee of the Department is not entitled to any  
24               pay or allowances otherwise payable to the employee  
25               under title 5 or 10, United States Code.



1           (2) PROHIBITION ON RECEIPT OF SPECIAL AND  
2           INCENTIVE PAYS.—While undertaking a period of re-  
3           cess from employment under a pilot program, an  
4           employee may not be paid any special or incentive  
5           pay or bonus to which the employee would otherwise  
6           entitled under an employment agreement under a  
7           provision of title 5 or 10, United States Code, or  
8           any other provision of law, that is in force when the  
9           employee commences such period of recess.

10          (3) REVIVAL OF SPECIAL PAYS UPON RETURN  
11          TO FULL-TIME DEPARTMENT EMPLOYMENT.—

12                (A) REVIVAL REQUIRED.—Subject to sub-  
13                paragraph (B), upon the return of an employee  
14                to full-time employment by the Department  
15                after completion by the employee of a period of  
16                recess from employment under a pilot pro-  
17                gram—

18                   (i) any employment agreement entered  
19                   into by the employee under a provision of  
20                   law referred to in paragraph (2) for the  
21                   payment of a special or incentive pay or  
22                   bonus that was in force when the employee  
23                   commenced such period of recess shall be  
24                   revived, with the term of such agreement  
25                   after revival being the period of the agree-

1           ment remaining to run when the employee  
2           commenced such period of recess; and

3           (ii) any special or incentive pay or  
4           bonus shall be payable to the employee in  
5           accordance with the terms of the agree-  
6           ment described in clause (i) for the term  
7           specified in that clause.

8           (B) LIMITATIONS.—

9           (i) LIMITATIONS AT TIME OF RETURN  
10          TO FULL-TIME DEPARTMENT EMPLOY-  
11          MENT.—Subparagraph (A) shall not apply  
12          to any special or incentive pay or bonus  
13          otherwise covered by that subparagraph  
14          with respect to an employee if, at the time  
15          of the return of the employee to full-time  
16          employment as described in that subpara-  
17          graph—

18               (I) such pay or bonus is no  
19               longer authorized by law; or

20               (II) the employee does not satisfy  
21               eligibility criteria for such pay or  
22               bonus as in effect at the time of the  
23               return of the employee to full-time  
24               employment by the Department.

1                   (ii) CESSATION DURING LATER SERV-  
2                   ICE.—Subparagraph (A) shall cease to  
3                   apply to any special or incentive pay or  
4                   bonus otherwise covered by that subpara-  
5                   graph with respect to an employee if, dur-  
6                   ing the term of the revived agreement of  
7                   the employee under subparagraph (A)(i),  
8                   such pay or bonus ceases being authorized  
9                   by law.

10                  (C) REPAYMENT.—An employee who is in-  
11                  eligible for payment of a special or incentive  
12                  pay or bonus otherwise covered by this para-  
13                  graph by reason of subparagraph (B)(i)(II)  
14                  shall be subject to the requirements for repay-  
15                  ment of such pay or bonus in accordance with  
16                  the terms of the applicable employment agree-  
17                  ment of the employee under a provision of law  
18                  referred to in paragraph (2).

19                  (D) CONSTRUCTION OF REQUIRED SERV-  
20                  ICE.—Any service required of an employee  
21                  under an agreement covered by this paragraph  
22                  after the employee returns to full-time employ-  
23                  ment by the Department as described in sub-  
24                  paragraph (A) shall be in addition to any serv-

1           ice required of the employee under an agree-  
2           ment under subsection (e).

3       (i) REPORTS.—

4           (1) INTERIM REPORTS.—Not later than June 1,  
5       2018, each Secretary of a military department shall  
6       submit to the congressional defense committees a re-  
7       port on the implementation and current status of  
8       the pilot programs carried out by such Secretary  
9       under this section.

10          (2) FINAL REPORT.—Not later than March 1,  
11       2022, the Secretary of Defense shall submit to the  
12       congressional defense committees a report on the  
13       pilot programs carried out under this section.

14          (3) ELEMENTS OF REPORT.—The interim re-  
15       ports under paragraph (1) and the final report  
16       under paragraph (2) shall include the following:

17               (A) A description of each pilot program  
18               covered by such report, including a description  
19               of the number of applicants for participation in  
20               such pilot program and the criteria used to se-  
21               lect applicants for participation in such pilot  
22               program.

23               (B) An assessment by the Secretary sub-  
24               mitting such report of the pilot programs cov-

1           ered by such report, including an evaluation of  
2           the following:

3                   (i) Whether the authorities of this sec-  
4                   tion provided an effective means of enhanc-  
5                   ing the retention of civilian employees of  
6                   the Department possessing critical skills,  
7                   talents, and leadership abilities.

8                   (ii) Whether the career progression in  
9                   the Department of civilian employees who  
10                  participated in the pilot programs has been  
11                  or will be adversely affected.

12                  (iii) Whether the pilot programs were  
13                  useful in responding to the personal, famil-  
14                  ial, and professional needs of individual ci-  
15                  vilian employees of the Department

16           (C) Such recommendations for legislative  
17           or administrative action as the Secretary sub-  
18           mitting such report considers appropriate for  
19           the modification or continuation of the pilot  
20           programs covered by such report.

21   (j) DURATION OF AUTHORITY.—

22           (1) COMMENCEMENT.—The authority to carry  
23           out a pilot program under this section shall com-  
24           mence on January 1, 2017.

1           (2) CESSATION.—No civilian employee of the  
 2       Department may be granted a period of recess from  
 3       full-time employment by the Department under a  
 4       pilot program under this section after December 31,  
 5       2022.

6 **SEC. 1112. LIMITATION ON NUMBER OF SES EMPLOYEES.**

7       (a) DEFINITION OF COVERED SES EMPLOYEE.—In  
 8       this section:

9           (1) IN GENERAL.—The term “covered SES em-  
 10      ployee” means an employee of the Department of  
 11      Defense—

12           (A) who is serving in a Senior Executive  
 13      Service position, as defined under section  
 14      3132(a)(2) of title 5, United States Code; and

15           (B) subject to paragraph (2), who is not  
 16      serving in such position under an appointment  
 17      as a highly qualified expert under section 9903  
 18      of title 5, United States Code.

19       (2) MAXIMUM NUMBER OF HIGHLY QUALIFIED  
 20      EXPERTS.—Not more than 200 employees may be  
 21      excluded under paragraph (1)(B) for purposes of de-  
 22      termining the number of covered SES employees.

23       (b) LIMITATION.—On and after January 1, 2019, the  
 24      number of covered SES employees may not exceed the  
 25      number equal to the product obtained by multiplying—

1 (1) number of covered SES employees on De-  
 2 cember 31, 2015; and

3 (2) 0.75.

4 **SEC. 1113. NO TIME LIMITATION FOR APPOINTMENT OF RE-**  
 5 **LOCATING MILITARY SPOUSES.**

6 Section 3330d(c) of title 5, United States Code, is  
 7 amended by adding at the end the following new para-  
 8 graph:

9 “(3) NO TIME LIMITATION.—A relocating  
 10 spouse of a member of the Armed Forces may re-  
 11 ceive an appointment under this section with no time  
 12 limitation for eligibility from the date of such mem-  
 13 ber’s permanent change of station orders.”.

14 **Subtitle B—Department of Defense**  
 15 **Science and Technology Labora-**  
 16 **tories and Related Matters**

17 **SEC. 1121. PERMANENT PERSONNEL MANAGEMENT AU-**  
 18 **THORITY FOR THE DEPARTMENT OF DE-**  
 19 **FENSE FOR EXPERTS IN SCIENCE AND ENGI-**  
 20 **NEERING.**

21 (a) PERMANENT PERSONNEL MANAGEMENT AU-  
 22 THORITY.—

23 (1) IN GENERAL.—Chapter 81 of title 10,  
 24 United States Code, as amended by section 1107 of

1       this Act, is further amended by adding at the end  
2       the following new section:

3   **“§ 1599h. Personnel management authority to attract**  
4       **experts in science and engineering**

5       “(a) PROGRAMS AUTHORIZED.—

6           “(1) LABORATORIES OF THE MILITARY DE-  
7       PARTMENTS.—The Secretary of Defense may carry  
8       out a program of personnel management authority  
9       provided in subsection (b) in order to facilitate re-  
10      cruitment of eminent experts in science or engineer-  
11      ing for such laboratories of the military departments  
12      as the Secretary shall designate for purposes of the  
13      program for research and development projects of  
14      such laboratories.

15          “(2) DARPA.—The Director of the Defense  
16      Advanced Research Projects Agency may carry out  
17      a program of personnel management authority pro-  
18      vided in subsection (b) in order to facilitate recruit-  
19      ment of eminent experts in science or engineering  
20      for research and development projects and to en-  
21      hance the administration and management of the  
22      Agency.

23          “(3) DOTE.—The Director of the Office of  
24      Operational Test and Evaluation may carry out a  
25      program of personnel management authority pro-



1        vided in subsection (b) in order to facilitate recruit-  
2        ment of eminent experts in science or engineering to  
3        support operational test and evaluation missions of  
4        the Office.

5        “(b) PERSONNEL MANAGEMENT AUTHORITY.—  
6        Under a program under subsection (a), the official respon-  
7        sible for administration of the program may—

8                “(1) without regard to any provision of title 5  
9        governing the appointment of employees in the civil  
10       service—

11                “(A) in the case of the laboratories of the  
12       military departments designated pursuant to  
13       subsection (a)(1), appoint scientists and engi-  
14       neers to a total of not more than 40 scientific  
15       and engineering positions in such laboratories;

16                “(B) in the case of the Defense Advanced  
17       Research Projects Agency, appoint individuals  
18       to a total of not more than 100 positions in the  
19       Agency, of which not more than 15 such posi-  
20       tions may be positions of administration or  
21       management of the Agency; and

22                “(C) in the case of the Office of Oper-  
23       ational Test and Evaluation, appoint scientists  
24       and engineers to a total of not more than 10

1           scientific and engineering positions in the Of-  
2           fice;

3           “(2) notwithstanding any provision of title 5  
4           governing the rates of pay or classification of em-  
5           ployees in the executive branch, prescribe the rates  
6           of basic pay for positions to which employees are ap-  
7           pointed under paragraph (1)—

8                   “(A) in the case of employees appointed  
9                   pursuant to paragraph (1)(B) to any of 5 posi-  
10                  tions designated by the Director of the Defense  
11                  Advanced Research Projects Agency for pur-  
12                  poses of this subparagraph, at rates not in ex-  
13                  cess of a rate equal to 150 percent of the max-  
14                  imum rate of basic pay authorized for positions  
15                  at Level I of the Executive Schedule under sec-  
16                  tion 5312 of title 5; and

17                   “(B) in the case of any other employee ap-  
18                  pointed pursuant to paragraph (1), at rates not  
19                  in excess of the maximum rate of basic pay au-  
20                  thorized for senior-level positions under section  
21                  5376 of title 5; and

22           “(3) pay any employee appointed under para-  
23           graph (1), other than an employee appointed to a  
24           position designated as described in paragraph  
25           (2)(A), payments in addition to basic pay within the

1 limit applicable to the employee under subsection  
2 (d).

3 “(c) LIMITATION ON TERM OF APPOINTMENT.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), the service of an employee under an ap-  
6 pointment under subsection (b)(1) may not exceed  
7 four years.

8 “(2) EXTENSION.—The official responsible for  
9 the administration of a program under subsection  
10 (a) may, in the case of a particular employee under  
11 the program, extend the period to which service is  
12 limited under paragraph (1) by up to two years if  
13 the official determines that such action is necessary  
14 to promote the efficiency of a laboratory of a mili-  
15 tary department, the Defense Advanced Research  
16 Projects Agency, or the Office of Operational Test  
17 and Evaluation, as applicable.

18 “(d) MAXIMUM AMOUNT OF ADDITIONAL PAYMENTS  
19 PAYABLE.—Notwithstanding any other provision of this  
20 section or section 5307 of title 5, no additional payments  
21 may be paid to an employee under subsection (b)(3) in  
22 any calendar year if, or to the extent that, the employee’s  
23 total annual compensation in such calendar year will ex-  
24 ceed the maximum amount of total annual compensation

1 payable at the salary set in accordance with section 104  
2 of title 3.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-  
4 tions at the beginning of chapter 81 of such title, as  
5 so amended, is further amended by adding at the  
6 end the following new item:

“1599h. Personnel management authority to attract experts in science and engi-  
neering.”.

7 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section  
8 1101 of the Strom Thurmond National Defense Author-  
9 ization Act for Fiscal Year 1999 (5 U.S.C. 3104 note)  
10 is repealed.

11 (c) APPLICABILITY OF PERSONNEL MANAGEMENT  
12 AUTHORITY TO PERSONNEL CURRENTLY EMPLOYED  
13 UNDER SUPERSEDED AUTHORITY.—

14 (1) IN GENERAL.—Any individual employed as  
15 of the date of the enactment of this Act under sec-  
16 tion 1101(b)(1) of the Strom Thurmond National  
17 Defense Authorization Act for Fiscal Year 1999 (as  
18 in effect on the day before such date) shall remain  
19 employed under section 1599h of title 105, United  
20 States Code (as added by subsection (a)), after such  
21 date in accordance with such section 1599h and the  
22 applicable program carried out under such section  
23 1599h.

1           (2) DATE OF APPOINTMENT.—For purposes of  
 2           subsection (c) of section 1599h of title 10, United  
 3           States Code (as so added), the date of the appoint-  
 4           ment of any employee who remains employed as de-  
 5           scribed in paragraph (1) shall be the date of the ap-  
 6           pointment of such employee under section  
 7           1101(b)(1) of the Strom Thurmond National De-  
 8           fense Authorization Act for Fiscal Year 1999 (as so  
 9           in effect).

10 **SEC. 1122. PERMANENT EXTENSION AND MODIFICATION OF**  
 11 **TEMPORARY AUTHORITIES FOR CERTAIN PO-**  
 12 **SITIONS AT DEPARTMENT OF DEFENSE RE-**  
 13 **SEARCH AND ENGINEERING LABORATORIES.**

14           (a) INCREASE OF APPOINTMENT CEILING FOR STU-  
 15           DENTS ENROLLED IN SCIENTIFIC AND ENGINEERING  
 16           PROGRAMS.—Subsection (c)(3) of section 1107 of the Na-  
 17           tional Defense Authorization Act for Fiscal Year 2014 (10  
 18           U.S.C. 2358 note) is amended by striking “3 percent” and  
 19           inserting “10 percent”.

20           (b) PERMANENT AUTHORITIES.—

21           (1) IN GENERAL.—Such section is further  
 22           amended by striking subsection (e).

23           (2) APPOINTMENT OF SENIOR SCIENTIFIC  
 24           TECHNICAL MANAGERS.—Subsection (f) of such sec-  
 25           tion is amended by striking paragraph (3).

1 (c) REPEAL OF ANNUAL REPORTING REQUIRE-  
 2 MENT.—Such section is further amended by striking sub-  
 3 section (g).

4 (d) CONFORMING AMENDMENTS.—Such section is  
 5 further amended—

6 (1) by transferring subsection (d) so as to ap-  
 7 pear after subsection (h); and

8 (2) by redesignating subsections (f), (h), and  
 9 (d) (as so transferred) as subsections (d), (e), and  
 10 (f), respectively.

11 **SEC. 1123. DIRECT HIRE AUTHORITY FOR SCIENTIFIC AND**  
 12 **ENGINEERING POSITIONS FOR TEST AND**  
 13 **EVALUATION FACILITIES OF THE MAJOR**  
 14 **RANGE AND TEST FACILITY BASE.**

15 (a) IN GENERAL.—The Secretary of Defense may,  
 16 acting through the Director of Operational Test and Eval-  
 17 uation and the Directors of the test and evaluation facili-  
 18 ties of the Major Range and Test Facility Base of the  
 19 Department of Defense, appoint qualified candidates pos-  
 20 sessing an advanced degree to scientific and engineering  
 21 positions within the Office of the Director of Operational  
 22 Test and Evaluation and the test and evaluation facilities  
 23 of the Major Range and Test Facility Base without regard  
 24 to the provisions of subchapter I of chapter 33 of title

1 5, United States Code, other than sections 3303 and 3328  
2 of such title.

3 (b) LIMITATION ON NUMBER.—

4 (1) IN GENERAL.—Authority under this section  
5 may not, in any calendar year and with respect to  
6 the Office of the Director of Operational Test and  
7 Evaluation or any test and evaluation facility, be ex-  
8 ercised with respect to a number of candidates  
9 greater than the number equal to 3 percent of the  
10 total number of scientific and engineering positions  
11 within the Office or such facility that are filled as  
12 of the close of the fiscal year last ending before the  
13 start of such calendar year.

14 (2) NATURE OF APPOINTMENT.—For purposes  
15 of this subsection, any candidate appointed to a po-  
16 sition under this section shall be treated as ap-  
17 pointed on a full-time equivalent basis.

18 (c) TERMINATION.—The authority to make appoint-  
19 ments under this section shall not be available after De-  
20 cember 31, 2021.

21 (d) MAJOR RANGE AND TEST FACILITY BASE DE-  
22 FINED.—In this section, the term “Major Range and Test  
23 Facility Base” means the test and evaluation facilities  
24 that are designated by the Secretary as facilities and re-

1 sources comprising the Major Range and Test Facility  
 2 Base of the Department.

3 **SEC. 1124. PERMANENT AUTHORITY FOR THE TEMPORARY**  
 4 **EXCHANGE OF INFORMATION TECHNOLOGY**  
 5 **PERSONNEL.**

6 (a) PERMANENT AUTHORITY.—Subsection (d) of sec-  
 7 tion 1110 of the National Defense Authorization Act for  
 8 Fiscal Year 2010 (5 U.S.C. 3702 note) is amended by  
 9 striking “; however” and all that follows and inserting a  
 10 period.

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

13 **“SEC. 1110. PROGRAM FOR TEMPORARY EXCHANGE OF IN-**  
 14 **FORMATION TECHNOLOGY PERSONNEL.”.**

15 **SEC. 1125. PILOT PROGRAM ON ENHANCED PAY AUTHOR-**  
 16 **ITY FOR CERTAIN RESEARCH AND TECH-**  
 17 **NOLOGY POSITIONS IN THE SCIENCE AND**  
 18 **TECHNOLOGY REINVENTION LABORATORIES**  
 19 **OF THE DEPARTMENT OF DEFENSE.**

20 (a) PILOT PROGRAM AUTHORIZED.—The Secretary  
 21 of Defense may carry out a pilot program to assess the  
 22 feasibility and advisability of using the pay authority spec-  
 23 ified in subsection (d) to fix the rate of basic pay for posi-  
 24 tions described in subsection (c) in order to assist the mili-  
 25 tary departments in attracting and retaining high quality



1 acquisition and technology experts in positions responsible  
2 for managing and performing complex, high cost research  
3 and technology development efforts in the science and  
4 technology reinvention laboratories of the Department of  
5 Defense.

6 (b) APPROVAL REQUIRED.—The pilot program may  
7 be carried out in a military department only with the ap-  
8 proval of the Service Acquisition Executive of the military  
9 department.

10 (c) POSITIONS.—The positions described in this sub-  
11 section are positions in the science and technology reinven-  
12 tion laboratories of the Department of Defense that—

13 (1) require expertise of an extremely high level  
14 in a scientific, technical, professional, or acquisition  
15 management field; and

16 (2) are critical to the successful accomplishment  
17 of an important research or technology development  
18 mission.

19 (d) RATE OF BASIC PAY.—The pay authority speci-  
20 fied in this subsection is authority as follows:

21 (1) Authority to fix the rate of basic pay for a  
22 position at a rate not to exceed 150 percent of the  
23 rate of basic pay payable for level I of the Executive  
24 Schedule, upon the approval of the Service Acquisi-  
25 tion Executive concerned.

1           (2) Authority to fix the rate of basic pay for a  
2           position at a rate in excess of 150 percent of the  
3           rate of basic pay payable for level I of the Executive  
4           Schedule, upon the approval of the Secretary of the  
5           military department concerned.

6           (e) LIMITATIONS.—

7           (1) IN GENERAL.—The authority in subsection  
8           (a) may be used only to the extent necessary to com-  
9           petitively recruit or retain individuals exceptionally  
10          well qualified for positions described in subsection  
11          (c).

12          (2) NUMBER OF POSITIONS.—The authority in  
13          subsection (a) may not be used with respect to more  
14          than five positions in each military department at  
15          any one time.

16          (3) TERM OF POSITIONS.—The authority in  
17          subsection (a) may be used only for positions having  
18          a term of less than five years.

19          (f) TERMINATION.—

20          (1) IN GENERAL.—The authority to fix rates of  
21          basic pay for a position under this section shall ter-  
22          minate on October 1, 2021.

23          (2) CONTINUATION OF PAY.—Nothing in para-  
24          graph (1) shall be construed to prohibit the payment  
25          after October 1, 2021, of basic pay at rates fixed

1 under this section before that date for positions  
 2 whose terms continue after that date.

3 (g) SCIENCE AND TECHNOLOGY REINVENTION LAB-  
 4 ORATORIES OF THE DEPARTMENT OF DEFENSE DE-  
 5 FINED.—In this section, the term “science and technology  
 6 reinvention laboratories of the Department of Defense”  
 7 means the laboratories designated as science and tech-  
 8 nology reinvention laboratories by section 1105(a) of the  
 9 National Defense Authorization Act for Fiscal Year 2010  
 10 (10 U.S.C. 2358 note).

11 **SEC. 1126. DISCHARGE OF CERTAIN AUTHORITIES TO CON-**  
 12 **DUCT PERSONNEL DEMONSTRATION**  
 13 **PROJECTS.**

14 Subparagraph (C) of section 342(b)(3) of the Na-  
 15 tional Defense Authorization Act for Fiscal Year 1995  
 16 (Public Law 103–337; 108 Stat. 2721), as added by sec-  
 17 tion 1114(a) of the Floyd D. Spence National Defense Au-  
 18 thorization Act for Fiscal Year 2001 (as enacted into law  
 19 by Public Law 106–398; 114 Stat. 1654A–315), is  
 20 amended by inserting before the period at the end the fol-  
 21 lowing: “through the Under Secretary of Defense for Re-  
 22 search and Engineering (who shall place an emphasis in  
 23 the exercise of such authorities on enhancing efficient op-  
 24 erations of the laboratory)”.

## **Subtitle C—Government-Wide Matters**

### **SEC. 1131. EXPANSION OF PERSONNEL FLEXIBILITIES RE- LATING TO LAND MANAGEMENT AGENCIES TO INCLUDE ALL AGENCIES.**

(a) IN GENERAL.—Chapter 96 of title 5, United States Code, is amended as follows:

(1) In section 9601, by striking paragraph (1) and inserting the following:

“(1) the term ‘agency’ has the meaning given the term in section 101 of title 31; and”.

(2) In section 9602—

(A) in subsection (a)—

(i) in the matter preceding paragraph

(1)—

(I) by striking “a land management agency” and inserting “an agency”;

(II) by inserting after “appointment in the competitive service” the following: “or a time-limited appointment under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))”; and

1 (III) by striking “any land man-  
 2 agement agency or any other agency  
 3 (as defined in section 101 of title 31)  
 4 under the internal merit promotion  
 5 procedures of the applicable agency”  
 6 and inserting “such agency when the  
 7 agency is accepting applications from  
 8 individuals within the agency’s work-  
 9 force under merit promotion proce-  
 10 dures, or any agency when the agency  
 11 is accepting applications from individ-  
 12 uals outside its own workforce under  
 13 the merit promotion procedures of the  
 14 applicable agency,”;

15 (ii) in paragraph (1), by inserting  
 16 after “chapter 33” the following: “, or  
 17 under section 306(b)(1) of the Robert T.  
 18 Stafford Disaster Relief and Emergency  
 19 Assistance Act (42 U.S.C. 5149(b)(1)) (re-  
 20 gardless of the competitive nature of the  
 21 appointment),”; and

22 (iii) in paragraph (2)—

23 (I) by striking “a land manage-  
 24 ment agency” and inserting “an agen-  
 25 cy”;

1 (II) by striking “more than” and  
 2 inserting “not less than”; and

3 (III) by inserting before the  
 4 semicolon the following: “, or, in the  
 5 case of an employee appointed under  
 6 section 306(b)(1) of the Robert T.  
 7 Stafford Disaster Relief and Emer-  
 8 gency Assistance Act (42 U.S.C.  
 9 5149(b)(1)) and serving under an  
 10 intermittent, time-limited appoint-  
 11 ment, has been deployed for a period  
 12 or periods totaling not less than 4,160  
 13 hours within a 48-month period with-  
 14 out a break of 2 or more years”; and

15 (B) in subsection (d), in the matter pre-  
 16 ceding paragraph (1)—

17 (i) by striking “a land management  
 18 agency” and inserting “an agency”; and

19 (ii) by inserting “of the agency from  
 20 which the former employee was most re-  
 21 cently separated” after “deemed a time-  
 22 limited employee”.

23 (b) CONFORMING AMENDMENTS.—

24 (1) CHAPTER HEADING.—The heading of chap-  
 25 ter 96 of such title is amended to read as follows:

1                   **“CHAPTER 96—PERSONNEL**  
 2   **FLEXIBILITIES FOR FEDERAL AGENCIES”.**

3                   (2) TABLE OF CHAPTERS.—The table of chap-  
 4           ters for part III of such title is amended by striking  
 5           the item relating to chapter 96 and inserting the fol-  
 6           lowing new item:

**“96. Personnel Flexibilities for Federal Agencies ..... 9601”.**

7   **SEC. 1132. DIRECT HIRING FOR FEDERAL WAGE SCHEDULE**  
 8                   **EMPLOYEES.**

9           The Director of the Office of Personnel Management  
 10 shall permit an agency with delegated examining authority  
 11 under 1104(a)(2) of title 5, United States Code, to use  
 12 direct-hire authority under section 3304(a)(3) of such title  
 13 for a permanent or non-permanent position or group of  
 14 positions in the competitive services at GS–15 (or equiva-  
 15 lent) and below, or for prevailing rate employees, if the  
 16 Director determines that there is either a severe shortage  
 17 of candidates or a critical hiring need for such positions.

18   **SEC. 1133. APPOINTMENT AUTHORITY FOR UNIQUELY**  
 19                   **QUALIFIED PREVAILING RATE EMPLOYEES.**

20           Section 5343 of title 5, United States Code, is  
 21 amended by adding at the end the following:

22           “(g)(1) The head of an agency may appoint an indi-  
 23 vidual to a position in accordance with regulations pre-  
 24 scribed under paragraph (2) at such a rate of basic pay

1 above the minimum rate of the appropriate grade as the  
 2 Office of Personnel Management may authorize.

3 “(2) The Office of Personnel Management may pre-  
 4 scribe regulations that authorize the head of an agency  
 5 to exercise the authority under paragraph (1) in the case  
 6 of—

7 “(A) an unusually large shortage of qualified  
 8 candidates for employment;

9 “(B) unique qualifications of a candidate for  
 10 employment; or

11 “(C) a special need of the Government for the  
 12 services of a candidate for employment.”.

13 **SEC. 1134. LIMITATION ON PREFERENCE ELIGIBLE HIRING**  
 14 **PREFERENCES FOR PERMANENT EMPLOYEES**  
 15 **IN THE COMPETITIVE SERVICE.**

16 (a) IN GENERAL.—Subchapter I of chapter 33 of title  
 17 5, United States Code, is amended—

18 (1) in section 3309—

19 (A) in the matter preceding paragraph (1),  
 20 by striking “A preference eligible” and inserting

21 “(a) ADDITIONAL POINTS.—Except as provided  
 22 in subsection (b), a preference eligible”; and

23 (B) by adding at the end the following:

24 “(b) ADDITIONAL POINTS ONLY FOR FIRST AP-  
 25 POINTMENT.—If a preference eligible is selected for a per-



1 manent position in the competitive service after the appli-  
 2 cation of subsection (a) or the application of section  
 3 3319(b), the preference eligible shall not be awarded any  
 4 additional points under subsection (a) with respect to a  
 5 subsequent examination for any position in the competitive  
 6 service.”;

7 (2) in section 3319—

8 (A) in subsection (b), in the first sentence,  
 9 by striking “Within” and inserting “Except as  
 10 provided in subsection (d), within”; and

11 (B) by striking subsection (d) and insert-  
 12 ing the following:

13 “(d) If a preference eligible is selected for a perma-  
 14 nent position in the competitive service after the applica-  
 15 tion of subsection (b) or the application of section  
 16 3309(a), such individual shall not be listed ahead of indi-  
 17 viduals who are not preference eligibles due to the applica-  
 18 tion of subsection (b) on a subsequent list under this sec-  
 19 tion for any position in the competitive service.”; and

20 (3) in section 3320, by striking “3318” and in-  
 21 serting “3319”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 23 Section 703 of the District of Columbia Government Com-  
 24 prehensive Merit Personnel Act of 1978 (sec. 1–607.3,

1 D.C. Official Code) is amended by striking “3309(1)”  
 2 each place it appears and inserting “3309(a)(1)”.

3 **SEC. 1135. AUTHORITY FOR ADVANCEMENT OF PAY FOR**  
 4 **CERTAIN EMPLOYEES RELOCATING WITHIN**  
 5 **THE UNITED STATES AND ITS TERRITORIES.**

6 (a) **COVERAGE.**—Subsection (a) of section 5524a of  
 7 title 5, United States Code, is amended—

8 (1) by inserting “(1)” after “(a)”; and

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

11 “(2) The head of each agency may provide for the  
 12 advance payment of basic pay, covering not more than 2  
 13 pay periods, to an employee who is assigned to a position  
 14 in the agency that is located—

15 “(A) outside of the employee’s commuting area;

16 and

17 “(B) in an area not covered by section 5927.”.

18 (b) **CONFORMING AMENDMENTS.**—Subsection (b) of  
 19 such section is amended—

20 (1) in paragraph (1), by inserting “or assigned”  
 21 after “appointed”; and

22 (2) in paragraph (2)(B)—

23 (A) by inserting “or assignment” after  
 24 “appointment”; and

1 (B) by inserting “or assigned” after “ap-  
2 pointed”.

3 (c) CLERICAL AMENDMENTS.—

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

6 **“§ 5524a. Advance payments for new appointees and**  
7 **for certain current employees relocating**  
8 **within the United States and its terri-**  
9 **tries”.**

10 (2) TABLE OF SECTIONS.—The item relating to  
11 such section in the table of sections at the beginning  
12 of chapter 55 of such title is amended to read as fol-  
13 lows:

“5524a. Advance payments for new appointees and for certain current employ-  
ees relocating within the United States and its territories.”.

14 (d) EFFECTIVE DATE.—The amendments made by  
15 this section shall take effect on the date that is one year  
16 after the date of the enactment of this Act.

17 **SEC. 1136. ELIMINATION OF THE FOREIGN EXEMPTION**  
18 **PROVISION IN REGARD TO OVERTIME FOR**  
19 **FEDERAL CIVILIAN EMPLOYEES TEMPO-**  
20 **RARILY ASSIGNED TO A FOREIGN AREA.**

21 (a) IN GENERAL.—Section 5542 of title 5, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

1       “(h) Notwithstanding section 13(f) of the Fair Labor  
2 Standards Act of 1938 (29 U.S.C. 213(f)), an employee  
3 who is working at a location in a foreign country, or in  
4 a territory under the jurisdiction of the United States to  
5 which the exemption under such section 13(f) applies, in  
6 temporary duty travel status while maintaining an official  
7 duty station or worksite in an area of the United States  
8 that is not exempted under such section 13(f) shall not  
9 be considered, for all purposes, to be exempted from sec-  
10 tion 7 of such Act (29 U.S.C. 207) on the basis of the  
11 employee performing work at such a location.”.

12       (b) FEDERAL WAGE SYSTEM EMPLOYEES.—Section  
13 5544 of title 5, United States Code, is amended by adding  
14 at the end the following:

15       “(d) Notwithstanding section 13(f) of the Fair Labor  
16 Standards Act of 1938 (29 U.S.C. 213(f)), an employee  
17 whose overtime pay is determined in accordance with sub-  
18 section (a) who is working at a location in a foreign coun-  
19 try, or in a territory under the jurisdiction of the United  
20 States to which the exemption under such section 13(f)  
21 applies, in temporary duty travel status while maintaining  
22 an official duty station or worksite in an area of the  
23 United States that is not exempted under such section  
24 13(f) shall not be considered, for all purposes, to be ex-  
25 empted from section 7 of such Act (29 U.S.C. 207) on

1 the basis of the employee performing work at such a loca-  
 2 tion.”.

3 (c) CONFORMING REPEAL.—Section 5542(a) of title  
 4 5, United States Code, is amended by striking paragraph  
 5 (6).

6 **SEC. 1137. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
 7 **ANNUAL LIMITATION ON PREMIUM PAY AND**  
 8 **AGGREGATE LIMITATION ON PAY FOR FED-**  
 9 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**  
 10 **SEAS.**

11 Section 1101(a) of the Duncan Hunter National De-  
 12 fense Authorization Act for Fiscal Year 2009 (Public Law  
 13 110–417; 122 Stat. 4615), as most recently amended by  
 14 section 1108 of the National Defense Authorization Act  
 15 for Fiscal Year 2016 (Public Law 114–92; 129 Stat.  
 16 1027), is further amended by striking “through 2016”  
 17 and inserting “through 2017”.

18 **Subtitle D—Other Matters**

19 **SEC. 1151. MODIFICATION OF FLAT RATE PER DIEM RE-**  
 20 **QUIREMENT FOR PERSONNEL ON LONG-**  
 21 **TERM TEMPORARY DUTY ASSIGNMENTS.**

22 (a) MODIFICATION OF FLAT RATE.—

23 (1) IN GENERAL.—The Secretary of Defense  
 24 shall take such action as may be necessary to pro-  
 25 vide that, to the extent that regulations imple-

1       menting travel and transportation authorities for  
2       military and civilian personnel of the Department of  
3       Defense impose a flat rate per diem for meals and  
4       incidental expenses for authorized travelers on long-  
5       term temporary duty assignments that is at a re-  
6       duced rate compared to the per diem rate otherwise  
7       applicable, the Secretary concerned may waive the  
8       applicability of such reduced rate and pay such trav-  
9       elers actual expenses up to the full per diem rate for  
10      such travel in any case when the Secretary con-  
11      cerned determines that the reduced flat rate per  
12      diem for meals and incidental expenses is not suffi-  
13      cient under the circumstances of the temporary duty  
14      assignment.

15           (2) APPLICABILITY.—The Secretary concerned  
16      may exercise the authority provided pursuant to  
17      paragraph (1) with respect to per diem payable for  
18      any day on or after the date of the enactment of this  
19      Act.

20           (b) DELEGATION OF AUTHORITY.—The authority  
21      pursuant to subsection (a) may be delegated by the Sec-  
22      retary concerned to any commander or head of an agency,  
23      component, or systems command of the Department of  
24      Defense at the level of lieutenant general or vice admiral,  
25      or above, or civilian equivalent thereof.

1       (c) WAIVER OF COLLECTION OF RECEIPTS.—The  
 2 commander or head of an agency, component, or systems  
 3 command to which the authority pursuant to subsection  
 4 (a) is delegated pursuant to subsection (b) may waive any  
 5 requirement for the submittal of receipts by travelers of  
 6 such agency, component, or systems command for the pur-  
 7 pose of receiving the full per diem rate pursuant to sub-  
 8 section (a) if the commander or head personally certifies  
 9 that requiring such travelers to submit receipts for that  
 10 purpose will negatively affect mission performance, create  
 11 an undue administrative burden, or result in significant  
 12 additional administrative processing costs for such agency,  
 13 component, or systems command.

14       (d) SECRETARY CONCERNED DEFINED.—In this sec-  
 15 tion, the term “Secretary concerned” has the meaning  
 16 given that term in section 101 of title 37, United States  
 17 Code.

18 **SEC. 1152. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**  
 19 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**  
 20 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**  
 21 **FICIAL DUTY IN A COMBAT ZONE.**

22       Paragraph (2) of section 1603(a) of the Emergency  
 23 Supplemental Appropriations Act for Defense, the Global  
 24 War on Terror, and Hurricane Recovery, 2006 (Public  
 25 Law 109–234; 120 Stat. 443), as added by section 1102

1 of the Duncan Hunter National Defense Authorization  
2 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.  
3 4616) and most recently amended by section 1102 of the  
4 National Defense Authorization Act for Fiscal Year 2016  
5 (Public Law 114–92; 129 Stat. 1022), is further amended  
6 by striking “2017” and inserting “2018”.

7 **TITLE XII—MATTERS RELATING**  
8 **TO FOREIGN NATIONS**  
9 **Subtitle A—Assistance and**  
10 **Training**

11 **SEC. 1201. THREE-YEAR EXTENSION OF COMMANDERS’**  
12 **EMERGENCY RESPONSE PROGRAM.**

13 (a) EXTENSION OF PROGRAM GENERALLY.—Section  
14 1201 of the National Defense Authorization Act for Fiscal  
15 Year 2012 (Public Law 112–81; 125 Stat. 1619), as most  
16 recently amended by section 1211(a) of the National De-  
17 fense Authorization Act for Fiscal Year 2016 (Public Law  
18 114–92; 129 Stat. 1042), is further amended in sub-  
19 sections (a), (b), and (f) by striking “fiscal year 2016”  
20 and inserting “fiscal years 2017, 2018, and 2019”.

21 (b) EXTENSION AND EXPANSION OF AUTHORITY FOR  
22 PAYMENTS TO REDRESS INJURY AND LOSS IN IRAQ.—  
23 Section 1211(d) of the National Defense Authorization  
24 Act for Fiscal Year 2016 is amended—



1 (1) in the subsection heading, by striking  
 2 “IRAQ” and inserting “AFGHANISTAN, IRAQ, AND  
 3 SYRIA”;

4 (2) in paragraph (1)—

5 (A) by striking “fiscal year 2016” and in-  
 6 serting “fiscal years 2017, 2018, and 2019”;  
 7 and

8 (B) by striking “Iraq” and inserting “Af-  
 9 ghanistan, Iraq, or Syria”; and

10 (3) in paragraph (3), by striking “in fiscal year  
 11 2016” and inserting “in a fiscal year in which the  
 12 authority in this subsection is in effect”.

13 **SEC. 1202. INCREASE IN SIZE OF THE SPECIAL DEFENSE**  
 14 **ACQUISITION FUND.**

15 (a) INCREASE IN SIZE.—Effective on October 1,  
 16 2016, section 114(c)(1) of title 10, United States Code,  
 17 is amended by striking “\$1,070,000,000” and inserting  
 18 “\$2,000,000,000”.

19 (b) REPORTS.—

20 (1) INITIAL PLAN ON USE OF AUTHORITY.—Be-  
 21 fore exercising authority for use of amounts in the  
 22 Special Defense Acquisition Fund in excess of the  
 23 size of that Fund as of September 30, 2016, by rea-  
 24 son of the amendment made by subsection (a), the  
 25 Secretary of Defense shall, with the concurrence of

1 the Secretary of State, submit to the appropriate  
2 committees of Congress a report on the plan for the  
3 use of such amounts.

4 (2) ANNUAL SPENDING PLAN.—Not later than  
5 August 1 each year, the Secretary of Defense shall,  
6 with the concurrence of the Secretary of State, sub-  
7 mit to the appropriate committees of Congress a de-  
8 tailed plan for the use of amounts in the Special De-  
9 fense Acquisition Fund for the fiscal year beginning  
10 in the year in which such report is submitted.

11 (3) QUARTERLY UPDATES.—Not later than 30  
12 days after the end of each fiscal quarter, the Sec-  
13 retary of Defense shall, with the concurrence of the  
14 Secretary of State, submit to the appropriate com-  
15 mittees of Congress a report setting forth the inven-  
16 tory of defense articles and services acquired, pos-  
17 sessed, and transferred through the Special Defense  
18 Acquisition Fund in such fiscal quarter.

19 (4) APPROPRIATE COMMITTEES OF CONGRESS  
20 DEFINED.—In this subsection, the term “appro-  
21 priate committees of Congress” has the meaning  
22 given that term in section 301(1) of title 10, United  
23 States Code (as added by section 1252(a)(3) of this  
24 Act).

1 **SEC. 1203. CODIFICATION OF AUTHORITY FOR SUPPORT OF**  
2 **SPECIAL OPERATIONS TO COMBAT TER-**  
3 **RORISM.**

4 (a) CODIFICATION OF AUTHORITY.—

5 (1) IN GENERAL.—Chapter 3 of title 10, United  
6 States Code, is amended by inserting before section  
7 128 the following new section:

8 **“§ 127e. Support of special operations to combat ter-**  
9 **rorism**

10 “(a) AUTHORITY.—The Secretary of Defense may,  
11 with the concurrence of the relevant Chief of Mission, ex-  
12 pend up to \$100,000,000 during any fiscal year to provide  
13 support to foreign forces, irregular forces, groups, or indi-  
14 viduals engaged in supporting or facilitating ongoing mili-  
15 tary operations by United States special operations forces  
16 to combat terrorism.

17 “(b) FUNDS.—Funds for support under this section  
18 in a fiscal year shall be derived from amounts authorized  
19 to be appropriated for that fiscal year for the Department  
20 of Defense for operation and maintenance.

21 “(c) LIMITATION.—Of the funds available for support  
22 under this section in a fiscal year, not more than  
23 \$10,000,000 may be used for support in connection with  
24 any particular military operation.

25 “(d) PROCEDURES.—The authority in this section  
26 shall be exercised in accordance with such procedures as

1 the Secretary shall establish for purposes of this section.  
2 The Secretary shall notify the congressional defense com-  
3 mittees of any material modification of such procedures.

4 “(e) NOTIFICATION.—

5 “(1) IN GENERAL.—Not later than 15 days be-  
6 fore exercising the authority in this section to make  
7 funds available to initiate support of an approved  
8 military operation or changing the scope or funding  
9 level of any support for such an operation by  
10 \$1,000,000 or an amount equal to 20 percent of  
11 such funding level (whichever is less), or not later  
12 than 48 hours after exercising such authority if the  
13 Secretary determines that extraordinary cir-  
14 cumstances that impact the national security of the  
15 United States exist, the Secretary shall notify the  
16 congressional defense committees of the use of such  
17 authority with respect to that operation. Any such  
18 notification shall be in writing.

19 “(2) ELEMENTS.—A notification required by  
20 this subsection shall include the following:

21 “(A) The type of support provided or to be  
22 provided to United States special operations  
23 forces.

24 “(B) The type of support provided or to be  
25 provided to the recipient of the funds.

1                   “(C) The amount obligated under the au-  
2                   thority to provide support.

3           “(f) LIMITATION ON DELEGATION.—The authority of  
4 the Secretary to make funds available under this section  
5 for support of a military operation may not be delegated.

6           “(g) INTELLIGENCE ACTIVITIES.—This section does  
7 not constitute authority to conduct a covert action, as such  
8 term is defined in section 503(e) of the National Security  
9 Act of 1947 (50 U.S.C. 3093(e)).

10          “(h) ANNUAL REPORT.—

11               “(1) REPORT REQUIRED.—The Secretary shall  
12               submit to the congressional defense committees each  
13               year a report on support provided under this section  
14               during the fiscal year ending in the preceding cal-  
15               endar year.

16               “(2) ELEMENTS.—Each report required by  
17               paragraph (1) shall include the following:

18                       “(A) A description of supported oper-  
19                       ations.

20                       “(B) A summary of operations.

21                       “(C) The type of recipients that received  
22                       support, identified by authorized category (for-  
23                       eign forces, irregular forces, groups, or individ-  
24                       uals).

6 “(F) The intended duration of support.

9                   “(H) A value assessment of the operational  
10                   support provided.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting before the item relating to section 128 the following new item:

“127e. Support of special operations to combat terrorism.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is repealed.

19 SEC. 1204. PROHIBITION ON USE OF FUNDS TO INVITE, AS-  
20 SIST, OR OTHERWISE ASSURE THE PARTICI-  
21 PATION OF CUBA IN CERTAIN JOINT OR MUL-  
22 TILATERAL EXERCISES.

(a) PROHIBITION.—The Secretary of Defense may not use any funds to invite, assist, or otherwise assure the participation of the Government of Cuba in any joint

1 or multilateral exercise or related security conference be-  
2 tween the United States and Cuba until the Secretary, in  
3 coordination with the Director of National Intelligence,  
4 submits to Congress written assurances that—

5           (1) the Cuban military has ceased committing  
6       human rights abuses against civil rights activists  
7       and other citizens of Cuba;

8           (2) the Cuban military has ceased providing  
9       military intelligence, weapons training, strategic  
10      planning, and security logistics to the military and  
11      security forces of Venezuela;

12          (3) the Cuban military and other security forces  
13      in Cuba have ceased all persecution, intimidation,  
14      arrest, imprisonment, and assassination of dissidents  
15      and members of faith based organizations;

16          (4) the Government of Cuba no longer demands  
17      that the United States relinquish control of Guanta-  
18      namo Bay, in violation of an international treaty;  
19      and

20          (5) the officials of the Cuban military that were  
21      indicted in the murder of United States citizens dur-  
22      ing the shutdown of planes operated by the Broth-  
23      ers to the Rescue humanitarian organization in 1996  
24      are brought to justice.

1 (b) EXCEPTION.—The prohibition in subsection (a)  
 2 shall not apply to any joint or multilateral exercise or op-  
 3 eration related to humanitarian assistance or disaster re-  
 4 sponse.

## 5 **Subtitle B—Matters Relating to** 6 **Afghanistan and Pakistan**

### 7 **SEC. 1211. EXTENSION AND MODIFICATION OF AUTHORITY** 8 **TO TRANSFER DEFENSE ARTICLES AND PRO-** 9 **VIDE DEFENSE SERVICES TO THE MILITARY** 10 **AND SECURITY FORCES OF AFGHANISTAN.**

11 (a) EXPIRATION.—Subsection (h) of section 1222 of  
 12 the National Defense Authorization Act for Fiscal Year  
 13 2013 (Public Law 112–239; 126 Stat. 1992), as most re-  
 14 cently amended by section 1215 of the National Defense  
 15 Authorization Act for Fiscal Year 2016 (Public Law 114–  
 16 92; 129 Stat. 1045), is further amended by striking “De-  
 17 cember 31, 2016” and inserting “December 31, 2017”.

18 (b) CONVERSION OF QUARTERLY REPORTS INTO AN-  
 19 NUAL REPORTS.—Effective on January 1, 2017, sub-  
 20 section (f) of such section 1222, as so amended, is further  
 21 amended—

22 (1) in the subsection heading, by striking  
 23 “QUARTERLY” and inserting “ANNUAL”; and

24 (2) in paragraph (1)—



1 (A) by striking “Not later than 90 days”  
 2 and all that follows through “in which the au-  
 3 thority in subsection (a) is exercised” and in-  
 4 serting “Not later than March 31 of any year  
 5 following a year in which the authority in sub-  
 6 section (a) is exercised”; and

7 (B) by striking “during the 90-day period  
 8 ending on the date of such report” and insert-  
 9 ing “during the preceding year”.

10 (c) EXCESS DEFENSE ARTICLES.—Subsection (i)(2)  
 11 of such section 1222, as so amended, is further amended  
 12 by striking “During fiscal years 2013, 2014, 2015, and  
 13 2016” each place it appears and inserting “Through De-  
 14 cember 31, 2017,”.

15 **SEC. 1212. MODIFICATION OF AUTHORITY FOR REIMBURSE-**  
 16 **MENT OF CERTAIN COALITION NATIONS FOR**  
 17 **SUPPORT.**

18 (a) EXTENSION.—Subsection (a) of section 1233 of  
 19 the National Defense Authorization Act for Fiscal Year  
 20 2008 (Public Law 110–181; 122 Stat. 393), as most re-  
 21 cently amended by section 1212 of the National Defense  
 22 Authorization Act for Fiscal Year 2016 (Public Law 114–  
 23 92; 129 Stat. 1043), is amended by striking “fiscal year  
 24 2016” and inserting “fiscal year 2017”.

1 (b) MILITARY OPERATIONS COVERED.—Such section  
 2 1233 is further amended in subsection (a)(1), by striking  
 3 “in Iraq or in Operation Enduring Freedom in Afghani-  
 4 stan” and inserting “in Afghanistan, Iraq, or Syria”.

5 (c) LIMITATION ON AMOUNTS AVAILABLE.—Sub-  
 6 section (d)(1) of such section 1233, as so amended, is fur-  
 7 ther amended—

8 (1) in the second sentence, by striking “during  
 9 fiscal year 2016 may not exceed \$1,160,000,000”  
 10 and inserting “during fiscal year 2017 may not ex-  
 11 ceed \$350,000,000”; and

12 (2) by striking the last sentence

13 (d) TREATMENT OF 2016 UNOBLIGATED BAL-  
 14 ANCES.—Of the \$100,000,000 made available pursuant to  
 15 section 1212(f) of the National Defense Authorization Act  
 16 for Fiscal Year 2016, amounts that are unobligated as of  
 17 September 30, 2016, shall continue to be available in fiscal  
 18 year 2017 for the purposes specified in such section, in  
 19 addition to the total amount of reimbursements and sup-  
 20 port authorized for Pakistan during fiscal year 2017 pur-  
 21 suant to section 1233(d)(1) of the National Defense Au-  
 22 thorization Act for Fiscal Year 2008, as amended by this  
 23 section.

24 (e) REPEAL AUTHORITY FOR OTHER SUPPORT.—  
 25 Subsection (b) of section 1233 of the National Defense

1 Authorization Act for Fiscal Year 2008, as most recently  
2 amended by section 1212 of the National Defense Author-  
3 ization Act for Fiscal Year 2016, is repealed.

4 **SEC. 1213. PROHIBITION ON USE OF FUNDS FOR CERTAIN**  
5 **PROGRAMS AND PROJECTS OF THE DEPART-**  
6 **MENT OF DEFENSE IN AFGHANISTAN THAT**  
7 **CANNOT BE SAFELY ACCESSED BY UNITED**  
8 **STATES GOVERNMENT PERSONNEL.**

9 (a) PROHIBITION.—

10 (1) IN GENERAL.—Amounts available to the  
11 Department of Defense may not be obligated or ex-  
12 pended for a construction or other infrastructure  
13 project of the Department in Afghanistan if military  
14 or civilian personnel of the United States Govern-  
15 ment or their representatives with authority to con-  
16 duct oversight of such program or project cannot  
17 safely access such program or project.

18 (2) APPLICABILITY.—Paragraph (1) shall apply  
19 only with respect to a program or project that is ini-  
20 tiated on or after the date of the enactment of this  
21 Act.

22 (b) WAIVER.—

23 (1) IN GENERAL.—The prohibition in sub-  
24 section (a) may be waived with respect to a program  
25 or project otherwise covered by that subsection if a

1 determination described in paragraph (2) is made as  
2 follows:

3 (A) In the case of a program or project  
4 with an estimated lifecycle cost of less than  
5 \$1,000,000, by the contracting officer assigned  
6 to oversee the program or project.

7 (B) In the case of a program or project  
8 with an estimated lifecycle cost of \$1,000,000  
9 or more, but less than \$40,000,000, by the  
10 Commander of United States Forces-Afghani-  
11 stan.

12 (C) In the case of a program or project  
13 with an estimated lifecycle cost of \$40,000,000  
14 or more, by the Secretary of Defense.

15 (2) DETERMINATION.—A determination de-  
16 scribed in this paragraph with respect to a program  
17 or project is a determination of each of the fol-  
18 lowing:

19 (A) That the program or project clearly  
20 contributes to United States national interests  
21 or strategic objectives.

22 (B) That the Government of Afghanistan  
23 has requested or expressed a need for the pro-  
24 gram or project.

1           (C) That the program or project has been  
2           coordinated with the Government of Afghani-  
3           stan, and with any other implementing agencies  
4           or international donors.

5           (D) That security conditions permit effec-  
6           tive implementation and oversight of the pro-  
7           gram or project.

8           (E) That the program or project includes  
9           safeguards to detect, deter, and mitigate cor-  
10          ruption and waste, fraud, and abuse of funds.

11          (F) That adequate arrangements have  
12          been made for the sustainment of the program  
13          or project following its completion, including ar-  
14          rangements with respect to funding and tech-  
15          nical capacity for sustainment.

16          (G) That meaningful metrics have been es-  
17          tablished to measure the progress and effective-  
18          ness of the program or project in meeting its  
19          objectives

20          (3) NOTICE ON CERTAIN WAIVERS.—In the  
21          event a waiver is issued under paragraph (1) for a  
22          program or project described in subparagraph (C) of  
23          that paragraph, the Secretary of Defense shall notify  
24          Congress of the waiver not later than 15 days after  
25          the issuance of the waiver.

1 **SEC. 1214. REIMBURSEMENT OF PAKISTAN FOR SECURITY**  
2 **ENHANCEMENT ACTIVITIES.**

3 (a) **AUTHORITY.**—

4 (1) **IN GENERAL.**—The Secretary of Defense is  
5 authorized to reimburse Pakistan for certain activi-  
6 ties meant to enhance the security situation in the  
7 northwest regions of Pakistan, including the Feder-  
8 ally Administered Tribal Areas and Khyber  
9 Pakhtunkhwa.

10 (2) **FUNDS AVAILABLE.**—Reimbursement under  
11 the authority of this subsection may be provided  
12 from amounts available to the Department of De-  
13 fense for the Security Cooperation Enhancement  
14 Fund under section 381 of title 10, United States  
15 Code (as added by subtitle G of this title).

16 (3) **CITATION.**—This section may be referred to  
17 as the “Pakistan Security Enhancement Authoriza-  
18 tion”.

19 (b) **ACTIVITIES.**—Reimbursement may be provided  
20 under the authority in subsection (a) for activities as fol-  
21 lows:

22 (1) Counterterrorism activities in the Federally  
23 Administered Tribal Areas and Khyber  
24 Pakhtunkhwa, including the following:

25 (A) Eliminating infrastructure, training  
26 areas, and sanctuaries used by terrorist groups,

1 and preventing the establishment of new or ad-  
2 ditional infrastructure, training areas, and  
3 sanctuaries.

4 (B) Direct action against individuals that  
5 are involved in or supporting terrorist activities.

6 (C) Any other activity recognized by the  
7 Secretary of Defense as a counterterrorism ac-  
8 tivity for purposes of this subsection.

9 (2) Border security activities along the Afghani-  
10 stan-Pakistan border, including the following:

11 (A) Building and maintaining border out-  
12 posts.

13 (B) Strengthening cooperative efforts be-  
14 tween the Pakistan military and the Afghan  
15 National Defense and Security Forces, includ-  
16 ing border security cooperation,

17 (C) Maintaining access to and securing key  
18 ground lines of communication.

19 (D) Providing training and equipment for  
20 the Pakistan Frontier Corps Khyber  
21 Pakhtunkhwa.

22 (E) Improving interoperability between the  
23 Pakistan military and the Pakistan Frontier  
24 Corps Khyber Pakhtunkhwa.

25 (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;” and  
 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).”; and

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

(E) seeking opportunities to promote military observation and participation by Vietnam in regional exercises such as the Rim of the Pacific (RIMPAC) exercise, the COBRA GOLD multinational exercises held in Thailand, and the BALIKITAN exercise of the United States and the Philippines.

**SEC. 1246. REDESIGNATION OF SOUTH CHINA SEA INITIATIVE.**

(a) REDESIGNATION AS SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.—Subsection (a)(2) of section 1263 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1073; 10 U.S.C. 2282 note) is amended by striking “the ‘South China Sea Initiative’” and inserting “the ‘Southeast Asia Maritime Security Initiative’”.

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

**“SEC. 1263. SOUTHEAST ASIA MARITIME SECURITY INITIATIVE.”.**

**Subtitle G—Reform of Department of Defense Security Cooperation**

**SEC. 1251. SENSE OF CONGRESS ON SECURITY SECTOR ASSISTANCE.**

It is the sense of Congress that—

1           (1) United States security sector assistance is  
2       aimed at strengthening the ability of United States  
3       allies and partner nations to build their own security  
4       capacity, consistent with the principles of good gov-  
5       ernance and rule of law;

6           (2) in an environment of limited resources and  
7       diverse security challenges, it is essential that the  
8       United States be selective and focus targeted assist-  
9       ance where it can be most effective and where it is  
10      most aligned with broader foreign policy and na-  
11      tional security objectives of the United States;

12          (3) the goals of United States security sector  
13      assistance are to—

14           (A) help partner nations build sustainable  
15      capacity to address common security challenges;

16           (B) promote partner support for United  
17      States interests;

18           (C) promote universal values, such as good  
19      governance, citizen security, and respect for  
20      human rights;

21           (D) strengthen collective security and mul-  
22      tinationa defense arrangements and organiza-  
23      tions; and



1           (E) promote the adoption of United States  
2           products and technology, which increases inter-  
3           operability and interdependence;

4           (4) the Department of State is the coordinator  
5           of United State foreign policy, and is responsible for  
6           policy direction on all matters relating to security  
7           sector assistance;

8           (5) the Department of Defense provides critical  
9           implementing support to the Department of State on  
10          security assistance programs, and conducts critical  
11          security cooperation programs of its own;

12          (6) other United States Government agencies,  
13          such as the United States Agency for International  
14          Development, the Department of Treasury, the De-  
15          partment of Justice, and the Department of Home-  
16          land Security, also play critical roles in executing a  
17          whole-of-government approach to security sector as-  
18          sistance;

19          (7) security sector assistance must be dis-  
20          charged as a shared responsibility across all depart-  
21          ments and agencies of the United States Govern-  
22          ment, with all departments and agencies operating  
23          with a shared commitment to agility, effectiveness,  
24          and coordination; and

1           (8) as the two leading implementers of security  
2       sector assistance, the Department of State and De-  
3       partment of Defense should work collaboratively in  
4       all matters relating to security sector assistance, in-  
5       cluding by undertaking joint planning to determine  
6       the best application of security sector assistance pro-  
7       grams under title 10, United States Code, the For-  
8       eign Assistance Act of 1961, and other laws relating  
9       to such programs for the Department of Defense  
10      and the Department of State, particularly when the  
11      United States Government seeks to introduce a sig-  
12      nificant new military capability into a foreign coun-  
13      try or region, significantly enhance the security ca-  
14      pacity of a foreign country, or engage a diplomati-  
15      cally sensitive foreign country.

16 **SEC. 1252. ENACTMENT OF NEW CHAPTER FOR DEFENSE**  
17 **SECURITY COOPERATION.**

18       (a) STATUTORY REORGANIZATION.—Part I of sub-  
19 title A of title 10, United States Code, is amended—

20           (1) by redesignating chapters 13, 15, 17, and  
21       18 as chapters 12, 13, 14, and 15, respectively;

22           (2) by redesignating sections 261, 311, 312,  
23       331, 332, 333, 334, 335, 351, 371, 372, 373, 374,  
24       375, 376, 377, 378, 379, 380, 381, 382, 383, and  
25       384 (as added by section 1006 of this Act) as sec-

1        tions 241, 246, 247, 251, 252, 253, 254, 255, 261  
 2        271, 272, 273, 274, 275, 276, 277, 278, 279, 280,  
 3        281, 282, 283, and 284, respectively; and

4            (3) by inserting after chapter 15, as redesign-  
 5        nated by paragraph (1), the following new chapter:

6        **“CHAPTER 16—SECURITY COOPERATION**

<b>“Subchapter</b>	<b>Sec.</b>
<b>“I. General Matters .....</b>	<b>301</b>
<b>“II. Military-to-Military Engagements .....</b>	<b>311</b>
<b>“III. Training With Foreign Forces .....</b>	<b>321</b>
<b>“IV. Support for Operations and Capacity Building .....</b>	<b>331</b>
<b>“V. Educational and Training Activities .....</b>	<b>341</b>
<b>“VI. Limitations on Use of Department of Defense Funds .....</b>	<b>361</b>
<b>“VII. Administrative and Miscellaneous Matters .....</b>	<b>381</b>

7        **“SUBCHAPTER I—GENERAL MATTERS**

“Sec.

“301. Definitions.

8        **“§ 301. Definitions**

9        “In this chapter:

10            “(1) The terms ‘appropriate congressional com-  
 11        mittees’ and ‘appropriate committees of Congress’  
 12        mean—

13            “(A) the Committee on Armed Services,  
 14        the Committee on Foreign Relations, and the  
 15        Committee on Appropriations of the Senate;  
 16        and

17            “(B) the Committee on Armed Services,  
 18        the Committee on Foreign Affairs, and the  
 19        Committee on Appropriations of the House of  
 20        Representatives.

1 “(2) The term ‘defense article’ means—

2 “(A) any weapon, weapon system, muni-  
3 tion, aircraft, boat, or other implement of war;

4 “(B) any machinery, tool, material, supply,  
5 or other item necessary for the repair, servicing,  
6 operation, or use of any article listed in this  
7 paragraph; and

8 “(C) any component or part of any article  
9 listed in this paragraph.

10 “(3) The term ‘defense service’ means any serv-  
11 ice, test, inspection, repair, training, publication,  
12 technical or other assistance related to a defense ar-  
13 ticle.

14 “(4) The term ‘incremental expenses’, with re-  
15 spect to a foreign country—

16 “(A) means the reasonable and proper  
17 costs of rations, fuel, training ammunition,  
18 transportation, and other goods and services  
19 consumed by the country as a direct result of  
20 the country’s participation in activities author-  
21 ized by this chapter; and

22 “(B) does not include—

23 “(i) any form of lethal assistance (ex-  
24 cluding training ammunition); or

1                   “(ii) pay, allowances, and other nor-  
2                   mal costs of the personnel of the country.

3                   “(5) The term ‘security cooperation programs  
4                   and activities of the Department of Defense’ means  
5                   any program, activity (including an exercise), or  
6                   interaction of the Department of Defense with the  
7                   security establishment of a foreign country to  
8                   achieve a purpose as follows:

9                   “(A) To build relationships that promote  
10                  specific United States security interests.

11                  “(B) To build and develop allied and  
12                  friendly security capabilities for self-defense and  
13                  multinational operations.

14                  “(C) To provide the armed forces with ac-  
15                  cess to the foreign country during peacetime or  
16                  a contingency operation.

17                  “(6) The term ‘small-scale construction’ means  
18                  construction at a cost not to exceed \$750,000 for  
19                  any project.

20                  “(7) The term ‘training’ includes formal or in-  
21                  formal instruction of foreign students in the United  
22                  States or overseas by officers or employees of the  
23                  United States, contract technicians, or contractors,  
24                  or technical, educational, or information publications  
25                  and media of all kinds, training aid, orientation,

1 training exercise, and military advice to foreign mili-  
 2 tary units and forces.

3 “SUBCHAPTER II—MILITARY-TO-MILITARY  
 4 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.

5 “SUBCHAPTER III—TRAINING WITH FOREIGN  
 6 FORCES

“Sec.

“321. Training with friendly foreign countries: payment of training and exercise expenses.

7 “SUBCHAPTER IV—SUPPORT FOR OPERATIONS  
 8 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.

9 “SUBCHAPTER V—EDUCATIONAL AND  
 10 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.

1     “SUBCHAPTER VI—LIMITATIONS ON USE OF  
2             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.

3     “SUBCHAPTER VII—ADMINISTRATIVE AND  
4             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.”.

5             (b) TRANSFER OF SECTION 1051B.—Section 1051b  
6 of title 10, United States Code, is transferred to chapter  
7 16 of such title, as added by subsection (a)(3), inserted  
8 after the table of sections at the beginning of subchapter  
9 II of such chapter, and redesignated as section 313.

10            (c) CODIFICATION OF SECTION 1081 OF FY 2012  
11 NDAA.—

12                 (1) CODIFICATION.—Chapter 16 of title 10,  
13 United States Code, as added by subsection (a)(3),  
14 is amended by inserting after the table of sections  
15 at the beginning of subchapter IV a new section 332  
16 consisting of—

17                         (A) a heading as follows:

1 **“§ 332. Friendly foreign countries; international and**  
 2 **regional organizations: defense institu-**  
 3 **tion capacity building”; and**

4 (B) a text consisting of the text of sub-  
 5 sections (a) through (d) of section 1081 of the  
 6 National Defense Authorization Act for Fiscal  
 7 Year 2012 (10 U.S.C. 168 note).

8 (2) CONFORMING REPEAL.—Section 1081 of  
 9 the National Defense Authorization Act for Fiscal  
 10 Year 2012 is repealed.

11 (d) SUPERSEDING AUTHORITY TO TRAIN AND EQUIP  
 12 FOREIGN SECURITY FORCES.—

13 (1) SUPERSEDING AUTHORITY.—Chapter 16 of  
 14 title 10, United States Code, as added by subsection  
 15 (a)(3), is amended by inserting after section 332, as  
 16 added by subsection (c), the following new section:

17 **“§ 333. Foreign security forces: authority to build ca-**  
 18 **capacity**

19 “(a) AUTHORITY.—The Secretary of Defense is au-  
 20 thorized to conduct or support a program or programs to  
 21 provide training and equipment to the national security  
 22 forces of one or more foreign countries for the purpose  
 23 of conducting one or more of the following:

24 “(1) Counterterrorism operations.

25 “(2) Counter-weapons of mass destruction oper-  
 26 ations.



1           “(3) Counter-illicit drug trafficking operations.

2           “(4) Counter-transnational organized crime op-  
3 erations.

4           “(5) Maritime and border security operations.

5           “(6) Military intelligence operations in support  
6 of lawful military operations.

7           “(7) Humanitarian and disaster assistance op-  
8 erations.

9           “(8) Operations or activities that contribute to  
10 an international coalition operation that is deter-  
11 mined by the Secretary to be in the national interest  
12 of the United States.

13           “(9) National territorial defense of the foreign  
14 country concerned.

15           “(b) CONCURRENCE AND COORDINATION WITH SEC-  
16 RETARY OF STATE.—

17           “(1) CONCURRENCE IN CONDUCT OF PRO-  
18 GRAMS.—The concurrence of the Secretary of State  
19 is required to conduct any program authorized by  
20 subsection (a).

21           “(2) COORDINATION IN PREPARATION OF CER-  
22 TAIN NOTICES.—Any notice required by this section  
23 to be submitted to the appropriate committees of  
24 Congress shall be prepared in coordination with the  
25 Secretary of State.

1 “(c) TYPES OF CAPACITY BUILDING.—

2 “(1) AUTHORIZED ELEMENTS.—A program  
3 under subsection (a) may include the provision and  
4 sustainment of defense articles, training, defense  
5 services, supplies (including consumables), and  
6 small-scale construction.

7 “(2) REQUIRED ELEMENTS.—A program under  
8 subsection (a) shall include elements that promote  
9 the following:

10 “(A) Observance of and respect for the law  
11 of armed conflict, fundamental freedoms, and  
12 the rule of law.

13 “(B) Respect for civilian control of the  
14 military.

15 “(3) HUMAN RIGHTS TRAINING.—In order to  
16 meet the requirement in paragraph (2)(A) with re-  
17 spect to particular national security forces under a  
18 program under subsection (a), the Secretary of De-  
19 fense shall certify, prior to the initiation of the pro-  
20 gram, that the Department of Defense is already un-  
21 dertaking, or will undertake as part of the program,  
22 human rights training that includes a comprehensive  
23 curriculum on human rights and the law of armed  
24 conflict to such national security forces.

1           “(4) DEFENSE INSTITUTION BUILDING.—In  
2           order to meet the requirement in paragraph (2)(B)  
3           with respect to a particular foreign country under a  
4           program under subsection (a), the Secretary shall  
5           certify, prior to the initiation of the program, that  
6           the Department is already undertaking, or will un-  
7           dertake as part of the program, a program of de-  
8           fense institution building with appropriate defense  
9           institutions of such foreign country that is com-  
10          plementary to the program with respect to such for-  
11          eign country under subsection (a). The purpose of  
12          the program of defense institution building shall be  
13          to enhance the capacity of such foreign country to  
14          exercise responsible civilian control of the national  
15          security forces of such foreign country.

16          “(d) LIMITATIONS.—

17               “(1) ASSISTANCE OTHERWISE PROHIBITED BY  
18               LAW.—The Secretary of Defense may not use the  
19               authority in subsection (a) to provide any type of as-  
20               sistance described in subsection (c) that is otherwise  
21               prohibited by any provision of law.

22               “(2) PROHIBITION ON ASSISTANCE TO UNITS  
23               THAT HAVE COMMITTED GROSS VIOLATIONS OF  
24               HUMAN RIGHTS.—The provision of assistance pursu-

1 ant to a program under subsection (a) shall be sub-  
2 ject to the provisions of section 362 of this title.

3 “(3) DURATION OF SUSTAINMENT SUPPORT.—

4 Sustainment support may not be provided pursuant  
5 to a program under subsection (a), or for equipment  
6 previously provided by the Department of Defense  
7 under any authority available to the Secretary dur-  
8 ing fiscal year 2015 or 2016, for a period in excess  
9 of five years unless the Secretary provides to the  
10 congressional defense committees a written justifica-  
11 tion that the provision of such support for a period  
12 in excess of five years will enhance the security in-  
13 terests of the United States.

14 “(e) NOTICE AND WAIT ON ACTIVITIES UNDER PRO-  
15 GRAMS.—Not later than 15 days before initiating activities  
16 under a program under subsection (a), the Secretary of  
17 Defense shall submit to the appropriate committees of  
18 Congress a notice of the following:

19 “(1) The foreign country, and specific unit,  
20 whose capacity to engage in activities specified in  
21 subsection (a) will be built under the program.

22 “(2) The cost, implementation timeline and de-  
23 livery schedule for assistance under the program.

24 “(3) A description of the arrangements, if any,  
25 for the sustainment of the program and the esti-

1 mated cost and source of funds to support  
2 sustainment of the capabilities and performance out-  
3 comes achieved under the program beyond its com-  
4 pletion date, if applicable.

5 “(4) Information, including the amount, type,  
6 and purpose, on the security assistance provided the  
7 foreign country during the three preceding fiscal  
8 years pursuant to authorities under this title, the  
9 Foreign Assistance Act of 1961, and any other train  
10 and equip authorities of the Department of Defense.

11 “(5) A description of the elements of the the-  
12 ater security cooperation plan of the geographic  
13 combatant command concerned that will be ad-  
14 vanced by the program.

15 “(f) QUARTERLY MONITORING REPORTS.—The Sec-  
16 retary of Defense shall, on a quarterly basis, submit to  
17 the appropriate committees of Congress a report setting  
18 forth, for the preceding calendar quarter, the following:

19 “(1) Information, by recipient country, of the  
20 delivery and execution status of all defense articles,  
21 training, defense services, and small-scale construc-  
22 tion under programs under subsection (a).

23 “(2) Information on the timeliness of delivery  
24 of defense articles, defense services, and small-scale  
25 construction when compared with delivery schedules

1       for such articles and construction previously pro-  
2       vided to Congress.

3           “(3) Information, by recipient country, on the  
4       status of funds allocated for programs under sub-  
5       section (a), including amounts of unobligated funds,  
6       unliquidated obligations, and disbursements.

7       “(g) FUNDING.—Amounts for programs carried out  
8       pursuant to subsection (a) in a fiscal year, and for other  
9       purposes in connection with such programs as authorized  
10      by this section, shall be derived from amounts available  
11      for such programs and purposes for such fiscal year in  
12      the Security Cooperation Enhancement Fund under sec-  
13      tion 381 of this title or as otherwise provided by law.

14      “(h) NATIONAL SECURITY FORCES DEFINED.—In  
15      this section, the term ‘national security forces’, in the case  
16      of a foreign country, means the national military and na-  
17      tional-level security forces of the foreign country that have  
18      among their functional responsibilities the operations and  
19      activities specified in subsection (a).”.

20           (2) FUNDING FOR FISCAL YEAR 2017.—  
21      Amounts shall be available for fiscal year 2017 for  
22      programs and other purposes described in subsection  
23      (g) of section 333 of title 10, United States Code,  
24      as added by paragraph (1), as follows:

1 (A) Amounts authorized to be appropriated  
2 by section 301 for operation and maintenance,  
3 Defense-wide, and available for such programs  
4 and purposes as specified in the funding table  
5 in section 4301.

6 (B) Amounts authorized to be appro-  
7 priated by section 1504 for operation and main-  
8 tenance, Defense-wide, for overseas contingency  
9 operations and available for such programs and  
10 purposes as specified in the funding table in  
11 section 4302.

12 (C) Amounts authorized to be appropriated  
13 by section 1510 for the Counterterrorism Part-  
14 nerships Fund and available for such programs  
15 and purposes as specified in the funding table  
16 in section 4502.

17 (3) LIMITATION ON AVAILABILITY OF FUNDS  
18 FOR FISCAL YEAR 2017.—Of the amounts available  
19 for fiscal year 2017 pursuant to paragraph (2) for  
20 programs and other purposes described in subsection  
21 (g) of section 333 of title 10, United States Code,  
22 as so added, not more than 65 percent of such  
23 amounts may be used for such purposes under the  
24 guidance required by paragraph (4) is submitted to

1 the congressional defense committees as required by  
2 paragraph (4).

3 (4) GUIDANCE.—Not later than 180 days after  
4 the date of the enactment of this Act, the Secretary  
5 of Defense shall prescribe, and submit to the con-  
6 gressional defense committees, policy guidance on  
7 roles, responsibilities, and processes in connection  
8 with programs and activities authorized by section  
9 333 of title 10, United States Code, as so added.

10 (5) CONFORMING AMENDMENTS.—Effective as  
11 of the date that is 180 days after the date of the  
12 enactment of this Act, section 1004 of the National  
13 Defense Authorization Act for Fiscal Year 1991 (10  
14 U.S.C. 374 note) is amended—

15 (A) in subsection (a)—

16 (i) in the matter preceding paragraph  
17 (1), by striking “tribal, or foreign” and in-  
18 serting “or tribal”;

19 (ii) in paragraph (1), by adding “or”  
20 at the end;

21 (iii) in paragraph (2), by striking “;  
22 or” and inserting a period; and

23 (iv) by striking paragraph (3); and



1 (B) in subsection (b)(4), by striking “or  
2 for the purpose” and all that follows and insert-  
3 ing a period.

4 (6) CONFORMING REPEALS.—Effective as of the  
5 date that is 180 days after the date of the enact-  
6 ment of this Act, the following provisions of law are  
7 repealed:

8 (A) Section 2282 of title 10, United States  
9 Code.

10 (B) The following provisions of the Na-  
11 tional Defense Authorization Act for Fiscal  
12 Year 2014 (Public Law 113–66):

13 (i) Section 1203 (127 Stat. 894; 10  
14 U.S.C. 2011 note).

15 (ii) Section 1204 (127 Stat. 896; 10  
16 U.S.C. 401 note).

17 (iii) Section 1207 (127 Stat. 902; 22  
18 U.S.C. 2151 note).

19 (C) Section 1033 of the National Defense  
20 Authorization Act for Fiscal Year 1998 (Public  
21 Law 105–85; 111 Stat. 1881).

22 (7) CLERICAL AMENDMENT.—Effective as of  
23 the date that is 180 days after the date of the enact-  
24 ment of this Act, the table of sections at the begin-  
25 ning of chapter 136 of title 10, United States Code,

1 is amended by striking the item relating to section  
2 2282.

3 (e) TRANSFER AND MODIFICATION OF SECTION 184  
4 AND CODIFICATION OF RELATED PROVISIONS.—

5 (1) TRANSFER AND REDESIGNATION.—Section  
6 184 of title 10, United States Code, is transferred  
7 to chapter 16 of such title as added by subsection  
8 (a)(3), inserted after the table of sections at the be-  
9 ginning of subchapter V of such chapter, and redesi-  
10 gnated as section 342.

11 (2) MODIFICATION OF AUTHORITIES AND CODI-  
12 FICATION OF REIMBURSEMENT-RELATED PROVI-  
13 SIONS.—Section 342 of title 10, United States Code,  
14 as so transferred and redesignated, is amended—

15 (A) in subsection (a), by striking “and ex-  
16 change of ideas” and inserting “and training”;

17 (B) in subsection (b)—

18 (i) in paragraph (1)(B), by striking  
19 “and exchange of ideas” and inserting  
20 “and training”;

21 (ii) in paragraph (2)—

22 (I) in subparagraph (A), by strik-  
23 ing “European”;

24 (II) in subparagraph (B), by  
25 striking “Asia-Pacific”;

1 (III) in subparagraph (C), by  
 2 striking “Hemispheric Defense” and  
 3 inserting “Security”; and

4 (IV) by striking subparagraphs  
 5 (D) and (E); and

6 (iii) in paragraph (3), by striking “,  
 7 except as specifically provided by law after  
 8 October 17, 2006”;

9 (C) in subsection (c), by adding at the end  
 10 the following new sentence: “The regulations  
 11 shall assign regional areas of focus to each Re-  
 12 gional Center, and shall prioritize within their  
 13 respective areas of focus the functional areas  
 14 for engagement of territorial and maritime se-  
 15 curity, transnational and asymmetric threats,  
 16 and defense sector governance.”; and

17 (D) in subsection (f)—

18 (i) in paragraph (3)—

19 (I) by inserting “(A)” after  
 20 “(3)”; and

21 (II) in subparagraph (A), as so  
 22 designated, by striking “civilian gov-  
 23 ernment officials” and inserting “per-  
 24 sonnel”; and

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

3 “(B)(i) The Secretary of Defense may, with the con-  
 4 currence of the Secretary of State, waive reimbursement  
 5 otherwise required under this subsection of the costs of  
 6 activities of the Regional Centers for personnel of non-  
 7 governmental and international organizations who partici-  
 8 pate in activities of the Regional Centers that enhance co-  
 9 operation of nongovernmental organizations and inter-  
 10 national organizations with United States forces if the  
 11 Secretary of Defense determines that attendance of such  
 12 personnel without reimbursement is in the national secu-  
 13 rity interests of the United States.

14 “(ii) The amount of reimbursement that may be  
 15 waived under clause (i) in any fiscal year may not exceed  
 16 \$1,000,000.”; and

17 (ii) in paragraph (5), by striking  
 18 “under the Latin American cooperation  
 19 authority” and all that follows and insert-  
 20 ing “under section 312 of this title are also  
 21 available for the costs of the operation of  
 22 the Regional Centers.”.

23 (3) CODIFICATION OF PROVISIONS RELATING  
 24 TO SPECIFIC CENTERS.—Such section 342, as so

1 transferred and redesignated, is further amended by  
2 adding at the end the following new subsections:

3 “(h) AUTHORITIES SPECIFIC TO MARSHALL CEN-  
4 TER.—(1) The Secretary of Defense may authorize par-  
5 ticipation by a European or Eurasian country in programs  
6 of the George C. Marshall Center for Security Studies (in  
7 this subsection referred to as the ‘Marshall Center’) if the  
8 Secretary determines, after consultation with the Sec-  
9 retary of State, that such participation is in the national  
10 interest of the United States.

11 “(2)(A) In the case of any person invited to serve  
12 without compensation on the Marshall Center Board of  
13 Visitors, the Secretary of Defense may waive any require-  
14 ment for financial disclosure that would otherwise apply  
15 to that person solely by reason of service on such Board.

16 “(B) A member of the Marshall Center Board of Visi-  
17 tors may not be required to register as an agent of a for-  
18 eign government solely by reason of service as a member  
19 of the Board.

20 “(C) Notwithstanding section 219 of title 18, a non-  
21 United States citizen may serve on the Marshall Center  
22 Board of Visitors even though registered as a foreign  
23 agent.

24 “(3)(A) The Secretary of Defense may waive reim-  
25 bursement of the costs of conferences, seminars, courses

1 of instruction, or similar educational activities of the Mar-  
 2 shall Center for military officers and civilian officials from  
 3 states located in Europe or the territory of the former So-  
 4 viet Union if the Secretary determines that attendance by  
 5 such personnel without reimbursement is in the national  
 6 security interest of the United States.

7 “(B) Costs for which reimbursement is waived pursu-  
 8 ant to subparagraph (A) shall be paid from appropriations  
 9 available for the Center.

10 “(i) AUTHORITIES SPECIFIC TO INOUE CENTER.—

11 (1) The Secretary of Defense may waive reimbursement  
 12 of the cost of conferences, seminars, courses of instruction,  
 13 or similar educational activities of the Daniel K. Inouye  
 14 Center for Security Studies for military officers and civil-  
 15 ian officials of foreign countries if the Secretary deter-  
 16 mines that attendance by such personnel, without reim-  
 17 bursement, is in the national security interest of the  
 18 United States.

19 “(2) Costs for which reimbursement is waived pursu-  
 20 ant to paragraph (1) shall be paid from appropriations  
 21 available for the Center.”.

22 (4) REPEAL OF CODIFIED PROVISIONS.—The  
 23 following provisions of law are repealed:

24 (A) Section 941(b) of the Duncan Hunter  
 25 National Defense Authorization Act for Fiscal

1           Year 2009 (Public Law 110–417; 10 U.S.C.  
2           184 note).

3           (B) Section 1065 of the National Defense  
4           Authorization Act for Fiscal Year 1997 (Public  
5           Law 104–201; 10 U.S.C. 113 note).

6           (C) Section 1306 of the National Defense  
7           Authorization Act for Fiscal Year 1995 (Public  
8           Law 103–337; 108 Stat. 2892).

9           (D) Section 8073 of the Department of  
10          Defense Appropriations Act, 2003 Public Law  
11          107–248 (10 U.S.C. prec. 2161 note)

12       (f) TRANSFER OF SECTION 2166.—

13           (1) TRANSFER AND REDESIGNATION.—Section  
14          2166 of title 10, United States Code, is transferred  
15          to chapter 16 of such title, as added by subsection  
16          (a)(3), inserted after section 342, as transferred and  
17          redesignated by subsection (e), and redesignated as  
18          section 343.

19           (2) CONFORMING STYLISTIC AMENDMENTS.—  
20          Such section 343, as so transferred and redesign-  
21          ated, is amended by striking “nations” each place  
22          it appears in subsections (b) and (c) and inserting  
23          “countries”.

24       (g) TRANSFER OF SECTION 2350M.—Section 2350m  
25      of title 10, United States Code, is transferred to chapter

1 16 of such title, as added by subsection (a)(3), inserted  
 2 after section 343, as transferred and redesignated by sub-  
 3 section (f), and redesignated as section 344.

4 (h) TRANSFER OF SECTION 2249D.—

5 (1) TRANSFER AND REDESIGNATION.—Section  
 6 2249d 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 344, as transferred and  
 9 redesignated by subsection (g), and redesignated as  
 10 section 346.

11 (2) CONFORMING STYLISTIC AMENDMENTS.—  
 12 Such section 346, as so transferred and redesign-  
 13 nated, is amended—

14 (A) by striking “nations” in subsections  
 15 (a) and (d) and inserting “countries”; and

16 (B) by striking subsection (g).

17 (i) REENACTMENT OF CHAPTER 905.—

18 (1) CONSOLIDATION OF SECTIONS 9381, 9382,  
 19 AND 9383.—Chapter 16 of title 10, United States  
 20 Code, as added by subsection (a)(3), is amended by  
 21 inserting after section 346, as transferred and redес-  
 22 igned by subsection (h), the following new section:

23 **“§ 348. Aviation Leadership Program**

24 “(a) IN GENERAL.—Under regulations prescribed by  
 25 the Secretary of Defense, the Secretary of the Air Force



1 may carry out an Aviation Leadership Program to provide  
2 undergraduate pilot training and necessary related train-  
3 ing to personnel of the air forces of friendly, developing  
4 foreign countries. Training under this section shall include  
5 language training and programs to promote better aware-  
6 ness and understanding of the democratic institutions and  
7 social framework of the United States.

8 “(b) SUPPLIES AND CLOTHING.—(1) The Secretary  
9 of the Air Force may, under such conditions as the Sec-  
10 retary may prescribe, provide to a person receiving train-  
11 ing under this section—

12 “(A) transportation incident to the training;

13 “(B) supplies and equipment to be used during  
14 the training;

15 “(C) flight clothing and other special clothing  
16 required for the training; and

17 “(D) billeting, food, and health services.

18 “(2) The Secretary may authorize such expenditures  
19 from the appropriations of the Air Force as the Secretary  
20 considers necessary for the efficient and effective mainte-  
21 nance of the Program in accordance with this section.

22 “(c) ALLOWANCES.—The Secretary of the Air Force  
23 may pay to a person receiving training under this section  
24 a living allowance at a rate to be prescribed by the Sec-  
25 retary, taking into account the amount of living allowances

1 authorized for a member of the armed forces under similar  
2 circumstances.”.

3 (2) CONFORMING REPEAL.—Chapter 905 of  
4 such title is repealed.

5 (j) TRANSFER OF SECTION 9415.—

6 (1) IN GENERAL.—Section 9415 of title 10,  
7 United States Code, is transferred to chapter 16 of  
8 such title, as added by subsection (a)(3), inserted  
9 after section 348, as added by subsection (i), and re-  
10 designated as section 349.

11 (2) CONFORMING AMENDMENT FOR STANDARD-  
12 IZATION WITH CERTAIN OTHER AIR FORCES ACAD-  
13 EMY AUTHORITY.—Such section 349, as so trans-  
14 ferred and amended, is amended—

15 (A) by redesignating subsection (b) as sub-  
16 section (c); and

17 (B) by inserting after subsection (a) the  
18 following new subsection (b):

19 “(b) LIMITATIONS.—

20 “(1) CONCURRENCE OF SECRETARY OF  
21 STATE.—Military personnel of a foreign country may  
22 be provided education and training under this sec-  
23 tion only with the concurrence of the Secretary of  
24 State.

1           “(2) ASSISTANCE OTHERWISE PROHIBITED BY  
 2       LAW.—Education and training may not be provided  
 3       under this section to the military personnel of any  
 4       country that is otherwise prohibited from receiving  
 5       such type of assistance under any other provision of  
 6       law.”.

7       (k) CODIFICATION OF SECTION 1268 OF FY 2015  
 8       NDAA.—

9           (1) CODIFICATION.—Chapter 16 of title 10,  
 10       United States Code, as added by subsection (a)(3),  
 11       is amended by inserting after section 349, as trans-  
 12       ferred and redesignated by subsection (j), a new sec-  
 13       tion 350 consisting of—

14                       (A) a heading as follows:

15       **“§ 350. Inter-European Air Forces Academy”; and**

16                       (B) a text consisting of the text of sub-  
 17       sections (a) through (g) of section 1268 of the  
 18       Carl Levin and Howard P. “Buck” McKeon  
 19       National Defense Authorization Act for Fiscal  
 20       Year 2015 (Public Law 113–291; 128 Stat.  
 21       3585; 10 U.S.C. 9411 note).

22       (2) CONFORMING REPEAL.—Section 1268 of  
 23       the Carl Levin and Howard P. “Buck” McKeon Na-  
 24       tional Defense Authorization Act for Fiscal Year  
 25       2015 is repealed.

1 (l) TRANSFER OF SECTIONS 2249A AND 2249E.—

2 (1) TRANSFER AND REDESIGNATION.—Sections  
3 2249a and 2249e of title 10, United States Code,  
4 are transferred to chapter 16 of such title, as added  
5 by subsection (a)(3), inserted after the table of sec-  
6 tions at the beginning of subchapter VI of such  
7 chapter, and redesignated as sections 361 and 362,  
8 respectively.

9 (2) CONFORMING REPEAL RELATING TO SUPER-  
10 SEDED DEFINITION OF CONGRESSIONAL COMMIT-  
11 TEES.—Section 362 of title 10, United States Code,  
12 as transferred and redesignated by paragraph (1), is  
13 amended by striking subsection (f).

14 (m) ADMINISTRATIVE MATTERS.—Chapter 16 of title  
15 10, United States Code, as added by subsection (a)(3),  
16 is amended by inserting after the table of sections at the  
17 beginning of subchapter VII the following new sections:

18 **“§ 382. Policy oversight and resource allocation; exe-**  
19 **cution and administration of programs**  
20 **and activities**

21 **“(a) POLICY OVERSIGHT AND RESOURCE ALLOCA-**  
22 **TION.—**The Secretary of Defense shall assign responsi-  
23 bility for the oversight of strategic policy and guidance and  
24 responsibility for overall resource allocation for security  
25 cooperation programs and activities of the Department of

1 Defense to a single official and office in the Office of the  
2 Secretary of Defense at the level of Assistant Secretary  
3 of Defense or below.

4 “(b) EXECUTION AND ADMINISTRATION OF CERTAIN  
5 PROGRAMS AND ACTIVITIES.—

6 “(1) IN GENERAL.—The Director of the De-  
7 fense Security Cooperation Agency shall be respon-  
8 sible for the execution and administration of all se-  
9 curity cooperation programs and activities of the De-  
10 partment of Defense involving the provision of de-  
11 fense articles, military training, and other defense-  
12 related services by grant, loan, cash sale, or lease.

13 “(2) DESIGNATION OF RESPONSIBILITY.—The  
14 Director may designate an element of an armed  
15 force or a combatant command to execute and ad-  
16 minister security cooperation programs and activities  
17 described in paragraph (1) if the Director deter-  
18 mines that the designation will achieve maximum ef-  
19 fectiveness, efficiency, and economy in the activities  
20 for which designated.

21 **“§ 383. Assessment, monitoring, and evaluation of**  
22 **programs and activities**

23 “(a) PROGRAM REQUIRED.—The Secretary of De-  
24 fense shall maintain a program of assessment, monitoring,

1 and evaluation in support of the security cooperation pro-  
2 grams and activities of the Department of Defense.

3 “(b) PROGRAM ELEMENTS AND REQUIREMENTS.—

4 “(1) ELEMENTS.—The program under sub-  
5 section (a) shall provide for the following:

6 “(A) Initial assessments of partner capa-  
7 bility requirements, potential programmatic  
8 risks, baseline information, and indicators of ef-  
9 ficacy for purposes of planning, monitoring, and  
10 evaluation of security cooperation programs and  
11 activities of the Department of Defense.

12 “(B) Monitoring of implementation of such  
13 programs and activities in order to measure  
14 progress in execution and, to the extent pos-  
15 sible, achievement of desired outcomes.

16 “(C) Evaluation of the efficiency and effec-  
17 tiveness of such programs and activities in  
18 achieving desired outcomes.

19 “(D) Identification of lessons learned in  
20 carrying out such programs and activities, and  
21 development of recommendation for improving  
22 future security cooperation programs and activi-  
23 ties of the Department of Defense.

24 “(2) BEST PRACTICES.—The program shall be  
25 conducted in accordance with international best

1 practices, interagency standards, and, if applicable,  
2 the Government Performance and Results Act of  
3 1993 (Public Law 103–62), and the amendments  
4 made by that Act, and the GPRA Modernization Act  
5 of 2010 (Public Law 111–352), and the amend-  
6 ments made by that Act.

7 “(c) REPORTS.—

8 “(1) REPORTS TO CONGRESS.—The Secretary  
9 shall submit to the congressional defense committees  
10 each year a report on the program under subsection  
11 (a) during the previous year. Each report shall in-  
12 clude, for the year covered by such report, the fol-  
13 lowing:

14 “(A) A description of the activities under  
15 the program.

16 “(B) An assessment of the efficacy of the  
17 activities under the program.

18 “(2) INFORMATION FOR THE PUBLIC ON EVAL-  
19 UATIONS.—The Secretary shall make available to  
20 the public, on an Internet website of the Department  
21 of Defense available to the public, a summary of  
22 each evaluation conducted pursuant to subsection  
23 (b)(1)(C). In making a summary so available, the  
24 Secretary may redact or omit any information that  
25 the Secretary determines should not be disclosed to

1 the public in order to protect the interests of the  
 2 United States or the foreign country or countries  
 3 covered by such evaluation.”.

4 (n) CLERICAL AMENDMENTS.—Title 10, United  
 5 States Code, is amended as follows:

6 (1) The tables of chapters at the beginning of  
 7 subtitle A, and at the beginning of part I of subtitle  
 8 A, are amended—

9 (A) by revising the chapter references re-  
 10 lating to chapters 13, 15, 17, and 18 (and the  
 11 section references therein) to conform to the re-  
 12 designations made by paragraphs (1) and (2) of  
 13 subsection (a); and

14 (B) by inserting after the item relating to  
 15 chapter 15, as revised pursuant to subpara-  
 16 graph (A), the following new item:

**“16. Security Cooperation ..... 301”.**

17 (2) The section references in the tables of sec-  
 18 tions at the beginning of chapters 12, 13, 14, and  
 19 15, as redesignated by paragraph (1) of subsection  
 20 (a), are revised to conform to the redesignations  
 21 made by paragraph (2) of such subsection.

22 (3) The table of sections at the beginning of  
 23 chapter 7 is amended by striking the item relating  
 24 to section 184.



1           (4) The table of sections at the beginning of  
2 chapter 53 is amended by striking the item relating  
3 to section 1051b.

4           (5) The table of sections at the beginning of  
5 chapter 108 is amended by striking the item relating  
6 to section 2166.

7           (6) The table of sections at the beginning of  
8 subchapter I of chapter 134 is amended by striking  
9 the items relating to sections 2249a, 2249d, and  
10 2249e.

11           (7) The table of sections at the beginning of  
12 subchapter II of chapter 138 is amended by striking  
13 the item relating to section 2350m.

14           (8) The tables of chapters at the beginning of  
15 subtitle D, and at the beginning of part III of sub-  
16 title D, are amended by striking the item relating to  
17 chapter 905.

18           (9) The table of sections at the beginning of  
19 chapter 907 is amended by striking the item relating  
20 to section 9415.

21 **SEC. 1253. MILITARY-TO-MILITARY EXCHANGES.**

22           (a) CODIFICATION IN NEW CHAPTER ON SECURITY  
23 COOPERATION ACTIVITIES.—Chapter 16 of title 10,  
24 United States Code, as added by section 1252(a)(3) of this  
25 Act, is amended by inserting after the table of sections

1 at the beginning of subchapter II a new section 311 con-  
 2 sisting of—

3 (1) a heading as follows:

4 **“§ 311. Exchange of defense personnel between**  
 5 **United States and friendly foreign coun-**  
 6 **tries: authority”; and**

7 (2) a text consisting of the text of section 1082  
 8 of the National Defense Authorization Act for Fiscal  
 9 Year 1997 (Public Law 104–201; 110 Stat. 2672;  
 10 10 U.S.C. 168 note).

11 (b) REVISIONS TO INCORPORATE PERMANENT NON-  
 12 RECIPROCAL EXCHANGE AUTHORITY.—Section 311 of  
 13 title 10, United States Code, as added by subsection (a),  
 14 is amended—

15 (1) in subsection (a)(2)—

16 (A) in the matter preceding subparagraph  
 17 (A), by striking “an ally of the United States  
 18 or another friendly foreign country for the ex-  
 19 change” and inserting “a friendly foreign coun-  
 20 try or international or regional security organi-  
 21 zation for the reciprocal or non-reciprocal ex-  
 22 change”;

23 (B) in subparagraph (A), by striking “mili-  
 24 tary” and inserting “members of the armed  
 25 forces”; and

1 (C) in subparagraph (B)—

2 (i) by inserting “or security” after  
3 “defense”; and

4 (ii) by inserting before the period at  
5 the end the following: “or international or  
6 regional security organization”;

7 (2) in subsection (c)—

8 (A) by striking “Each government shall be  
9 required under” and inserting “In the case of”;  
10 and

11 (B) by inserting after “exchange agree-  
12 ment” the following: “that provides for recip-  
13 rocal exchanges, each government shall be re-  
14 quired”; and

15 (3) in subsection (f), by inserting “defense or  
16 security ministry of that” after “military personnel  
17 of the”.

18 (c) CONFORMING REPEALS.—The following provi-  
19 sions of law are repealed:

20 (1) Section 1082 of the National Defense Au-  
21 thorization Act for Fiscal Year 1997 (Public Law  
22 104–201; 110 Stat. 2672; 10 U.S.C. 168 note).

23 (2) Section 1207 of the National Defense Au-  
24 thorization Act for Fiscal Year 2010 (10 U.S.C. 168  
25 note).

1 **SEC. 1254. CONSOLIDATION AND REVISION OF AUTHORI-**  
 2 **TIES FOR PAYMENT OF PERSONNEL EX-**  
 3 **PENSES NECESSARY FOR THEATER SECU-**  
 4 **RITY COOPERATION.**

5 (a) CONSOLIDATION AND REVISION OF AUTHORITIES  
 6 IN NEW CHAPTER ON SECURITY COOPERATION ACTIVI-  
 7 TIES.—Chapter 16 of title 10, United States Code, as  
 8 added by section 1252(a)(3) of this Act, is amended by  
 9 inserting after section 311, as added by section 1253(a)  
 10 of this Act, the following new section:

11 **“§ 312. Payment of personnel expenses necessary for**  
 12 **theater security cooperation**

13 “(a) AUTHORITY.—The Secretary of Defense may  
 14 pay expenses specified in subsection (b) that the Secretary  
 15 considers necessary for theater security cooperation.

16 “(b) TYPES OF EXPENSES.—The expenses that may  
 17 be paid under the authority provided in subsection (a) are  
 18 the following:

19 “(1) PERSONNEL EXPENSES.—The Secretary of  
 20 Defense may pay travel and subsistence of, and spe-  
 21 cial compensation for, defense and other security-re-  
 22 lated personnel of friendly foreign governments that  
 23 the Secretary considers necessary for theater secu-  
 24 rity cooperation.

25 “(2) ADMINISTRATIVE SERVICES AND SUPPORT  
 26 FOR LIAISON OFFICERS.—The Secretary may pro-

1       vide administrative services and support for the per-  
2       formance of duties by a liaison officer of another  
3       country while the liaison officer is assigned tempo-  
4       rarily to any headquarters in the Department of De-  
5       fense.

6               “(3) TRAVEL, SUBSISTENCE, AND MEDICAL  
7       CARE FOR LIAISON OFFICERS.—The Secretary may  
8       pay the expenses of a liaison officer in connection  
9       with the assignment of that officer as described in  
10      paragraph (2) if the assignment is requested by the  
11      commander of a combatant command, the Chief of  
12      Staff of the Army, the Chief of Naval Operations,  
13      the Chief of Staff of the Air Force, the Com-  
14      mandant of the Marine Corps, or the head of a De-  
15      fense Agency as follows:

16               “(A) Travel and subsistence expenses.

17               “(B) Personal expenses directly necessary  
18      to carry out the duties of that officer in connec-  
19      tion with that assignment.

20               “(C) Expenses for medical care at a civil-  
21      ian medical facility if—

22               “(i) adequate medical care is not  
23      available to the liaison officer at a local  
24      military medical treatment facility;

1           “(ii) the Secretary determines that  
2           payment of such medical expenses is nec-  
3           essary and in the best interests of the  
4           United States; and

5           “(iii) medical care is not otherwise  
6           available to the liaison officer pursuant to  
7           any treaty or other international agree-  
8           ment.

9           “(D) Mission-related travel expenses if  
10          such travel meets each of the following condi-  
11          tions:

12           “(i) The travel is in support of the  
13           national security interests of the United  
14           States.

15           “(ii) The officer or official making the  
16           request directs round-trip travel from the  
17           assigned location to one or more travel lo-  
18           cations.

19          “(4) CONFERENCES, SEMINARS, AND SIMILAR  
20          MEETINGS.—The authority provided by paragraph  
21          (1) includes authority to pay travel and subsistence  
22          expenses for personnel described in that paragraph  
23          in connection with the attendance of such personnel  
24          at any conference, seminar, or similar meeting that  
25          is in direct support of enhancing interoperability be-

1       tween the United States armed forces and the na-  
2       tional security forces of a friendly foreign country  
3       for the purposes of conducting operations, the provi-  
4       sion of equipment or training, or the planning for,  
5       or the execution of, bilateral or multilateral training,  
6       exercises, or military operations.

7           “(5) OTHER EXPENSES.—In addition to the  
8       personnel expenses payable under paragraph (1), the  
9       Secretary may pay such other limited expenses in  
10      connection with conferences, seminars, and similar  
11      meeting covered by paragraph (4) as the Secretary  
12      considers appropriate in the national security inter-  
13      ests of the United States.

14      “(c) LIMITATION.—The authority provided in sub-  
15      section (a) may be used only for the payment of expenses  
16      of, and special compensation for, personnel from devel-  
17      oping countries, except that the Secretary of Defense may  
18      authorize the payment of such expenses and special com-  
19      pensation for personnel from a country other than a devel-  
20      oping country if the Secretary determines that such pay-  
21      ment is necessary to respond to extraordinary cir-  
22      cumstances and is in the national security interest of the  
23      United States.

24      “(d) REIMBURSEMENT.—The Secretary may provide  
25      the services and support specified in subsection (b)(2) with

1 or without reimbursement from (or on behalf of) the re-  
 2 cipients. The terms of reimbursement (if any) shall be  
 3 specified in the appropriate agreements used to assign the  
 4 liaison officer.

5 “(e) LIMITATIONS.—

6 “(1) TRAVEL AND SUBSISTENCE EXPENSES  
 7 GENERALLY.—Travel and subsistence expenses au-  
 8 thorized to be paid under subsection (a) may not, in  
 9 the case of any individual, exceed the amount that  
 10 would be paid under chapter 7 or 8 of title 37 to  
 11 a member of the armed forces (of a comparable  
 12 grade) for authorized travel of a similar nature.

13 “(2) TRAVEL AND RELATED EXPENSES OF LIAI-  
 14 SON OFFICERS.—The amount paid for expenses  
 15 specified in subsection (b)(3) for any liaison officer  
 16 in any fiscal year may not exceed \$150,000.

17 “(f) REGULATIONS.—The Secretary of Defense shall  
 18 prescribe regulations for the administration of this section.  
 19 Such regulations shall be submitted to the Committees on  
 20 Armed Services of the Senate and the House of Represent-  
 21 atives.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) REPEALS.—Sections 1050, 1050a, 1051,  
 24 and 1051a of title 10, United States Code, are re-  
 25 pealed.



1           (2) CLERICAL AMENDMENTS.—The table of sec-  
 2           tions at the beginning of chapter 53 of such title is  
 3           amended by striking the items relating to sections  
 4           1050, 1050a, 1051, and 1051a.

5           (c) SAVINGS PROVISION FOR FISCAL YEAR 2017.—  
 6           The authority under section 1050 of title 10, United  
 7           States Code, as in effect on the day before the date of  
 8           the enactment of this Act, shall continue to apply with  
 9           respect to the Inter-American Defense College during fis-  
 10          cal year 2017 under regulations prescribed by the Sec-  
 11          retary of Defense.

12   **SEC. 1255. TRANSFER AND REVISION OF AUTHORITY ON**  
 13                           **PAYMENT OF EXPENSES IN CONNECTION**  
 14                           **WITH TRAINING AND EXERCISES WITH**  
 15                           **FRIENDLY FOREIGN FORCES.**

16          (a) IN GENERAL.—Section 2011 of title 10, United  
 17          States Code, is transferred to 16 of such title, as added  
 18          by section 1252(a)(3) of this Act, inserted after the table  
 19          of sections at the beginning of subchapter III, redesign-  
 20          ated as section 321, and amended to read as follows:

21   **“§ 321. Training with friendly foreign countries: pay-**  
 22                           **ment of training and exercise expenses**

23          “(a) TRAINING AUTHORIZED.—

24                  “(1) TRAINING WITH FOREIGN FORCES.—The  
 25          armed forces under the jurisdiction of the Secretary

1 of Defense may train with the military forces or  
2 other security forces of a friendly foreign country if  
3 the Secretary determines that it is in the national  
4 security interests of the United States to do so.

5 “(2) TRAINING TO SUPPORT MISSION ESSEN-  
6 TIAL TASKS.—Any training conducted pursuant to  
7 paragraph (1) shall, to the maximum extent prac-  
8 ticable, support the mission essential tasks for which  
9 the unit of the armed forces participating in such  
10 training is responsible.

11 “(3) ELEMENTS OF TRAINING.—Any training  
12 conducted pursuant to paragraph (1) shall, to the  
13 maximum extent practicable, include elements that  
14 promote—

15 “(A) observance of and respect for human  
16 rights and fundamental freedoms; and

17 “(B) respect for legitimate civilian author-  
18 ity within the foreign country concerned.

19 “(b) AUTHORITY TO PAY TRAINING AND EXERCISE  
20 EXPENSES.—Under regulations prescribed pursuant to  
21 subsection (e), the commander of a combatant command  
22 may pay, or authorize payment for, any of the following  
23 expenses:

24 “(1) Expenses of training forces assigned or al-  
25 located to that command in conjunction with train-

1 ing, and training with, the military forces or other  
2 security forces of a friendly foreign country under  
3 subsection (a).

4 “(2) Expenses of deploying such forces for that  
5 training.

6 “(3) The incremental expenses of a friendly for-  
7 eign country as the direct result of participating  
8 such training, as specified in the regulations.

9 “(4) The incremental expenses of a friendly for-  
10 eign country as the direct result of participating in  
11 an exercise with the armed forces under the jurisdic-  
12 tion of the Secretary of Defense.

13 “(5) Small-scale construction that is directly re-  
14 lated to the effective accomplishment of the training  
15 described in paragraph (1) or an exercise described  
16 in paragraph (4).

17 “(c) PURPOSE OF TRAINING AND EXERCISES.—

18 “(1) IN GENERAL.—The primary purpose of the  
19 training and exercises for which payment may be  
20 made under subsection (b) shall be to train the  
21 forces available to the combatant command con-  
22 cerned.

23 “(2) SELECTION OF FOREIGN PARTNERS.—  
24 Training and exercises with friendly foreign coun-  
25 tries under subsection (a) should be planned and

1 prioritized consistent with applicable guidance relat-  
2 ing to the security cooperation programs and activi-  
3 ties of the Department of Defense.

4 “(d) AVAILABILITY OF FUNDS FOR ACTIVITIES THAT  
5 CROSS FISCAL YEARS.—Amounts available for the au-  
6 thority to pay expenses in subsection (b) for a fiscal year  
7 may be used to pay expenses under that subsection for  
8 training and exercises that begin in such fiscal year but  
9 end in the next fiscal year.

10 “(e) REGULATIONS.—

11 “(1) IN GENERAL.—The Secretary of Defense  
12 shall prescribe regulations for the administration of  
13 this section. The Secretary shall submit the regula-  
14 tions to the Committees on Armed Services of the  
15 Senate and the House of Representatives.

16 “(2) ELEMENTS.—The regulations required  
17 under this section shall provide the following:

18 “(A) A requirement that training and exer-  
19 cise activities may be carried out under this sec-  
20 tion only with the prior approval of the Sec-  
21 retary.

22 “(B) Accounting procedures to ensure that  
23 the expenditures pursuant to this section are  
24 appropriate.

1           “(C) Procedures to limit the payment of  
2           incremental expenses to developing countries,  
3           except in the case of exceptional circumstances  
4           as specified in the regulations.

5           “(e) REPORTS.—Not later than January 31 each  
6   year, the Secretary of Defense shall submit to the congres-  
7   sional defense committees a report regarding training and  
8   exercises during the preceding fiscal year for which ex-  
9   penses were paid under this section. Each report shall  
10 specify the following:

11           “(1) All countries in which that training was  
12   conducted.

13           “(2) The type of training conducted, the dura-  
14   tion of that training, the number of members of the  
15   armed forces involved, and expenses paid.

16           “(3) The extent of participation by foreign mili-  
17   tary forces, including the number and service affili-  
18   ation of foreign military personnel involved and the  
19   physical and financial contribution, if any, of each  
20   host nation to the training effort.

21           “(4) The relationship of that training to other  
22   overseas training programs conducted by the armed  
23   forces, such as military exercise programs sponsored  
24   by the Joint Chiefs of Staff, military exercise pro-  
25   grams sponsored by a combatant command, and

1 military training activities sponsored by a military  
2 department (including deployments for training,  
3 short duration exercises, and other similar unit  
4 training events).

5 “(5) A summary of the expenditures resulting  
6 from the training and exercises for which expenses  
7 were paid under this section.

8 “(6) A discussion of the unique military train-  
9 ing benefit to United States forces derived from the  
10 activities for which expenses were paid under this  
11 section.”.

12 (b) CONFORMING REPEALS.—The following provi-  
13 sions of law are repealed:

14 (1) Section 2010 of title 10, United States  
15 Code.

16 (2) Section 1203 of the National Defense Au-  
17 thorization Act for Fiscal Year 2014 (Public Law  
18 113–66; 127 Stat. 894; 10 U.S.C. 2011 note).

19 (c) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 101 of title 10, United States  
21 Code, is amended by striking the items relating to sections  
22 2010 and 2011.

1 **SEC. 1256. TRANSFER AND REVISION OF AUTHORITY TO**  
 2 **PROVIDE OPERATIONAL SUPPORT TO**  
 3 **FORCES OF FRIENDLY FOREIGN COUNTRIES.**

4 (a) TRANSFER AND REVISION.—Section 127d of title  
 5 10, United States Code, is transferred to chapter 16 of  
 6 such title, as added by section 1252(a)(3) of this Act, in-  
 7 serted after the table of sections at the beginning of sub-  
 8 chapter IV, redesignated as section 331, and amended to  
 9 read as follows:

10 **“§ 331. Friendly foreign countries: authority to pro-**  
 11 **vide support for conduct of operations**

12 “(a) AUTHORITY.—The Secretary of Defense may  
 13 provide support to friendly foreign countries in connection  
 14 with the conduct of operations designated pursuant to sub-  
 15 section (b).

16 “(b) DESIGNATED OPERATIONS.—

17 “(1) IN GENERAL.—The Secretary of Defense  
 18 shall designate the operations for which support may  
 19 be provided under the authority in subsection (a).

20 “(2) NOTICE TO CONGRESS.—The Secretary  
 21 shall notify the appropriate committees of Congress  
 22 of the designation of any operation pursuant to this  
 23 subsection.

24 “(3) ANNUAL REVIEW FOR CONTINUING DES-  
 25 IGNATION.—The Secretary shall undertake on an  
 26 annual basis a review of the operations currently

1 designated pursuant to this subsection in order to  
2 determine whether each such operation merits con-  
3 tinuing designation for purposes of this section for  
4 another year. If the Secretary determines that any  
5 operation so reviewed merits continuing designation  
6 for purposes of this section for another year, the  
7 Secretary—

8 “(A) may continue the designation of such  
9 operation under this subsection for such pur-  
10 poses for another year; and

11 “(B) if the Secretary so continues the des-  
12 ignation of such operation, shall notify the ap-  
13 propriate committees of Congress of the con-  
14 tinuation of designation of such operation.

15 “(c) TYPES OF SUPPORT AUTHORIZED.—The types  
16 of support that may be provided under the authority in  
17 subsection (a) are the following:

18 “(1) Logistic support, supplies, and services to  
19 security forces of a friendly foreign country partici-  
20 pating in—

21 “(A) an operation with the armed forces  
22 under the jurisdiction of the Secretary of De-  
23 fense; or



1           “(B) a military or stability operation that  
2           benefits the national security interests of the  
3           United States.

4           “(2) Logistic support, supplies, and services—

5               “(A) to military forces of a friendly foreign  
6               country solely for the purpose of enhancing the  
7               interoperability of the logistical support systems  
8               of military forces participating in a combined  
9               operation with the United States in order to fa-  
10              cilitate such operation; or

11               “(B) to a nonmilitary logistics, security, or  
12               similar agency of a friendly foreign government  
13               if such provision would directly benefit the  
14               armed forces under the jurisdiction of the Sec-  
15               retary of Defense.

16           “(3) Procurement of equipment for the purpose  
17           of the loan of such equipment to the military forces  
18           of a friendly foreign country participating in a  
19           United States-supported coalition or combined oper-  
20           ation and the loan of such equipment to those forces  
21           to enhance capabilities or to increase interoperability  
22           with the armed forces under the jurisdiction of the  
23           Secretary of Defense and other coalition partners.

24           “(4) Provision of specialized training to per-  
25           sonnel of friendly foreign countries in connection

1 with such an operation, including training of such  
2 personnel before deployment in connection with such  
3 operation.

4 “(d) CERTIFICATION REQUIRED.—

5 “(1) OPERATIONS IN WHICH THE UNITED  
6 STATES IS NOT PARTICIPATING.—The Secretary of  
7 Defense may provide support under subsection (a) to  
8 a friendly foreign country with respect to an oper-  
9 ation in which the United States is not participating  
10 only—

11 “(A) if the Secretary of Defense and the  
12 Secretary of State jointly certify to Congress  
13 that the operation is in the national security in-  
14 terests of the United States; and

15 “(B) after the expiration of the 15-day pe-  
16 riod beginning on the date of such certification.

17 “(2) ACCOMPANYING REPORT.—Any certifi-  
18 cation under paragraph (1) shall be accompanied by  
19 a report that includes the following:

20 “(A) A description of the operation, includ-  
21 ing the geographic area of the operation.

22 “(B) A list of participating countries.

23 “(C) A description of the type of support  
24 and the duration of support to be provided.

1                   “(D) A description of the national security  
2                   interests of the United States supported by the  
3                   operation.

4                   “(E) Such other matters as the Secretary  
5                   of Defense and the Secretary of State consider  
6                   significant to a consideration of such certifi-  
7                   cation.

8           “(e) SECRETARY OF STATE CONCURRENCE.—The  
9           provision of support under subsection (a) may be made  
10          only with the concurrence of the Secretary of State.

11          “(f) SUPPORT OTHERWISE PROHIBITED BY LAW.—  
12          The Secretary of Defense may not use the authority in  
13          subsection (a) to provide any type of support described  
14          in subsection (c) that is otherwise prohibited by any provi-  
15          sion of law.

16          “(g) LIMITATIONS ON VALUE.—

17                  “(1) The aggregate value of all logistic support,  
18                  supplies, and services provided under subsection  
19                  (b)(1) in any fiscal year may not exceed  
20                  \$450,000,000.

21                  “(2) The aggregate value of all logistic support,  
22                  supplies, and services provided under subsection  
23                  (b)(2) in any fiscal year may not exceed \$5,000,000.

24          “(h) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES  
25          DEFINED.—In this section, the term ‘logistic support,

1 supplies, and services’ has the meaning given that term  
 2 in section 2350(1) of this title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections  
 4 at the beginning of chapter 3 of such title is amended by  
 5 striking the item relating to section 127d.

6 **SEC. 1257. DEPARTMENT OF DEFENSE STATE PARTNER-**  
 7 **SHIP PROGRAM.**

8 (a) CODIFICATION IN NEW CHAPTER ON SECURITY  
 9 COOPERATION ACTIVITIES.—Chapter 16 of title 10,  
 10 United States Code, as added by section 1252(a)(3) of this  
 11 Act, is amended by inserting after the table of sections  
 12 at the beginning of subchapter IV a new section 341 con-  
 13 sisting of—

14 (1) a heading as follows:

15 **“§ 341. Department of Defense State Partnership Pro-**  
 16 **gram”; and**

17 (2) a text consisting of subsections (a) through  
 18 (g) of section 1205 of the National Defense Author-  
 19 ization Act for Fiscal Year 2014 (Public Law 113–  
 20 66; 127 Stat. 897; 32 U.S.C. 107 note), as amended  
 21 by section 1203 of the National Defense Authoriza-  
 22 tion Act for Fiscal Year 2016 (Public Law 114–92;  
 23 129 Stat. 1037).

24 (b) REVISIONS TO STRIKE OBSOLETE PROVISIONS  
 25 AND CONFORM TO PROVISIONS IN NEW CHAPTER.—Sec-

1 tion 341 of title 10, United States Code, as added by sub-  
2 section (a), is amended—

3 (1) by striking subsection (d) and inserting the  
4 following new subsection (d):

5 “(d) REGULATIONS.—This section shall be carried  
6 out in accordance with such regulations as the Secretary  
7 of Defense shall prescribe for purposes of this section.  
8 Such regulations shall include accounting procedures to  
9 ensure that expenditures of funds to carry out this section  
10 are accounted for and appropriate.”;

11 (2) in subsection (f)—

12 (A) by striking “(f) REPORTS AND NOTIFI-  
13 CATIONS.—” and all that follows through “(B)  
14 MATTERS TO BE INCLUDED.—” and inserting  
15 the following:

16 “(f) ANNUAL REPORT.—

17 “(1) IN GENERAL.—Not later than February 1  
18 of each year following a fiscal year in which activi-  
19 ties under each program established under sub-  
20 section (a) are carried out, the Secretary of Defense  
21 shall submit to the appropriate congressional com-  
22 mittees a report on such activities under such pro-  
23 gram.

24 “(2) MATTERS TO BE INCLUDED.—”; and

1 (B) in paragraph (2), as redesignated by  
 2 subparagraph (A) of this paragraph—

3 (i) by redesignating clauses (i)  
 4 through (vi) as subparagraphs (A) through  
 5 (F), respectively, and realigning the mar-  
 6 gin of each such subparagraph two ems to  
 7 the left; and

8 (ii) in subparagraph (F), as redesign-  
 9 nated by clause (i) of this subparagraph,  
 10 by striking “clause (v)” and inserting  
 11 “subparagraph (E)”; and

12 (3) in subsection (g), by striking “under title  
 13 10” and all that follows and inserting “under title  
 14 10 as in effect on December 26, 2013.”.

15 (c) PROHIBITION ON ACTIVITIES WITH UNITS HAV-  
 16 ING COMMITTED GROSS VIOLATIONS OF HUMAN  
 17 RIGHTS.—Subsection (b) of such section is amended—

18 (1) by striking “(b) LIMITATION.—An activity”  
 19 and inserting the following:

20 “(b) LIMITATIONS.—

21 “(1) IN GENERAL.—An activity”; and

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

24 “(2) PROHIBITION ON ACTIVITIES WITH UNITS  
 25 THAT HAVE COMMITTED GROSS VIOLATIONS OF

1 HUMAN RIGHTS.—The conduct of any activities  
 2 under a program established under subsection (a)  
 3 shall be subject to the provisions of section 362 of  
 4 this title.”.

5 (d) CONFORMING REPEAL.—Section 1205 of the Na-  
 6 tional Defense Authorization Act for Fiscal Year 2014  
 7 (Public Law 113–66; 127 Stat. 897; 32 U.S.C. 107 note)  
 8 is repealed.

9 **SEC. 1258. MODIFICATION OF REGIONAL DEFENSE COM-**  
 10 **BATING TERRORISM FELLOWSHIP PROGRAM.**

11 (a) IN GENERAL.—Section 2249c of title 10, United  
 12 States Code, is transferred to chapter 16 of such title, as  
 13 added by section 1252(a)(3) of this Act, inserted after sec-  
 14 tion 344, as transferred and redesignated by section  
 15 1252(g) of this Act, redesignated as section 345, and  
 16 amended to read as follows:

17 **“§ 345. Defense Cooperation Fellowship Program**

18 **“(a) AUTHORITY.—**

19 **“(1) IN GENERAL.—**The Secretary of Defense  
 20 is authorized to carry out a program (to be known  
 21 as the ‘Defense Cooperation Fellowship Program’)  
 22 under which the Secretary may pay any costs associ-  
 23 ated with the education and training described in  
 24 paragraph (2) of foreign military officers, ministry  
 25 of defense officials, or national-level security officials

1 of friendly foreign countries. Costs for which pay-  
2 ment may be made under this section include the  
3 costs of transportation and travel and subsistence  
4 costs.

5 “(2) EDUCATION AND TRAINING.—Education  
6 and training described in this paragraph is defense  
7 cooperation education and training at a military or  
8 civilian educational institution of the United States  
9 Government, regional center, conference, seminar, or  
10 other training program that is conducted as part of  
11 the program under this section.

12 “(b) REGULATIONS.—The program authorized by  
13 subsection (a) shall be carried out under regulations pre-  
14 scribed by the Secretary of Defense. The regulations shall  
15 ensure that, to the maximum extent practicable, activities  
16 under the program do not duplicate or conflict with activi-  
17 ties under International Military Education and Training  
18 (IMET). The Secretary shall submit a current copy of the  
19 regulations to the Committees on Armed Services of the  
20 Senate and the House of Representatives

21 “(c) AVAILABILITY OF FUNDS.—

22 “(1) LIMITATION.—Except as provided in para-  
23 graph (2), the total amount of costs that may be  
24 paid under the program authorized by subsection (a)  
25 in any fiscal year may not exceed \$35,000,000.



1           “(2) AVAILABILITY FOR ACTIVITIES THAT  
2           CROSS FISCAL YEARS.—Funds available under the  
3           authority in subsection (a) for a fiscal year may be  
4           used for activities that begin in such fiscal year but  
5           end in the next fiscal year.”.

6           (b) CLERICAL AMENDMENT.—The table of sections  
7           at the beginning of subchapter I of chapter 134 of such  
8           title is amended by striking the item relating to section  
9           2249c.

10   **SEC. 1259. CONSOLIDATION OF AUTHORITIES FOR SERVICE**  
11                           **ACADEMY INTERNATIONAL ENGAGEMENT.**

12           (a) CONSOLIDATION OF AUTHORITIES.—Chapter 16  
13           of title 10, United States Code, as added by section  
14           1252(a)(3) of this Act, is amended by inserting after sec-  
15           tion 346, as transferred and redesignated by section  
16           1252(h) of this Act, the following new section:

17   **“§ 347. International engagement authorities for serv-**  
18                           **ice academies**

19           “(a) SELECTION OF PERSONS FROM FOREIGN COUN-  
20           TRIES TO RECEIVE INSTRUCTION AT SERVICE ACAD-  
21           EMIES.—

22           “(1) ATTENDANCE AUTHORIZED.—

23                           “(A) IN GENERAL.—The Secretary of each  
24           military department may permit persons from  
25           foreign countries to receive instruction at the

1 Service Academy under the jurisdiction of the  
 2 Secretary. Such persons shall be in addition  
 3 to—

4 “(i) in the case of the United States  
 5 Military Academy, the authorized strength  
 6 of the Corps of the Cadets of the Academy  
 7 under 4342 of this title;

8 “(ii) in the case of the United States  
 9 Naval Academy, the authorized strength of  
 10 the Brigade of Midshipmen of the Acad-  
 11 emy under section 6954 of this title; and

12 “(iii) in the case of the United States  
 13 Air Force Academy, the authorized  
 14 strength of the Cadet Wing of the Acad-  
 15 emy under 9342 of this title.

16 “(B) LIMITATION ON NUMBER.—The num-  
 17 ber of persons permitted to receive instruction  
 18 at each Service Academy under this subsection  
 19 may not be more than 60 at any one time.

20 “(2) DETERMINATION OF FOREIGN COUNTRIES  
 21 FROM WHICH PERSONS MAY BE SELECTION.—The  
 22 Secretary of a military department, upon approval  
 23 by the Secretary of Defense, shall determine—

24 “(A) the countries from which persons may  
 25 be selected for appointment under this sub-

1 section to the Service Academy under the juris-  
 2 diction of that Secretary; and

3 “(B) the number of persons that may be  
 4 selected from each country.

5 “(3) QUALIFICATIONS AND SELECTION.—The  
 6 Secretary of each military department—

7 “(A) may establish entrance qualifications  
 8 and methods of competition for selection among  
 9 individual applicants under this subsection; and

10 “(B) shall select those persons who will be  
 11 permitted to receive instruction at the Service  
 12 Academy under the jurisdiction of the Secretary  
 13 under this subsection.

14 “(4) SELECTION PRIORITY TO PERSONS WITH  
 15 NATIONAL SERVICE OBLIGATION UPON GRADUA-  
 16 TION.—In selecting persons to receive instruction  
 17 under this subsection from among applicants from  
 18 the countries approved under paragraph (2), the  
 19 Secretary of the military department concerned shall  
 20 give a priority to persons who have a national serv-  
 21 ice obligation to their countries upon graduation  
 22 from the Service Academy concerned.

23 “(5) PAY, ALLOWANCES, AND EMOLUMENTS OF  
 24 PERSONS ADMITTED.—A person receiving instruc-  
 25 tion under this subsection is entitled to the pay, al-

lowances, and emoluments of a cadet or midshipman appointed from the United States, and from the same appropriations.

“(6) REIMBURSEMENT OF COSTS BY FOREIGN COUNTRIES FROM WHICH PERSONS ARE ADMITTED.—

“(A) REIMBURSEMENT REQUIRED.—Each foreign country from which a cadet or midshipmen is permitted to receive instruction at one of the Service Academies under this subsection shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (5). The Secretaries of the military departments shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet or midshipmen appointed from the United States.

“(B) WAIVER AUTHORITY.—The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet or midshipmen under

1           subparagraph (A). In the case of a partial waiv-  
2           er, the Secretary of Defense shall establish the  
3           amount waived.

4           “(7) APPLICABILITY OF ACADEMY REGULA-  
5           TIONS, ETC.—

6                   “(A) IN GENERAL.—Except as the Sec-  
7           retary of the military department concerned de-  
8           termines, a person receiving instruction under  
9           this subsection at the Service Academy under  
10          the jurisdiction of that Secretary is subject to  
11          the same regulations governing admission, at-  
12          tendance, discipline, resignation, discharge, dis-  
13          missal, and graduation as a cadet or mid-  
14          shipmen at that Academy appointed from the  
15          United States.

16                   “(B) CLASSIFIED INFORMATION.—The  
17          Secretary of the military department concerned  
18          may prescribe regulations with respect to access  
19          to classified information by a person receiving  
20          instruction under this subsection at the Service  
21          Academy under the jurisdiction of that Sec-  
22          retary that differ from the regulations that  
23          apply to a cadet or midshipmen at that Acad-  
24          emy appointed from the United States.

1           “(8) INELIGIBILITY FOR APPOINTMENT IN THE  
2           UNITED STATES ARMED FORCES.—A person receiv-  
3           ing instruction at a Service Academy under this sub-  
4           section is not entitled to an appointment in an  
5           armed force of the United States by reason of grad-  
6           uation from the Academy.

7           “(9) INAPPLICABILITY OF REQUIREMENT FOR  
8           TAKING OATH OF ADMISSION.—A person receiving  
9           instruction under this subsection is not subject to  
10          section 4346(d), 6958(d), or 9346(d) of this title, as  
11          the case may be.

12          “(b) EXCHANGE PROGRAMS WITH FOREIGN MILI-  
13          TARY ACADEMIES.—

14               “(1) EXCHANGE PROGRAMS AUTHORIZED.—The  
15          Secretary of a military department may permit a  
16          student enrolled at a military academy of a foreign  
17          country to receive instruction at the Service Acad-  
18          emy under the jurisdiction of that Secretary in ex-  
19          change for a cadet or midshipmen receiving instruc-  
20          tion at that foreign military academy pursuant to an  
21          exchange agreement entered into between the Sec-  
22          retary and appropriate officials of the foreign coun-  
23          try. A students receiving instruction at a Service  
24          Academy under the exchange program under this

1 subsection shall be in addition to persons receiving  
2 instruction at the Academy under subsection (a).

3 “(2) LIMITATIONS ON NUMBER AND DURATION  
4 OF EXCHANGES.—An exchange agreement under  
5 this subsection between the Secretary and a foreign  
6 country shall provide for the exchange of students  
7 on a one-for-one basis each fiscal year. Not more  
8 than 100 cadets or midshipmen from each Service  
9 Academy and a comparable number of students from  
10 foreign military academies participating in the ex-  
11 change program may be exchanged during any fiscal  
12 year. The duration of an exchange may not exceed  
13 the equivalent of one academic semester at a Service  
14 Academy.

15 “(3) COSTS AND EXPENSES.—

16 “(A) NO PAY AND ALLOWANCES.—A stu-  
17 dent from a military academy of a foreign coun-  
18 try is not entitled to the pay, allowances, and  
19 emoluments of a cadet or midshipmen by rea-  
20 son of attendance at a Service Academy under  
21 the exchange program, and the Department of  
22 Defense may not incur any cost of international  
23 travel required for transportation of such a stu-  
24 dent to and from the sponsoring foreign coun-  
25 try.

1           “(B) SUBSISTENCE, TRANSPORTATION,  
2           ETC.—The Secretary of the military depart-  
3           ment concerned may provide a student from a  
4           foreign country under the exchange program,  
5           during the period of the exchange, with subsist-  
6           ence, transportation within the continental  
7           United States, clothing, health care, and other  
8           services to the same extent that the foreign  
9           country provides comparable support and serv-  
10          ices to the exchanged cadet or midshipmen in  
11          that foreign country.

12          “(C) SOURCE OF FUNDS.—A Service Acad-  
13          emy shall bear all costs of the exchange pro-  
14          gram from funds appropriated for that Acad-  
15          emy and such additional funds as may be avail-  
16          able to that Academy from a source other than  
17          appropriated funds to support cultural immer-  
18          sion, regional awareness, or foreign language  
19          training activities in connection with the ex-  
20          change program.

21          “(D) LIMITATION ON EXPENDITURES.—  
22          Expenditures in support of the exchange pro-  
23          gram from funds appropriated for each Acad-  
24          emy may not exceed \$1,000,000 during any fis-  
25          cal year.



1           “(4) APPLICATION OF OTHER LAWS.—Para-  
2       graphs (7), (8), and (9) of subsection (a) shall apply  
3       with respect to a student enrolled at a military acad-  
4       emy of a foreign country while attending a Service  
5       Academy under the exchange program.

6           “(5) REGULATIONS.—The Secretary of the mili-  
7       tary department concerned shall prescribe regula-  
8       tions to implement this subsection. Such regulations  
9       may include qualification criteria and methods of se-  
10      lection for students of foreign military academies to  
11      participate in the exchange program.

12       “(c) FOREIGN AND CULTURAL EXCHANGE ACTIVI-  
13      TIES.—

14           “(1) ATTENDANCE AUTHORIZED.—The Sec-  
15      retary of a military department may authorize the  
16      Service Academy under the jurisdiction of that Sec-  
17      retary to permit students, officers, and other rep-  
18      resentatives of a foreign country to attend that  
19      Academy for periods of not more than four weeks if  
20      the Secretary determines that the attendance of such  
21      persons contributes significantly to the development  
22      of foreign language, cross cultural interactions and  
23      understanding, and cultural immersion of cadets or  
24      midshipmen, as the case may be.

1           “(2) EFFECT OF ATTENDANCE.—Persons at-  
2       tending a Service Academy under paragraph (1) are  
3       not considered to be students enrolled at that Acad-  
4       emy and are in addition to persons receiving instruc-  
5       tion at that Academy under subsection (a) or (b).

6           “(3) FINANCIAL MATTERS.—

7               “(A) COSTS AND EXPENSES.—The Sec-  
8       retary of a military department may pay the  
9       travel, subsistence, and similar personal ex-  
10      penses of persons incurred to attend the Service  
11      Academy under the jurisdiction of that Sec-  
12      retary under paragraph (1).

13           “(B) SOURCE OF FUNDS.—Each Service  
14      Academy shall bear the costs of the attendance  
15      of persons at that Academy under paragraph  
16      (1)—

17               “(i) from funds appropriated for that  
18      Academy; and

19               “(ii) from such additional funds as  
20      may be available to that Academy from a  
21      source, other than appropriated funds, to  
22      support cultural immersion, regional  
23      awareness, or foreign language training ac-  
24      tivities in connection with their attendance.

1           “(C) LIMITATION ON EXPENDITURES.—

2           Expenditures from appropriated funds in sup-  
3           port of activities under this subsection for any  
4           Service Academy may not exceed \$40,000 dur-  
5           ing any fiscal year.

6           “(d) SERVICE ACADEMY DEFINED.—In this section,  
7           the term ‘Service Academy’ means the following:

8           “(1) The United States Military Academy.

9           “(2) The United States Naval Academy.

10          “(3) The United States Air Force Academy.”.

11          (b) CONFORMING REPEALS.—

12           (1) REPEALS.—Sections 4344, 4345, 4345a,  
13           6957, 6957a, 6957b, 9344, 9345, and 9345a of title  
14           10, United States Code, are repealed.

15           (2) CLERICAL AMENDMENTS.—

16           (A) The table of sections at the beginning  
17           of chapter 403 of such title is amended by  
18           striking the items relating to sections 4344,  
19           4345, and 4345a.

20           (B) The table of sections at the beginning  
21           of chapter 603 of such title is amended by  
22           striking the items relating to sections 6957,  
23           6957a, and 6957b.

24           (C) The table of sections at the beginning  
25           of chapter 903 of such title is amended by

1           striking the items relating to sections 9344,  
2           9345, and 9345a.

3 **SEC. 1260. SECURITY COOPERATION ENHANCEMENT FUND.**

4       (a) IN GENERAL.—Chapter 16 of title 10, United  
5 States Code, as added by section 1252(a)(3) of this Act,  
6 is amended by inserting after the table of sections at the  
7 beginning of subchapter VII the following new section:

8 **“§ 381. Security Cooperation Enhancement Fund**

9       “(a) AVAILABILITY OF FUNDS.—Amounts authorized  
10 to be appropriated for the Security Cooperation Enhance-  
11 ment Fund (in this section referred to as the ‘Fund’) shall  
12 be available for the purposes provided in subsections (b)  
13 and (c).

14       “(b) PURPOSES GENERALLY .—

15           “(1) PURPOSES.—Subject to subsection (c),  
16 amounts in the Fund shall be available for security  
17 cooperation programs and activities of the Depart-  
18 ment of Defense.

19           “(2) DURATION AFTER OBLIGATION.—Upon ob-  
20 ligation, amounts in the Fund so obligated shall re-  
21 main available until expended.

22       “(c) AVAILABILITY FOR SPECIFIC PURPOSES.—Of  
23 the amounts in the Fund for a fiscal year, up to four per-  
24 cent of such amounts may be used to carry out the fol-  
25 lowing:

1           “(1) Execution and administration of security  
2 cooperation programs and activities of the Depart-  
3 ment of Defense pursuant to section 382 of this  
4 title.

5           “(2) Annual assessment, monitoring, and eval-  
6 uation of security cooperation programs and activi-  
7 ties of the Department of Defense pursuant to sec-  
8 tion 383 of this title.

9           “(3) Incremental expenses associated with the  
10 implementation of the Department of Defense Secu-  
11 rity Cooperation Workforce Development Program  
12 pursuant to section 1263 of the National Defense  
13 Authorization Act for Fiscal Year 2017.

14       “(d) TRANSFERS FROM FUND.—

15           “(1) TRANSFERS AUTHORIZED.—Amounts in  
16 the Fund may be transferred to any account of the  
17 Department of Defense for operation and mainte-  
18 nance for the purposes specified in subsection (b).

19           “(2) EFFECT ON AUTHORIZATION AMOUNTS.—  
20 The transfer of an amount to an account under the  
21 authority paragraph (1) shall be deemed to increase  
22 the amount authorized for such account by an  
23 amount equal to the amount transferred.

24           “(3) TRANSFERS BACK TO FUND.—Upon a de-  
25 termination that all or part of the funds transferred

1 from the Fund under paragraph (1) are not nec-  
2 essary for the purpose provided, such funds may be  
3 transferred back to the Fund.

4 “(e) CONTRIBUTIONS.—

5 “(1) AUTHORITY TO ACCEPT.—The Secretary  
6 of Defense may accept and retain contributions to  
7 the Fund from any person, foreign government, or  
8 international organization.

9 “(2) AVAILABILITY.—An amount contributed to  
10 the Fund pursuant to this subsection shall remain  
11 available until expended for purposes of the Fund.

12 “(3) NOTICE ON CONTRIBUTIONS.—The Sec-  
13 retary shall notify the congressional defense commit-  
14 tees, in writing , upon the receipt. and upon the obli-  
15 gation, of any contribution to the Fund pursuant to  
16 this subsection, setting forth the source and amount  
17 of such contribution and the intended, and actual,  
18 use of such contribution.

19 “(e) CONSTRUCTION WITH OTHER LIMITATIONS.—  
20 Nothing in this section may be construed to terminate,  
21 alter, or override any requirement or limitation applicable  
22 to activities funded with amounts in the Fund under the  
23 authority of the Department of Defense that authorizes  
24 such activities.

1       “(f) QUARTERLY REPORTS.—Not later than 30 days  
 2 after each calendar quarter, the Secretary of Defense shall  
 3 submit to the congressional defense committees a report  
 4 on the obligation and expenditure of amounts in the Fund  
 5 during the preceding calendar quarter.”.

6       (b) DISCHARGE OF CERTAIN ACTIVITIES UNDER  
 7 NEW SECURITY COOPERATION CHAPTER.—

8           (1) IN GENERAL.—Not later than October 1,  
 9 2018, the Secretary of Defense shall provide for the  
 10 discharge of all activities funded by accounts speci-  
 11 fied in paragraph (2) or funds specified in para-  
 12 graph (3) under applicable authorities in chapter 16  
 13 of title 10, United States Code, as added by section  
 14 1252(a)(3) of this Act, rather than the provision of  
 15 law or other authority under which such activities  
 16 are carried out on the day before the date on which  
 17 discharge in accordance with this paragraph com-  
 18 mences.

19           (2) COVERED ACCOUNTS.—The accounts speci-  
 20 fied in this paragraph are the following:

21                   (A) The Afghanistan Security Forces  
 22 Fund.

23                   (B) The Iraq Train and Equip Fund.

24                   (C) The Southeast Asia Maritime Security  
 25 Initiative.

1           (3) OTHER SECURITY COOPERATION FUNDS.—

2           The funds specified in this paragraph are all unobli-  
3           gated balances as of the date of transfer provided  
4           for in subsection (c)(1) in any account or fund of  
5           the Department of Defense (other than an account  
6           specified in paragraph (2) of this subsection) of  
7           amounts for security cooperation programs and ac-  
8           tivities of the Department of Defense.

9           (4) REPORT.—Not later than October 1, 2017,  
10          the Secretary shall submit to the congressional de-  
11          fense committees a report setting forth a description  
12          of any gaps that exist between the authorities in  
13          chapter 16 of title 10, United States Code, as so  
14          added, and current law or other authorities under  
15          which activities covered by paragraph (1) are carried  
16          out. The report shall include the following:

17                (A) A description of each discrete set of  
18                activities covered by paragraph (1) for which  
19                gaps exist between the authorities in chapter 16  
20                of title 10, United States Code, as so added,  
21                and current law or other authorities under  
22                which such activities are carried out.

23                (B) For each discrete set of activities cov-  
24                ered by subparagraph (A), the following:



1 (i) A description of the gaps described  
2 in subparagraph (A).

3 (ii) Recommendations for legislative  
4 or administrative action to address such  
5 gaps.

6 (c) TRANSFER TO SCEF OF FUNDS IN CONNECTION  
7 WITH ACTIVITIES DISCHARGED UNDER NEW SECURITY  
8 COOPERATION CHAPTER.—

9 (1) IN GENERAL.—Not later than October 1,  
10 2017, the Secretary of Defense shall transfer all the  
11 unobligated balances that remain in the accounts  
12 specified in subsection (b)(2) as of the date of such  
13 transfer to the Security Cooperation Enhancement  
14 Fund under section 381 of title 10, United States  
15 Code, as added by subsection (a).

16 (2) OTHER SECURITY COOPERATION FUNDS.—  
17 In addition to the transfer required by paragraph  
18 (1), the Secretary shall also transfer to the Security  
19 Cooperation Enhancement Fund on the date pro-  
20 vided in that paragraph all unobligated balances as  
21 of such date in any other account or fund of the De-  
22 partment of Defense of amounts for security co-  
23 operation programs and activities of the Department  
24 of Defense.

1 (4) TREATMENT OF FUNDS TRANSFERRED.—

2 Amounts transferred to the Security Cooperation  
3 Enhancement Fund under this subsection shall be  
4 merged with amounts in the Fund, and shall be  
5 available for the same purposes, and subject to the  
6 same terms and conditions, as other amounts in the  
7 Fund.

8 (d) SECURITY COOPERATION PROGRAMS AND AC-  
9 TIVITIES OF THE DEPARTMENT OF DEFENSE DE-  
10 FINED.—In this section, the term “security cooperation  
11 programs and activities of the Department of Defense”  
12 has the meaning given that term in section 301(5) of title  
13 10, United States Code, as added by section 1252(a)(3)  
14 of this Act.

15 **SEC. 1261. CONSOLIDATION AND STANDARDIZATION OF RE-**  
16 **PORTING REQUIREMENTS RELATING TO SE-**  
17 **CURITY COOPERATION AUTHORITIES.**

18 (a) CODIFICATION.—Chapter 16 of title 10, United  
19 States Code, as added by section 1252(a)(3) of this Act,  
20 is amended by inserting after section 383, as added by  
21 section 1252(m) of this Act, a new section 384 consisting  
22 of—

23 (1) a heading as follows:

1 **“§ 384. Annual report”; and**

2 (2) a text consisting of the text of subsections  
 3 (a) through (e) of section 1211 of the Carl Levin  
 4 and Howard P. “Buck” McKeon National Defense  
 5 Authorization Act for Fiscal Year 2015 (Public Law  
 6 113–291; 128 Stat. 3544).

7 (b) REVISIONS TO PROVIDE FOR PERMANENT, AN-  
 8 NUAL REPORT.—Subsection (a) of section 384 of title 10,  
 9 United States Code, as added by subsection (a), is amend-  
 10 ed—

11 (1) by striking “BIENNIAL” and all that follows  
 12 through “the Secretary” and inserting “ANNUAL  
 13 REPORT REQUIRED.—Not later than January 31  
 14 each year, the Secretary”; and

15 (2) by striking “the two fiscal years” and in-  
 16 serting “the fiscal year”.

17 (c) REVISION TO COVERED AUTHORITIES.—Sub-  
 18 section (c) of such section is amended—

19 (1) by striking paragraph (1) and inserting the  
 20 following:

21 “(1) The following sections of this chapter: 332,  
 22 333, 344, 346, and 347.”;

23 (2) by striking paragraphs (3) through (7);

24 (3) by redesignating paragraph (8) as para-  
 25 graph (3) and in that paragraph by striking “Sec-  
 26 tion” and inserting “Sections 401 and”;

1           (4) by inserting after paragraph (3), as redesign-  
 2           nated by paragraph (3) of this subsection, the fol-  
 3           lowing new paragraph:

4           “(4) Section 1206 of the Carl Levin and How-  
 5           ard P. ‘Buck’ McKeon National Defense Authoriza-  
 6           tion Act for Fiscal Year 2015 (10 U.S.C. 2282  
 7           note), relating to authority to conduct human rights  
 8           training of security forces and associated security  
 9           ministries of foreign countries.”;

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

12           (6) by striking paragraph (11); and

13           (7) by redesignating paragraphs (12) through  
 14           (17) as paragraphs (7) through (12), respectively.

15           (d) ANNUAL REPORT ON WORKFORCE DEVELOP-  
 16           MENT.—Such section is further amended—

17           (1) by redesignating subsections (d) and (e) as  
 18           subsections (e) and (f), respectively;

19           (2) by inserting after subsection (c) the fol-  
 20           lowing new subsection (d):

21           “(d) ANNUAL REPORT ON WORKFORCE DEVELOP-  
 22           MENT.—

23           “(1) IN GENERAL.—At the same time the re-  
 24           ports required by subsection (a) are submitted pur-  
 25           suant to that subsection, the Secretary shall submit

1 to the congressional defense committees a report on  
2 funding for the Department of Defense Security Co-  
3 operation Workforce Development Program under  
4 section 1263 of the National Defense Authorization  
5 Act for Fiscal Year 2017 and the security coopera-  
6 tion workforce during the fiscal year beginning in  
7 the year in which such report is submitted.

8 “(2) ELEMENTS.—Each report under this sub-  
9 section shall include, for the fiscal year covered by  
10 such report, the following:

11 “(A) The funds requested for the Program  
12 and for the security cooperation workforce.

13 “(B) A description of how the funds identi-  
14 fied pursuant to subparagraph (A) will be im-  
15 plemented for the following:

16 “(i) To address any gaps in the skills  
17 and competencies of the current or antici-  
18 pated security cooperation workforce

19 “(ii) To provide incentives to retain  
20 qualified, experienced personnel in the se-  
21 curity cooperation workforce.

22 “(iii) To provide incentives to attract  
23 and recruit new, high-quality personnel to  
24 the security cooperation workforce.”; and

1           (3) in subsections (e) and (f), as redesignated  
 2       by paragraph (1) of this section, by striking “sub-  
 3       section (a)” each place it appears and inserting  
 4       “this section”.

5       (e) REPEAL OF CODIFIED STATUTE.—Section 1211  
 6       of the Carl Levin and Howard P. “Buck” McKeon Na-  
 7       tional Defense Authorization Act for Fiscal Year 2015  
 8       (Public Law 113–291; 128 Stat. 3544) is amended by  
 9       striking subsections (a) through (e).

10       (f) REPEAL OF OTHER REPORTING REQUIRE-  
 11       MENTS.—The following provisions of law are repealed:

12           (1) Section 401(d) of title 10, United States  
 13       Code, requiring an annual report on humanitarian  
 14       and civic assistance activities under that section.

15           (2) Section 1534(g) of the Carl Levin and How-  
 16       ard P. “Buck” McKeon National Defense Authoriza-  
 17       tion Act for Fiscal Year 2015 (Public Law 113–291;  
 18       128 Stat. 3618), requiring semiannual reports on  
 19       the Counterterrorism Partnerships Fund.

20           (3) Section 1233(f) of the National Defense  
 21       Authorization Act for Fiscal Year 2008 (Public Law  
 22       110–181; 122 Stat. 394), requiring a quarterly re-  
 23       port on the use of authority to reimburse certain co-  
 24       alition nations for support provided to United States  
 25       military operations.

1           (4) Section 1234(e) of the National Defense  
2           Authorization Act for Fiscal Year 2008 (122 Stat.  
3           394), requiring a quarterly report on the use of au-  
4           thorization for logistical support for coalition forces  
5           supporting certain United States military operations.

6 **SEC. 1262. REQUIREMENT FOR SUBMITTAL OF CONSOLI-**  
7 **DATED ANNUAL BUDGET FOR SECURITY CO-**  
8 **OPERATION PROGRAMS AND ACTIVITIES OF**  
9 **THE DEPARTMENT OF DEFENSE.**

10       (a) IN GENERAL.—The budget of the President for  
11 each fiscal year after fiscal year 2018, as submitted to  
12 Congress by the President pursuant to section 1105 of  
13 title 31, United States Code, shall set forth as a separate  
14 item, the amounts requested for the Department of De-  
15 fense for such fiscal year for all security cooperation pro-  
16 grams and activities of the Department of Defense to be  
17 conducted in such fiscal year, including the specific coun-  
18 try or region, to the extent practicable, for the Security  
19 Cooperation Enhancement Fund under section 381 of title  
20 10, United States Code, as added by section 1260 of this  
21 Act.

22       (b) SECURITY COOPERATION PROGRAMS AND ACTIVI-  
23 TIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In  
24 this section, the term “security cooperation programs and  
25 activities of the Department of Defense” has the meaning

1 given that term in section 301(5) of title 10, United States  
2 Code, as added by section 1252(a)(3) of this Act.

3 **SEC. 1263. DEPARTMENT OF DEFENSE SECURITY COOPERA-**  
4 **TION WORKFORCE DEVELOPMENT.**

5 (a) PROGRAM REQUIRED.—The Secretary of Defense  
6 shall carry out a program to be known as the “Depart-  
7 ment of Defense Security Cooperation Workforce Develop-  
8 ment Program” (in this section referred to as the “Pro-  
9 gram”) to oversee the development and management of  
10 a professional workforce supporting security cooperation  
11 programs and activities of the Department of Defense, in-  
12 cluding—

13 (1) monitoring, execution, and administration  
14 of such programs and activities under chapter 16 of  
15 title 10, United States Code, as added by section  
16 1252(a)(3) of this Act; and

17 (2) execution of security assistance programs  
18 and activities under the Foreign Assistance Act of  
19 1961 and the Arms Export Control Act by the De-  
20 partment of Defense.

21 (b) PURPOSE.—The purpose of the Program is to im-  
22 prove the quality and professionalism of the security co-  
23 operation workforce in order to ensure that the work-  
24 force—



1           (1) has the capacity, in both personnel and  
2       skills, needed to properly perform its mission, pro-  
3       vide appropriate support to the planning, moni-  
4       toring, execution, and evaluation of security coopera-  
5       tion programs and activities described in subsection  
6       (a), and ensure that the Department receives the  
7       best value for the expenditure of public resources on  
8       such programs and activities; and

9           (2) is assigned in a manner that ensures per-  
10      sonnel with the appropriate level of expertise and ex-  
11      perience are assigned in sufficient numbers to fulfill  
12      requirements for the security cooperation programs  
13      and activities of the Department of Defense and the  
14      execution of security assistance programs and activi-  
15      ties described in subsection (a)(2).

16      (c) ELEMENTS.—The Program shall consist of such  
17      elements relating to the development and management of  
18      the security cooperation workforce as the Secretary con-  
19      siders appropriate for the purposes specified in subsection  
20      (b), including elements on training, certification, assign-  
21      ment, and career development of personnel of the security  
22      cooperation workforce.

23      (d) MANAGEMENT.—The Program shall be managed  
24      by the Director of the Defense Security Cooperation Agen-  
25      cy.

1 (e) GUIDANCE.—

2 (1) INTERIM GUIDANCE.—Not later than 180  
3 days after the date of the enactment of this Act, the  
4 Secretary shall issue interim guidance for the execu-  
5 tion and administration of the Program.

6 (2) FINAL GUIDANCE.—Not later than one year  
7 after the date of the enactment of this Act, the Sec-  
8 retary shall issue final guidance for the execution  
9 and administration of the Program.

10 (3) SCOPE OF GUIDANCE.—The guidance shall  
11 do the following:

12 (A) Provide direction to military depart-  
13 ments on the establishment of professional ca-  
14 reer paths for the personnel of the security co-  
15 operation workforce, addressing promotion op-  
16 portunities and requirements, retention policies,  
17 and scope of workforce demands.

18 (B) Provide for a mechanism for issuing  
19 professional certifications for personnel of the  
20 security cooperation workforce at different lev-  
21 els of advancement based on requisite training,  
22 experience, and seniority.

23 (C) Establish minimum requirements for  
24 training and professional development associ-

1           ated with each level of certification provided for  
2           under subparagraph (B).

3           (D) Provide for a mechanism for assigning  
4           appropriately certified personnel of the security  
5           cooperation workforce to assignments associated  
6           with high-priority missions in connection with  
7           security cooperation programs and activities,  
8           and for allocating such personnel assignments  
9           based on priority, volume of activity, and other  
10          relevant factors.

11          (E) Identify the appropriate composition of  
12          career and temporary personnel necessary to  
13          constitute the security cooperation workforce.

14          (F) Identify specific positions throughout  
15          the security cooperation workforce to be man-  
16          aged and assigned through the Program.

17          (f) USE OF FUNDS.—Amounts available for use for  
18          the Program may be transferred to any account of the  
19          military departments or the Defense Agencies for purposes  
20          of the Program.

21          (g) DEFINITIONS.—In this section:

22           (1) The term “security cooperation programs  
23           and activities of the Department of Defense” has  
24           the meaning given that term in section 301(5) of

1 title 10, United States Code, added by section  
2 1252(a)(3) of this Act.

3 (2) The term “security cooperation workforce”  
4 means the following:

5 (A) Members of the Armed Forces and ci-  
6 vilian employees of the Department of Defense  
7 working in the security cooperation organiza-  
8 tions of United States missions overseas.

9 (B) Members of the Armed Forces and ci-  
10 vilian employees of the Department of Defense  
11 in the geographic combatant commands and  
12 functional combatant commands conducting se-  
13 curity cooperation activities.

14 (C) Members of the Armed Forces and ci-  
15 vilian employees of the Department of Defense  
16 in the military departments performing security  
17 cooperation activities, including activities in  
18 connection with the acquisition and develop-  
19 ment of technology release policies.

20 (D) Other personnel of Defense Agencies  
21 who perform security cooperation activities.

22 (E) Personnel of the Department of De-  
23 fense who perform assessments of security co-  
24 operation programs and activities of the De-  
25 partment of Defense, including assessments

1 under section 383 of title 10, United States  
2 Code, as added by section 1252(m) of this Act.

3 (F) Other members of the Armed Forces  
4 or civilian employees of the Department of De-  
5 fense who contribute significantly to the secu-  
6 rity cooperation programs and activities of the  
7 Department of Defense by virtue of their as-  
8 signed duties, as determined pursuant to the  
9 guidance issued under subsection (e).

10 **SEC. 1264. COORDINATION BETWEEN DEPARTMENT OF DE-**  
11 **FENSE AND DEPARTMENT OF STATE ON CER-**  
12 **TAIN SECURITY COOPERATION AND SECU-**  
13 **RITY ASSISTANCE PROGRAMS AND ACTIVI-**  
14 **TIES.**

15 (a) REGULATIONS GOVERNING COORDINATION RE-  
16 QUIRED.—

17 (1) INTERIM REGULATIONS.—Not later than 90  
18 days after the date of the enactment of this Act, the  
19 Secretary of Defense and the Secretary of State  
20 shall jointly issue interim regulations to facilitate  
21 and streamline coordination between the Department  
22 of Defense and the Department of State on all mat-  
23 ters relating to the policy, planning, and implemen-  
24 tation of covered security cooperation and security  
25 assistance programs and activities.

1           (2) FINAL REGULATIONS.—Not later than 270  
2       days after the date of the enactment of this Act, the  
3       Secretary of Defense and the Secretary of State  
4       shall jointly prescribe final regulations on the mat-  
5       ters described in paragraph (1).

6           (3) PERIODIC UPDATE.—The Secretary of De-  
7       fense and the Secretary of State shall from time to  
8       time jointly update the final regulations prescribed  
9       pursuant to paragraph (2) in order to ensure that  
10      the regulations under this subsection remain current  
11      with developments in law and other regulations re-  
12      lating to the matters described in paragraph (1).

13      (b) ELEMENTS.—The regulations required under  
14      subsection (a) shall provide for the following:

15           (1) Coordination between the Department of  
16      Defense and the Department of State on covered se-  
17      curity cooperation and security assistance programs  
18      and activities.

19           (2) Wherever the concurrence of, coordination  
20      with, or consultation with the Secretary of Defense  
21      or the Secretary of State is required by law or regu-  
22      lation for the conduct of covered security cooperation  
23      and security assistance programs and activities,  
24      mechanisms as follows:

1           (A) A mechanism to provide for the delega-  
2           tion of such concurrence, coordination, or con-  
3           sultation to an official at the lowest appropriate  
4           level of headquarters-based management in the  
5           Department concerned.

6           (B) A mechanism to limit, to the max-  
7           imum extent practicable, procedural delays in  
8           completion of any review required for such con-  
9           currence, coordination, or consultation, and in  
10          the issuance of such concurrence, coordination,  
11          or consultation.

12          (c) SUBMITTAL TO CONGRESS.—The Secretary of  
13          Defense and the Secretary of State shall jointly submit  
14          to the appropriate committees of Congress the interim reg-  
15          ulations issued pursuant to subsection (a)(1), the final  
16          regulations prescribed pursuant to subsection (a)(2), and  
17          any update of the final regulations prescribed pursuant  
18          to subsection (a)(3).

19          (d) DEFINITIONS.—In this section:

20               (1) The term “appropriate committees of Con-  
21               gress” has the meaning given that term in section  
22               301(1) of title 10, United States Code, as added by  
23               section 1252(a)(3) of this Act.

(2) The term “covered security cooperation and security assistance programs and activities” means the following:

(A) Security cooperation programs and activities under section 333 of title 10, United States Code, as added by section 1252(d) of this Act.

(B) Operational support to foreign national security forces.

(C) Cooperative Threat Reduction programs and activities.

(D) Defense institution building.

(E) Foreign Military Financing (FMF).

(F) International Military Education and Training (IMET).

(G) Peacekeeping operations and activities.

**SEC. 1265. REPEAL OF SUPERSEDED, OBSOLETE, OR DUPLICATIVE STATUTES RELATING TO SECURITY COOPERATION AUTHORITIES.**

(a) REPEALS.—The following provisions of title 10, United States Code, are repealed:

(1) Section 168, relating to military-to-military contacts and comparable activities.

(2) Section 1051c, relating to assignment of members of foreign military forces to improve edu-



1 cation and training in information security through  
2 multilateral, bilateral, or regional cooperation pro-  
3 grams.

4 (3) Section 2562, relating to a limitation on use  
5 of excess construction or fire equipment from De-  
6 partment of Defense stocks in foreign assistance or  
7 military sales programs.

8 (4) Sections 4681 and 9681, relating to sale of  
9 surplus war material to States and foreign govern-  
10 ments.

11 (b) CLERICAL AMENDMENTS.—Title 10, United  
12 States Code, is amended as follows:

13 (1) The table of sections at the beginning of  
14 chapter 6 is amended by striking the item relating  
15 to section 168.

16 (2) The table of sections at the beginning of  
17 chapter 53 is amended by striking the item relating  
18 to section 1051c.

19 (3) The table of sections at the beginning of  
20 chapter 152 is amended by striking the item relating  
21 to section 2562.

22 (4) The tables of sections at the beginning of  
23 chapter 443 is amended by striking the item relating  
24 to section 4681.

1           (5) The table of sections at the beginning of  
 2           chapter 943 is amended by striking the item relating  
 3           to section 9681.

4       **Subtitle H—Miscellaneous Reports**  
 5               **and Other Matters**

6       **SEC. 1271. FREE TRADE AGREEMENTS WITH SUB-SAHARAN**  
 7               **AFRICAN COUNTRIES.**

8           (a) PLAN REQUIREMENTS AND REPORTING.—

9               (1) IN GENERAL.—Section 116 of the African  
 10           Growth and Opportunity Act (19 U.S.C. 3723) is  
 11           amended by striking subsections (b) and (c) and in-  
 12           serting the following:

13           “(b) PLAN REQUIREMENT.—

14               “(1) IN GENERAL.—The President shall develop  
 15           a plan for the purpose of negotiating and entering  
 16           into one or more free trade agreements with eligible  
 17           sub-Saharan African countries. The plan shall in-  
 18           clude a list of eligible sub-Saharan African countries  
 19           that are most ready for a free trade agreement with  
 20           the United States.

21               “(2) ELEMENTS OF PLAN.—The plan required  
 22           by paragraph (1) shall include, for each country on  
 23           the list required by that paragraph, the following:

24               “(A) The steps the country needs to take  
 25           to be ready to enter into a free trade agreement

1 with the United States, consistent with the Bi-  
2 partisan Congressional Trade Priorities and Ac-  
3 countability Act of 2015 (title I of Public Law  
4 114–26; 129 Stat. 320), including—

5 “(i) the effective implementation of  
6 the commitments of the country under  
7 WTO Agreements; and

8 “(ii) the development of a bilateral in-  
9 vestment treaty or equivalent obligations.

10 “(B) Milestones for accomplishing each  
11 step identified in subparagraph (A) for the  
12 country, with the goal of establishing a free  
13 trade agreement with the country not later than  
14 10 years after the date on which the country is  
15 included on the list required by paragraph (1).

16 “(C) A description of the resources re-  
17 quired to assist the country in accomplishing  
18 each milestone described in subparagraph (B).

19 “(D) The extent to which steps described  
20 in subparagraph (A), the milestones described  
21 in subparagraph (B), and resources described  
22 in subparagraph (C) may be accomplished  
23 through regional or subregional organizations in  
24 sub-Saharan Africa, including the East African  
25 Community, the Economic Community of West

1 African States, the Common Market for East-  
2 ern and Southern Africa, and the Economic  
3 Community of Central African States.

4 “(E) Procedures to ensure the following:

5 “(i) Adequate consultation with Con-  
6 gress and the private sector during the ne-  
7 gotiations.

8 “(ii) Consultation with Congress re-  
9 garding all matters relating to implementa-  
10 tion of the agreement.

11 “(iii) Approval by Congress of the  
12 agreement.

13 “(iv) Adequate consultations with the  
14 relevant African governments and African  
15 regional and subregional intergovernmental  
16 organizations during the negotiation of the  
17 agreement.

18 “(3) REPORTING REQUIREMENT.—The Presi-  
19 dent shall prepare and submit to Congress a report  
20 containing the plan developed pursuant to paragraph  
21 (1)—

22 “(A) not later than 1 year after the date  
23 of the enactment of the National Defense Au-  
24 thorization Act for Fiscal Year 2017; and

1           “(B) at the same time as the submission  
2           of the report required by section 110(b) of the  
3           Trade Preferences Extension Act of 2015 (Pub-  
4           lic Law 114–27; 129 Stat. 370) thereafter.

5           “(4) COORDINATION WITH OTHER AGENCIES.—  
6           The United States Trade Representative shall con-  
7           sult and coordinate with other relevant Federal  
8           agencies to assist countries on the list required by  
9           paragraph (1), including through the deployment of  
10          resources from those agencies to such countries and  
11          through trade capacity building, in addressing the  
12          steps identified under subparagraph (A) of para-  
13          graph (2) and the milestones identified under sub-  
14          paragraph (B) of that paragraph.

15          “(5) DEFINITIONS.—In this subsection:

16               “(A) ELIGIBLE SUB-SAHARAN AFRICAN  
17               COUNTRY.—The term ‘eligible sub-Saharan Af-  
18               rican country’ means a country designated as  
19               an eligible sub-Saharan African country under  
20               section 104.

21               “(B) WTO.—The term ‘WTO’ means the  
22               World Trade Organization.

23               “(C) WTO AGREEMENT.—The term ‘WTO  
24               Agreement’ has the meaning given that term in

1 section 2(9) of the Uruguay Round Agreements  
2 Act (19 U.S.C. 3501(9)).

3 “(D) WTO AGREEMENTS.—The term  
4 ‘WTO Agreements’ means the WTO Agreement  
5 and agreements annexed to that Agreement.”.

6 (2) CONFORMING AMENDMENTS.—Section  
7 110(b) of the Trade Preferences Extension Act of  
8 2015 (Public Law 114–27; 129 Stat. 370) is amend-  
9 ed—

10 (A) in the matter preceding paragraph (1),  
11 by striking “5” and inserting “3”; and

12 (B) in paragraph (3), by striking “(E)”  
13 and inserting “(D)”.

14 (b) COORDINATION OF USAID WITH FREE TRADE  
15 AGREEMENT POLICY.—

16 (1) AUTHORIZATION OF FUNDS.—Funds made  
17 available to the United States Agency for Inter-  
18 national Development under section 496 of the For-  
19 eign Assistance Act of 1961 (22 U.S.C. 2293) after  
20 the date of the enactment of this Act may be used,  
21 in consultation with the United States Trade Rep-  
22 resentative—

23 (A) to assist eligible countries, including by  
24 deploying resources to such countries, in ad-  
25 dressing the steps and milestones identified in

the plan developed under subsection (b) of section 116 of the African Growth and Opportunity Act (19 U.S.C. 3723), as amended by subsection (a); and

(B) to assist eligible countries in the implementation of the commitments of those countries under agreements with the United States and the WTO Agreements (as defined in subsection (b)(4) of such section 116).

(2) DEFINITIONS.—In this subsection:

(A) ELIGIBLE COUNTRY.—The term “eligible country” means a sub-Saharan African country that receives—

(i) benefits under the African Growth and Opportunity Act (19 U.S.C. 3701 et seq.); and

(ii) funding from the United States Agency for International Development.

(B) SUB-SAHARAN AFRICAN COUNTRY.—The term “sub-Saharan African country” has the meaning given that term in section 107 of the African Growth and Opportunity Act (19 U.S.C. 3706).

(c) COORDINATION WITH MILLENNIUM CHALLENGE CORPORATION.—

1           (1) IN GENERAL.—After the date of the enact-  
2           ment of this Act, the United States Trade Rep-  
3           resentative and the Administrator of the United  
4           States Agency for International Development shall  
5           consult and coordinate with the Chief Executive Of-  
6           ficer of the Millennium Challenge Corporation re-  
7           garding countries described in paragraph (2) for the  
8           purpose of developing and carrying out the plan re-  
9           quired by subsection (b) of section 116 of the Afri-  
10          can Growth and Opportunity Act (19 U.S.C. 3723),  
11          as amended by subsection (a).

12          (2) COUNTRIES DESCRIBED.—A country is de-  
13          scribed in this paragraph if the country—

14                (A) has entered into a Millennium Chal-  
15                lenge Compact pursuant to section 609 of the  
16                Millennium Challenge Act of 2003 (22 U.S.C.  
17                7708); or

18                (B) is selected by the Board of Directors  
19                of the Millennium Challenge Corporation under  
20                subsection (c) of section 607 of that Act (22  
21                U.S.C. 7706) from among the countries deter-  
22                mined to be eligible countries under subsection  
23                (a) of that section.



1 **SEC. 1272. EXTENSION AND EXPANSION OF AUTHORITY TO**  
 2 **SUPPORT BORDER SECURITY OPERATIONS**  
 3 **OF CERTAIN FOREIGN COUNTRIES.**

4 (a) EXPANSION OF AUTHORITY.—Section 1226 of  
 5 the National Defense Authorization Act for Fiscal Year  
 6 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C.  
 7 2551 note) is amended—

8 (1) in subsection (a)(1)—

9 (A) by striking “the Government of Jordan  
 10 and the Government of Lebanon” and inserting  
 11 “the Government of Egypt, the Government of  
 12 Jordan, the Government of Lebanon, and the  
 13 Government of Tunisia”;

14 (B) by striking “efforts of the armed  
 15 forces” and inserting “efforts as follows:

16 “(A) Efforts of the armed forces”; and

17 (C) by adding at the end the following new  
 18 subparagraph:

19 “(B) Efforts of the armed forces of Egypt  
 20 and the armed forces of Tunisia to increase se-  
 21 curity and sustain increased security along the  
 22 border of Egypt and the border of Tunisia with  
 23 Libya, as applicable.”; and

24 (2) in subsection (c)(4), by striking “along the  
 25 border” and all that follows and inserting “along the

1 border of the country as specified in subsection  
2 (a)(1).”.

3 (b) EXTENSION.—Subsection (f) of such section is  
4 amended by striking “December 31, 2018” and inserting  
5 “December 31, 2019”.

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

8 **“SEC. 1226. SUPPORT TO CERTAIN GOVERNMENTS FOR**  
9 **BORDER SECURITY OPERATIONS.”.**

10 **SEC. 1273. MODIFICATION AND CLARIFICATION OF UNITED**  
11 **STATES-ISRAEL ANTI-TUNNEL COOPERATION**  
12 **AUTHORITY.**

13 (a) AMOUNT OF SUPPORT PROVIDABLE BY THE  
14 UNITED STATES.—Paragraph (4) of section 1279(b) of  
15 the National Defense Authorization Act for Fiscal Year  
16 2016 (Public Law 114–92; 129 Stat. 1079; 22 U.S.C.  
17 8606 note) is amended by striking “\$25,000,000” and in-  
18 serting “\$50,000,000”.

19 (b) SCOPE OF REQUIREMENT FOR MATCHING CON-  
20 TRIBUTION BY ISRAEL.—Paragraph (3) of such section is  
21 amended by inserting before the period at the end the fol-  
22 lowing: “in the calendar year in which the support is pro-  
23 vided”.

24 (c) USE OF CERTAIN AMOUNT FOR RDT&E ACTIVI-  
25 TIES IN US.—Of the amount contributed by the United

1 States for activities under section 1279 of the National  
2 Defense Authorization Act for Fiscal Year 2016, not less  
3 than 50 percent of such amount shall be used in fiscal  
4 year 2017 for research, development, test, and evaluation  
5 activities for purposes of such section in the United States.

6 **SEC. 1274. MODIFICATION TO AND EXTENSION OF AUTHOR-**  
7 **IZATION OF NON-CONVENTIONAL ASSISTED**  
8 **RECOVERY CAPABILITIES.**

9 (a) MODIFICATION OF AUTHORIZED ACTIVITIES.—  
10 Subsection (c) of section 943 of the Duncan Hunter Na-  
11 tional Defense Authorization Act for Fiscal Year 2009  
12 (Public Law 110–417; 122 Stat. 4578), as amended by  
13 section 1205(b) of the National Defense Authorization Act  
14 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.  
15 1623), is further amended by inserting “and other individ-  
16 uals as determined by the Secretary of Defense” before  
17 the period at the end of the first sentence.

18 (b) EXTENSION OF AUTHORITY.—Subsection (h) of  
19 such section 943, as most recently amended by section  
20 1271 of the National Defense Authorization Act for Fiscal  
21 Year 2016 (Public Law 114–92; 129 Stat. 1075), is fur-  
22 ther amended by striking “2018” and inserting “2021”.

1 **SEC. 1275. ASSESSMENT OF PROLIFERATION OF CERTAIN**  
2 **REMOTELY PILOTED AIRCRAFT SYSTEMS.**

3 (a) REPORT ON ASSESSMENT OF PROLIFERATION OF  
4 REMOTELY PILOTED AIRCRAFT SYSTEMS.—Not later  
5 than six months after the date of the enactment of this  
6 Act, the Chairman of the Joint Chiefs of Staff shall sub-  
7 mit to the congressional defense committees a report set-  
8 ting forth an assessment, obtained by the Chairman for  
9 purposes of the report, of the impact to United States na-  
10 tional security interests of the proliferation of remotely pi-  
11 loted aircraft that are assessed to be “Category I” items  
12 under the Missile Technology Control Regime (MTCR).

13 (b) INDEPENDENT ASSESSMENT.—

14 (1) IN GENERAL.—The assessment obtained for  
15 purposes of subsection (a) shall be conducted by a  
16 federally funded research and development center  
17 (FFRDC), or another appropriate independent enti-  
18 ty with expertise in the procurement and operation  
19 of remotely piloted aircraft, selected by the Chair-  
20 man for purposes of the assessment.

21 (2) USE OF PREVIOUS STUDIES.—The entity  
22 conducting the assessment may use and incorporate  
23 information from previous studies on matters appro-  
24 priate to the assessment.

25 (c) ELEMENTS.—The assessment obtained for pur-  
26 poses of subsection (a) shall include the following:

1           (1) A qualitative and quantitative assessment of  
2       the scope and scale of the proliferation of remotely  
3       piloted aircraft that are “Category I” items under  
4       the Missile Technology Control Regime.

5           (2) An assessment of the threat posed to  
6       United States interests as a result of the prolifera-  
7       tion of such aircraft to adversaries.

8           (3) An assessment of the impact of the pro-  
9       liferation of such aircraft on the combat capabilities  
10      of and interoperability with partners and allies of  
11      the United States.

12          (4) An analysis of the degree to which the  
13      United States has limited the proliferation of such  
14      aircraft as a result of the application of a “strong  
15      presumption of denial” for exports of such aircraft.

16          (5) An assessment of the benefits and risks of  
17      continuing to limit exports of such aircraft.

18          (6) Such other matters as the Chairman con-  
19      siders appropriate.

20      (d) FORM.—The report under subsection (a) shall be  
21      submitted in unclassified form, but may include a classi-  
22      fied annex.

23   **SEC. 1276. EFFORTS TO END MODERN SLAVERY.**

24      (a) ACTIONS BY THE SECRETARY OF DEFENSE.—

1           (1) IN GENERAL.—Not later than 90 days after  
2           the date of the enactment of this Act, the Secretary  
3           of Defense shall implement policies and promulgate  
4           guidance to ensure that personnel of the Armed  
5           Forces, including uniformed personnel and civilians  
6           engaged in partnership with foreign nations, receive  
7           education and training on human slavery and the  
8           appropriate role of the United States Armed Forces  
9           in combatting trafficking in persons.

10          (2) ELEMENTS.—The training implemented  
11          pursuant to paragraph (1) shall include—

12                (A) a description of resources available for  
13                Armed Forces personnel who become aware of  
14                instances of human slavery or trafficking in  
15                persons while deployed overseas; and

16                (B) guidance on the requirement to make  
17                official reports through the chain of command,  
18                the roles and responsibilities of military and ci-  
19                vilian officials of the United States Armed  
20                Forces and host nations, circumstances in  
21                which members of the Armed Forces are au-  
22                thorized to take immediate action to prevent  
23                loss of life or serious injury, and the authority  
24                to use appropriate force to stop or prevent sex-  
25                ual abuse or exploitation of children.

1       (b) GRANT AUTHORIZATION.—The Secretary of  
2 State is authorized to make grants of funding to provide  
3 support for transformational programs and projects that  
4 seek to achieve a measurable and substantial reduction of  
5 the prevalence of modern slavery in targeted populations  
6 within partner countries (or jurisdictions thereof).

7       (c) MONITORING AND EVALUATION.—Any grantee  
8 shall—

9           (1) develop specific and detailed criteria for the  
10 monitoring and evaluation of supported projects;

11           (2) implement a system for measuring progress  
12 against baseline data that is rigorously designed  
13 based on international corporate and nongovern-  
14 mental best practices;

15           (3) ensure that each supported project is regu-  
16 larly and rigorously monitored and evaluated, on a  
17 not less than biennial basis, by an independent mon-  
18 itoring and evaluation entity, against the specific  
19 and detailed criteria established pursuant to para-  
20 graph (1), and that the progress of the project to-  
21 wards its stated goals is measured by such entity  
22 against baseline data;

23           (4) support the development of a scientifically  
24 sound, representative survey methodology for meas-  
25 uring prevalence with reference to existing research

1 and experience, and apply the methodology consist-  
2 ently to determine the baseline prevalence in target  
3 populations and outcomes in order to periodically as-  
4 sess progress in reducing prevalence; and

5 (5) establish, and revise on a not less than an-  
6 nual basis, specific and detailed criteria for the sus-  
7 pension and termination, as appropriate, of projects  
8 supported by the grantee that regularly or consist-  
9 ently fail to meet the criteria required by this sec-  
10 tion.

11 (d) AUDITING.—

12 (1) IN GENERAL.—Any grantee shall be subject  
13 to the same auditing, recordkeeping, and reporting  
14 obligations required under subsections (e), (f), (g),  
15 and (i) of section 504 of the National Endowment  
16 for Democracy Act (22 U.S.C. 4413).

17 (2) COMPTROLLER GENERAL AUDIT AUTHOR-  
18 ITY.—

19 (A) IN GENERAL.—The Comptroller Gen-  
20 eral of the United States may evaluate the fi-  
21 nancial transactions of the grantee as well as  
22 the programs or activities the grantee carries  
23 out pursuant to this section.

24 (B) ACCESS TO RECORDS.—Any grantee  
25 shall provide the Comptroller General, or the



1 Comptroller General's duly authorized rep-  
2 resentatives, access to such records as the  
3 Comptroller General determines necessary to  
4 conduct evaluations authorized by this section.

5 (e) ANNUAL REPORT.—Any grant recipient shall pro-  
6 vide annually the names of each of the projects or sub-  
7 grantees receiving such funding pursuant to this section  
8 and the amount of funding provided for, along with a de-  
9 tailed description of, each such project.

10 (f) RULE OF CONSTRUCTION REGARDING AVAIL-  
11 ABILITY OF FISCAL YEAR 2016 APPROPRIATIONS.—The  
12 enactment of this section is deemed to meet the condition  
13 of the first proviso of paragraph (2) of section 7060(f)  
14 of the Department of State, Foreign Operations, and Re-  
15 lated Appropriations Act, 2016 (division K of Public Law  
16 114–113), and the funds referred to in such paragraph  
17 shall be made available in accordance with, and for the  
18 purposes set forth in, such paragraph.

19 (g) AUTHORIZATION OF APPROPRIATIONS FOR FIS-  
20 CAL YEARS 2017 THROUGH 2022.—There is authorized  
21 to be appropriated to the Department of State for the pur-  
22 pose of making the grants authorized under this section  
23 to a single nonprofit organization, for each fiscal year  
24 from 2017 through 2022, \$37,500,000.

1 (h) COMPTROLLER GENERAL REVIEW OF EXISTING  
2 PROGRAMS.—

3 (1) IN GENERAL.—Not later than September  
4 30, 2018, and September 30, 2022, the Comptroller  
5 General of the United States shall submit to Con-  
6 gress a report on all of the programs conducted by  
7 the Department of State, the United States Agency  
8 for International Development, the Department of  
9 Labor, the Department of Defense, and the Depart-  
10 ment of the Treasury that address human traf-  
11 ficking and modern slavery, including a detailed  
12 analysis of the effectiveness of such programs in lim-  
13 iting human trafficking and modern slavery and spe-  
14 cific recommendations on which programs are not ef-  
15 fective at reducing the prevalence of human traf-  
16 ficking and modern slavery and how the funding for  
17 such programs may be redirected to more effective  
18 efforts.

19 (2) CONSIDERATION OF REPORT.—The Comp-  
20 troller General of the United States shall brief the  
21 appropriate congressional committees on the report  
22 submitted under paragraph (1). The appropriate  
23 congressional committees shall review and consider  
24 the reports and shall, as appropriate, consider modi-  
25 fications to authorization levels and programs within

1 the jurisdiction of such committees to address the  
2 recommendations made in the report.

3 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-  
4 FINED.—In this section, the term “appropriate congres-  
5 sional committees” means—

6 (1) the Committee on Foreign Relations, the  
7 Committee on Armed Services, and the Committee  
8 on Appropriations of the Senate; and

9 (2) the Committee on Foreign Affairs, the  
10 Committee on Armed Services, and the Committee  
11 on Appropriations of the House of Representatives.

## 12 **TITLE XIII—COOPERATIVE** 13 **THREAT REDUCTION**

### 14 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-** 15 **DUCTION FUNDS.**

16 (a) FISCAL YEAR 2017 COOPERATIVE THREAT RE-  
17 Duction Funds Defined.—In this title, the term “fiscal  
18 year 2017 Cooperative Threat Reduction funds” means  
19 the funds appropriated pursuant to the authorization of  
20 appropriations in section 301 and made available by the  
21 funding table in section 4301 for the Department of De-  
22 fense Cooperative Threat Reduction Program established  
23 under section 1321 of the Department of Defense Cooper-  
24 ative Threat Reduction Act (50 U.S.C. 3711).

1 (b) AVAILABILITY OF FUNDS.—Funds appropriated  
2 pursuant to the authorization of appropriations in section  
3 301 and made available by the funding table in section  
4 4301 for the Department of Defense Cooperative Threat  
5 Reduction Program shall be available for obligation for fis-  
6 cal years 2017, 2018, and 2019.

7 **SEC. 1302. FUNDING ALLOCATIONS.**

8 Of the \$325,604,000 authorized to be appropriated  
9 to the Department of Defense for fiscal year 2017 in sec-  
10 tion 301 and made available by the funding table in sec-  
11 tion 4301 for the Department of Defense Cooperative  
12 Threat Reduction Program established under section 1321  
13 of the Department of Defense Cooperative Threat Reduc-  
14 tion Act (50 U.S.C. 3711), the following amounts may be  
15 obligated for the purposes specified:

16 (1) For strategic offensive arms elimination,  
17 \$11,791,000.

18 (2) For chemical weapons destruction,  
19 \$2,942,000.

20 (3) For global nuclear security, \$16,899,000.

21 (4) For cooperative biological engagement,  
22 \$213,984,000.

23 (5) For proliferation prevention, \$50,709,000.

24 (6) For threat reduction engagement,  
25 \$2,000,000.

(7) For activities designated as Other Assessments/Administrative Costs, \$27,279,000.

## TITLE XIV—OTHER AUTHORIZATIONS

### Subtitle A—Military Programs

#### SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2017 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

#### SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2017 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

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

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

1           (2) the destruction of chemical warfare materiel  
2           of the United States that is not covered by section  
3           1412 of such Act.

4 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
5 **TIVITIES, DEFENSE-WIDE.**

6           Funds are hereby authorized to be appropriated for  
7 the Department of Defense for fiscal year 2017 for ex-  
8 penses, not otherwise provided for, for Drug Interdiction  
9 and Counter-Drug Activities, Defense-wide, as specified in  
10 the funding table in section 4501.

11 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

12           Funds are hereby authorized to be appropriated for  
13 the Department of Defense for fiscal year 2017 for ex-  
14 penses, not otherwise provided for, for the Office of the  
15 Inspector General of the Department of Defense, as speci-  
16 fied in the funding table in section 4501.

17 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

18           Funds are hereby authorized to be appropriated for  
19 fiscal year 2017 for the Defense Health Program, as spec-  
20 ified in the funding table in section 4501, for use of the  
21 Armed Forces and other activities and agencies of the De-  
22 partment of Defense in providing for the health of eligible  
23 beneficiaries.

1 **SEC. 1406. SECURITY COOPERATION ENHANCEMENT FUND.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2017 for the Security Cooperation Enhance-  
4 ment Fund, as specified in the funding table in section  
5 4501, for use for authorized purposes of the Security Co-  
6 operation Enhancement Fund.

7 **Subtitle B—National Defense**  
8 **Stockpile**

9 **SEC. 1411. NATIONAL DEFENSE STOCKPILE MATTERS.**

10 (a) MATERIALS CONSTITUTING THE NATIONAL DE-  
11 FENSE STOCKPILE.—Section 4 of the Strategic and Crit-  
12 ical Materials Stock Piling Act (50 U.S.C. 98c) is amend-  
13 ed—

14 (1) in subsection (b), by striking “required for”  
15 and inserting “suitable for transfer or disposal  
16 through”; and

17 (2) in subsection (c)—

18 (A) by striking “(1)” and all that follows  
19 through “(2)”; and

20 (B) by striking “this subsection” and in-  
21 serting “subsection (b)”.

22 (b) QUALIFICATION OF DOMESTIC SOURCES.—Sec-  
23 tion 15(a) of such Act (50 U.S.C. 98h–6(a)) is amended—

24 (1) in paragraph (1), by striking “and” at the  
25 end ;

1 (2) in paragraph (2), by striking the period at  
2 the end and inserting a semicolon; and

3 (3) by adding at the end the following new  
4 paragraphs:

5 “(3) by qualifying existing domestic facilities  
6 and domestically produced strategic and critical ma-  
7 terials to meet the requirements of defense and es-  
8 sential civilian industries in times of national emer-  
9 gency when existing domestic sources of supply are  
10 either insufficient or vulnerable to single points of  
11 failure; and

12 “(4) by contracting with domestic facilities to  
13 recycle strategic and critical materials, thereby in-  
14 creasing domestic supplies when such materials  
15 would otherwise be insufficient to support defense  
16 and essential civilian industries in times of national  
17 emergency.”.

18 **SEC. 1412. AUTHORITY TO DISPOSE OF CERTAIN MATE-**  
19 **RIALS FROM AND TO ACQUIRE ADDITIONAL**  
20 **MATERIALS FOR THE NATIONAL DEFENSE**  
21 **STOCKPILE.**

22 (a) DISPOSAL AUTHORITY.—

23 (1) IN GENERAL.—Pursuant to section 5(b) of  
24 the Strategic and Critical Materials Stock Piling Act  
25 (50 U.S.C. 98d(b)), the National Defense Stockpile



1 Manager shall dispose of materials contained in the  
2 National Defense Stockpile and specified in para-  
3 graph (2) so as to result in receipts to the United  
4 States in amounts equal to—

5 (A) \$10,000,000 by the end of fiscal year  
6 2017;

7 (B) \$50,000,000 by the end of fiscal year  
8 2022; and

9 (C) \$150,000,000 by the end of fiscal year  
10 2026.

11 (2) MATERIALS AND DISPOSAL AMOUNTS.—The  
12 total quantities of materials authorized for disposal  
13 pursuant to paragraph (1) may not exceed the  
14 amounts as follows:

15 (A) 27 short tons of beryllium.

16 (B) 111,149 short tons of chromium,  
17 ferroalloy.

18 (C) 2,973 short tons of chromium metal.

19 (D) 8,380 troy ounces of platinum.

20 (E) 275,741 pounds of contained tungsten  
21 metal powder.

22 (F) 12,433,796 pounds of contained tung-  
23 sten ores and concentrates.

24 (b) ACQUISITION AUTHORITY.—

1           (1) AUTHORITY.—Using funds available in the  
2       National Defense Stockpile Transaction Fund, the  
3       National Defense Stockpile Manager may acquire  
4       the following materials determined to be strategic  
5       and critical materials required to meet the defense,  
6       industrial, and essential civilian needs of the United  
7       States:

8                   (A) High modulus and high strength car-  
9       bon fibers.

10                  (B) Tantalum.

11                  (C) Germanium.

12                  (D) Tungsten rhenium metal.

13                  (E) Boron carbide powder.

14                  (F) Europium.

15                  (G) Silicon carbide fiber.

16           (2) AMOUNT OF AUTHORITY.—The National  
17       Defense Stockpile Manager may use up to  
18       \$55,000,0000 in the National Defense Stockpile  
19       Transaction Fund for the acquisition of the mate-  
20       rials specified paragraph (1).

21           (3) FISCAL YEAR LIMITATION.—The authority  
22       under paragraph (1) is available for purchases dur-  
23       ing fiscal year 2017 through fiscal year 2021.

**Subtitle C—Chemical  
Demilitarization Matters**

**SEC. 1421. AUTHORITY TO DESTROY CERTAIN SPECIFIED  
WORLD WAR II-ERA UNITED STATES-ORIGIN  
CHEMICAL MUNITIONS LOCATED ON SAN  
JOSE ISLAND, REPUBLIC OF PANAMA.**

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to subsection (b), the Secretary of Defense may destroy the chemical munitions described in subsection (c).

(2) EX GRATIA ACTION.—The action authorized by this section is “ex gratia” on the part of the United States, as the term “ex gratia” is used in section 321 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 2701 note).

(3) CONSULTATION BETWEEN SECRETARY OF DEFENSE AND SECRETARY OF STATE.—The Secretary of Defense and the Secretary of State shall consult and develop any arrangements with the Republic of Panama with respect to this section.

(b) CONDITIONS.—The Secretary of Defense may exercise the authority under subsection (a) only if the Republic of Panama has—

1           (1) revised the declaration of the Republic of  
2           Panama under the Convention on the Prohibition of  
3           the Development, Production, Stockpiling and Use  
4           of Chemical Weapons and on Their Destruction to  
5           indicate that the chemical munitions described in  
6           subsection (c) are “old chemical weapons” rather  
7           than “abandoned chemical weapons”; and

8           (2) affirmed, in writing, that it understands—

9                   (A) that the United States intends only to  
10           destroy the munitions described in subsections  
11           (c) and (d); and

12                   (B) that the United States is not legally  
13           obligated and does not intend to destroy any  
14           other munitions, munitions constituents, and  
15           associated debris that may be located on San  
16           Jose Island as a result of research, develop-  
17           ment, and testing activities conducted on San  
18           Jose Island during the period of 1943 through  
19           1947.

20           (c) CHEMICAL MUNITIONS.—The chemical munitions  
21           described in this subsection are the eight United States-  
22           origin chemical munitions located on San Jose Island, Re-  
23           public of Panama, that were identified in the 2002 Final  
24           Inspection Report of the Technical Secretariat of the Or-  
25           ganization for the Prohibition of Chemical Weapons.

1 (d) LIMITED INCIDENTAL AUTHORITY TO DESTROY  
 2 OTHER MUNITIONS.—In exercising the authority under  
 3 subsection (a), the Secretary of Defense may destroy other  
 4 munitions located on San Jose Island, Republic of Pan-  
 5 ama, but only to the extent essential and required to reach  
 6 and destroy the chemical munitions described in sub-  
 7 section (c).

8 (e) FUNDS.—Of the amounts authorized to be appro-  
 9 priated for fiscal year 2017 for the Department of Defense  
 10 for Chemical Agents and Munitions Destruction, Defense  
 11 by section 1402, up to \$30,000,000 may be used to carry  
 12 out the authority in subsection (a).

## 13 **Subtitle D—Other Matters**

### 14 **SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT** 15 **DEPARTMENT OF DEFENSE-DEPARTMENT OF** 16 **VETERANS AFFAIRS MEDICAL FACILITY DEM-** 17 **ONSTRATION FUND FOR CAPTAIN JAMES A.** 18 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

19 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the  
 20 funds authorized to be appropriated by section 1405 and  
 21 available for the Defense Health Program for operation  
 22 and maintenance, \$122,400,000 may be transferred by the  
 23 Secretary of Defense to the Joint Department of Defense—  
 24 Department of Veterans Affairs Medical Facility Dem-  
 25 onstration Fund established by subsection (a)(1) of sec-

tion 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

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

**SEC. 1432. AUTHORIZATION OF APPROPRIATIONS FOR  
ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2017 from the Armed Forces Retirement Home Trust Fund the sum of \$64,300,000 for the operation of the Armed Forces Retirement Home.

1 **TITLE XV—AUTHORIZATION OF**  
2 **ADDITIONAL APPROPRIA-**  
3 **TIONS FOR OVERSEAS CON-**  
4 **TINGENCY OPERATIONS**  
5 **Subtitle A—Authorization of**  
6 **Appropriations**

7 **SEC. 1501. PURPOSE.**

8       The purpose of this subtitle is to authorize appropria-  
9 tions for the Department of Defense for fiscal year 2017  
10 to provide additional funds for overseas contingency oper-  
11 ations being carried out by the Armed Forces.

12 **SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.**

13       Funds are hereby authorized to be appropriated for  
14 fiscal year 2017 for the Department of Defense for over-  
15 seas contingency operations in such amounts as may be  
16 designated as provided in section 251(b)(2)(A)(ii) of the  
17 Balanced Budget and Emergency Deficit Control Act of  
18 1985.

19 **SEC. 1503. PROCUREMENT.**

20       Funds are hereby authorized to be appropriated for  
21 fiscal year 2017 for procurement accounts for the Army,  
22 the Navy and the Marine Corps, the Air Force, and De-  
23 fense-wide activities, as specified in the funding table in  
24 section 4102.

1 **SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
2 **TION.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2017 for the use of the Department of Defense  
5 for research, development, test, and evaluation, as speci-  
6 fied in the funding table in section 4202.

7 **SEC. 1505. OPERATION AND MAINTENANCE.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal year 2017 for the use of the Armed Forces and other  
10 activities and agencies of the Department of Defense for  
11 expenses, not otherwise provided for, for operation and  
12 maintenance, as specified in the funding table in section  
13 4302.

14 **SEC. 1506. MILITARY PERSONNEL.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2017 for the use of the Armed Forces and other  
17 activities and agencies of the Department of Defense for  
18 expenses, not otherwise provided for, for military per-  
19 sonnel, as specified in the funding table in section 4402.

20 **SEC. 1507. WORKING CAPITAL FUNDS.**

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 2017 for the use of the Armed Forces and other  
23 activities and agencies of the Department of Defense for  
24 providing capital for working capital and revolving funds,  
25 as specified in the funding table in section 4502.



1 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for  
4 the Department of Defense for fiscal year 2017 for ex-  
5 penses, not otherwise provided for, for Drug Interdiction  
6 and Counter-Drug Activities, Defense-wide, as specified in  
7 the funding table in section 4502.

8 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for  
10 the Department of Defense for fiscal year 2017 for ex-  
11 penses, not otherwise provided for, for the Office of the  
12 Inspector General of the Department of Defense, as speci-  
13 fied in the funding table in section 4502.

14 **SEC. 1510. DEFENSE HEALTH PROGRAM.**

15 Funds are hereby authorized to be appropriated for  
16 the Department of Defense for fiscal year 2017 for ex-  
17 penses, not otherwise provided for, for the Defense Health  
18 Program, as specified in the funding table in section 4502.

19 **SEC. 1511. SECURITY COOPERATION ENHANCEMENT FUND.**

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 the Security Co-  
23 operation Enhancement Fund, as specified in the funding  
24 table in section 4502.

1       **Subtitle B—Financial Matters**

2       **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

3           The amounts authorized to be appropriated by this  
4 title are in addition to amounts otherwise authorized to  
5 be appropriated by this Act.

6       **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

7           (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

8               (1) **AUTHORITY.**—Upon determination by the  
9 Secretary of Defense that such action is necessary in  
10 the national interest, the Secretary may transfer  
11 amounts of authorizations made available to the De-  
12 partment of Defense in this title for fiscal year 2017  
13 between any such authorizations for that fiscal year  
14 (or any subdivisions thereof). Amounts of authoriza-  
15 tions so transferred shall be merged with and be  
16 available for the same purposes as the authorization  
17 to which transferred.

18               (2) **LIMITATION.**—The total amount of author-  
19 izations that the Secretary may transfer under the  
20 authority of this subsection may not exceed  
21 \$3,500,000,000.

22           (b) **TERMS AND CONDITIONS.**—Transfers under this  
23 section shall be subject to the same terms and conditions  
24 as transfers under section 1001.

1 (c) ADDITIONAL AUTHORITY.—The transfer author-  
2 ity provided by this section is in addition to the transfer  
3 authority provided under section 1001.

4 **Subtitle C—Limitations, Reports,**  
5 **and Other Matters**

6 **SEC. 1531. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
7 **FUND.**

8 (a) USE AND TRANSFER OF FUNDS.—Subsections  
9 (b) and (c) of section 1514 of the John Warner National  
10 Defense Authorization Act for Fiscal Year 2007 (Public  
11 Law 109–364; 120 Stat. 2439), as in effect before the  
12 amendments made by section 1503 of the Duncan Hunter  
13 National Defense Authorization Act for Fiscal Year 2009  
14 (Public Law 110–417; 122 Stat. 4649), shall apply to the  
15 funds made available to the Department of Defense for  
16 the Joint Improvised Explosive Device Defeat Fund for  
17 fiscal year 2017.

18 (b) EXTENSION OF IMPROVISED EXPLOSIVE DEVICE  
19 PRECURSOR CHEMICALS AUTHORITY.—Section 1532(c)  
20 of the National Defense Authorization Act for Fiscal Year  
21 2013 (Public Law 112–239; 126 Stat. 2057), as most re-  
22 cently amended by section 1532(b) of the National De-  
23 fense Authorization Act for Fiscal Year 2016 (Public Law  
24 114–92; 129 Stat. 1091), is further amended—

1 (1) in paragraph (1), by striking “fiscal year  
2 2016” and inserting “fiscal years 2016 and 2017”;  
3 and

4 (2) in paragraph (4), by striking “December  
5 31, 2016” and inserting “December 31, 2017”.

6 **SEC. 1532. EXTENSION AND MODIFICATION OF AUTHORI-**  
7 **TIES ON COUNTERTERRORISM PARTNER-**  
8 **SHIPS FUND.**

9 (a) EXTENSION.—Section 1534 of the Carl Levin and  
10 Howard P. “Buck” McKeon National Defense Authoriza-  
11 tion Act for Fiscal Year 2015 (Public Law 113–291; 128  
12 Stat. 3616) is amended—

13 (1) in subsection (a), by striking “Amounts au-  
14 thorized to be appropriated for fiscal year 2015 by  
15 this title” and inserting “Subject to subsection (b),  
16 amounts authorized to be appropriated through fis-  
17 cal year 2017”; and

18 (2) in subsection (h), by striking “December  
19 31, 2016” and inserting “December 31, 2017”.

20 (b) LIMITATION ON USE OF FUNDS AUTHORIZED  
21 FOR FISCAL YEAR 2017.—Such section is further amend-  
22 ed—

23 (1) by redesignating subsections (b) through (h)  
24 as subsections (c) through (i), respectively; and

1           (2) by inserting after subsection (a) the fol-  
 2           lowing new subsection (b):

3           “(b) LIMITATION ON USE OF FUNDS AUTHORIZED  
 4 FOR FISCAL YEAR 2017.—Amounts authorized to be ap-  
 5 propriated for fiscal year 2017 for the Counterterrorism  
 6 Partnerships Fund may only be used for the purposes  
 7 specified in subsection (a)(2). In the use of such amounts,  
 8 any reference in this section to ‘subsection (a)’ shall be  
 9 deemed to be a reference to ‘subsection (a)(2)’.”.

10          (c) ADMINISTRATION OF FUND.—Subsection (e) of  
 11 such section, as redesignated by subsection (b)(1) of this  
 12 section, is amended—

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

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

16          (d) REPORTS.—Subsection (h) of such section, as re-  
 17 designated by subsection (b)(1) of this section, is amend-  
 18 ed—

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

20           (A) by striking “and 2017” and inserting  
 21           “2017, and 2018”; and

22           (B) by striking “and 2016” and inserting  
 23           “2016, and 2017”;

24           (2) in paragraph (4), by striking “subsection  
 25           (d)(5)” and inserting “subsection (e)(4)”; and

1 (3) in paragraph (5), by striking “subsection  
2 (f)” and inserting “subsection (g)”.

3 **SEC. 1533. AFGHANISTAN SECURITY FORCES FUND.**

4 (a) CONTINUATION OF PRIOR AUTHORITIES AND NO-  
5 TICE AND REPORTING REQUIREMENTS.—Funds available  
6 to the Department of Defense for the Afghanistan Secu-  
7 rity Forces Fund for fiscal year 2017 shall be subject to  
8 the conditions contained in subsections (b) through (g) of  
9 section 1513 of the National Defense Authorization Act  
10 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
11 428), as amended by section 1531(b) of the Ike Skelton  
12 National Defense Authorization Act for Fiscal Year 2011  
13 (Public Law 111–383; 124 Stat. 4424).

14 (b) EQUIPMENT DISPOSITION.—

15 (1) ACCEPTANCE OF CERTAIN EQUIPMENT.—

16 Subject to paragraph (2), the Secretary of Defense  
17 may accept equipment that is procured using  
18 amounts in the Afghanistan Security Forces Fund  
19 authorized under this Act and is intended for trans-  
20 fer to the security forces of Afghanistan, but is not  
21 accepted by such security forces.

22 (2) CONDITIONS ON ACCEPTANCE OF EQUIP-  
23 MENT.—Before accepting any equipment under the  
24 authority provided by paragraph (1), the Com-  
25 mander of United States forces in Afghanistan shall

1 make a determination that the equipment was pro-  
2 cured for the purpose of meeting requirements of the  
3 security forces of Afghanistan, as agreed to by both  
4 the Government of Afghanistan and the United  
5 States, but is no longer required by such security  
6 forces or was damaged before transfer to such secu-  
7 rity forces.

8 (3) ELEMENTS OF DETERMINATION.—In mak-  
9 ing a determination under paragraph (2) regarding  
10 equipment, the Commander of United States forces  
11 in Afghanistan shall consider alternatives to Sec-  
12 retary of Defense acceptance of the equipment. An  
13 explanation of each determination, including the  
14 basis for the determination and the alternatives con-  
15 sidered, shall be included in the relevant quarterly  
16 report required under paragraph (5).

17 (4) TREATMENT AS DEPARTMENT OF DEFENSE  
18 STOCKS.—Equipment accepted under the authority  
19 provided by paragraph (1) may be treated as stocks  
20 of the Department of Defense upon notification to  
21 the congressional defense committees of such treat-  
22 ment.

23 (5) QUARTERLY REPORTS ON EQUIPMENT DIS-  
24 POSITION.—Not later than 90 days after the date of  
25 the enactment of this Act and every 90-day period

1       thereafter during which the authority provided by  
2       paragraph (1) is exercised, the Secretary of Defense  
3       shall submit to the congressional defense committees  
4       a report describing the equipment accepted under  
5       this subsection, section 1531(d) of the National De-  
6       fense Authorization Act for Fiscal Year 2014 (Pub-  
7       lic Law 113–66; 127 Stat. 938; 10 U.S.C. 2302  
8       note), and section 1532(b) of the Carl Levin and  
9       Howard P. “Buck” McKeon National Defense Au-  
10      thorization Act for Fiscal Year 2015 (Public Law  
11      113–291; 128 Stat. 3612) during the period covered  
12      by the report. Each report shall include a list of all  
13      equipment that was accepted during the period cov-  
14      ered by the report and treated as stocks of the De-  
15      partment and copies of the determinations made  
16      under paragraph (2), as required by paragraph (3).

17      (c) PLAN TO PROMOTE SECURITY OF AFGHAN  
18      WOMEN.—

19           (1) REPORTING REQUIREMENT.—The Secretary  
20      of Defense, with the concurrence of the Secretary of  
21      State, shall include in each report required under  
22      section 1225 of the Carl Levin and Howard P.  
23      “Buck” McKeon National Defense Authorization  
24      Act for Fiscal Year 2015 (Public Law 113–291; 128  
25      Stat. 3550)—



1 (A) a current assessment of the security of  
2 Afghan women and girls, including information  
3 regarding efforts to increase the recruitment  
4 and retention of women in the Afghan National  
5 Security Forces; and

6 (B) a current assessment of the implemen-  
7 tation of the plans for the recruitment, integra-  
8 tion, retention, training, treatment, and provi-  
9 sion of appropriate facilities and transportation  
10 for women in the Afghan National Security  
11 Forces, including the challenges associated with  
12 such implementation and the steps being taken  
13 to address those challenges.

14 (2) PLAN REQUIRED.—

15 (A) IN GENERAL.—The Secretary of De-  
16 fense, with the concurrence of the Secretary of  
17 State, shall support, to the extent practicable,  
18 the efforts of the Government of Afghanistan to  
19 promote the security of Afghan women and  
20 girls during and after the security transition  
21 process through the development and implemen-  
22 tation by the Government of Afghanistan of an  
23 Afghan-led plan that should include the ele-  
24 ments described in this paragraph.

1 (B) TRAINING.—The Secretary of Defense,  
2 with the concurrence of the Secretary of State  
3 and working with the NATO-led Resolute Sup-  
4 port mission, should encourage the Government  
5 of Afghanistan to develop—

6 (i) measures for the evaluation of the  
7 effectiveness of existing training for Af-  
8 ghan National Security Forces on this  
9 issue;

10 (ii) a plan to increase the number of  
11 female security officers specifically trained  
12 to address cases of gender-based violence,  
13 including ensuring the Afghan National  
14 Police’s Family Response Units have the  
15 necessary resources and are available to  
16 women across Afghanistan;

17 (iii) mechanisms to enhance the ca-  
18 pacity for units of National Police’s Family  
19 Response Units to fulfill their mandate as  
20 well as indicators measuring the oper-  
21 ational effectiveness of these units;

22 (iv) a plan to address the development  
23 of accountability mechanisms for Afghani-  
24 stan National Army and Afghanistan Na-  
25 tional Police personnel who violate codes of

1           conduct relating to the human rights of  
2           women and girls, including female mem-  
3           bers of the Afghan National Security  
4           Forces;

5           (v) a plan to address the development  
6           of accountability mechanisms for Afghani-  
7           stan National Army and Afghanistan Na-  
8           tional Police personnel who violate codes of  
9           conduct relating to protecting children  
10          from sexual abuse; and

11          (vi) a plan to develop training for the  
12          Afghanistan National Army and the Af-  
13          ghanistan National Police to increase  
14          awareness and responsiveness among Af-  
15          ghanistan National Army and Afghanistan  
16          National Police personnel regarding the  
17          unique security challenges women confront  
18          when serving in those forces.

19          (C) ENROLLMENT AND TREATMENT.—The  
20          Secretary of Defense, with the concurrence of  
21          the Secretary of State and in cooperation with  
22          the Afghan Ministries of Defense and Interior,  
23          shall seek to assist the Government of Afghani-  
24          stan in including as part of the plan developed  
25          under subparagraph (A) the development and

1 implementation of a plan to increase the num-  
2 ber of female members of the Afghanistan Na-  
3 tional Army and the Afghanistan National Po-  
4 lice and to promote their equal treatment, in-  
5 cluding through such steps as providing appro-  
6 priate equipment, modifying facilities, and en-  
7 suring literacy and gender awareness training  
8 for recruits.

9 (D) ALLOCATION OF FUNDS.—

10 (i) IN GENERAL.—Of the funds avail-  
11 able to the Department of Defense for the  
12 Afghan Security Forces Fund for fiscal  
13 year 2017, it is the goal that \$25,000,000,  
14 but in no event less than \$10,000,000,  
15 shall be used for—

16 (I) the recruitment, integration,  
17 retention, training, and treatment of  
18 women in the Afghan National Secu-  
19 rity Forces; and

20 (II) the recruitment, training,  
21 and contracting of female security  
22 personnel for future elections.

23 (ii) TYPES OF PROGRAMS AND ACTIVI-  
24 TIES.—Such programs and activities may  
25 include—

1 (I) efforts to recruit women into  
2 the Afghan National Security Forces,  
3 including the special operations forces;

4 (II) programs and activities of  
5 the Afghan Ministry of Defense Direc-  
6 torate of Human Rights and Gender  
7 Integration and the Afghan Ministry  
8 of Interior Office of Human Rights,  
9 Gender and Child Rights;

10 (III) development and dissemina-  
11 tion of gender and human rights edu-  
12 cational and training materials and  
13 programs within the Afghan Ministry  
14 of Defense and the Afghan Ministry  
15 of Interior;

16 (IV) efforts to address harass-  
17 ment and violence against women  
18 within the Afghan National Security  
19 Forces;

20 (V) improvements to infrastruc-  
21 ture that address the requirements of  
22 women serving in the Afghan National  
23 Security Forces, including appropriate  
24 equipment for female security and po-

1                   lice forces, and transportation for po-  
 2                   licewomen to their station;

3                   (VI) support for Afghanistan Na-  
 4                   tional Police Family Response Units;  
 5                   and

6                   (VII) security provisions for  
 7                   high-profile female police and army  
 8                   officers.

9           (d) REPEAL OF SUPERSEDED REQUIREMENTS.—Sec-  
 10   tion 1531 of the National Defense Authorization Act for  
 11   Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1088)  
 12   is amended by striking subsections (b) and (c).

13   **TITLE    XVI—STRATEGIC    PRO-**  
 14       **GRAMS, CYBER, AND INTEL-**  
 15       **LIGENCE MATTERS**

16       **Subtitle A—Space Activities**

17   **SEC. 1601. REQUIREMENT THAT PILOT PROGRAM FOR AC-**  
 18       **QUISITION OF COMMERCIAL SATELLITE COM-**  
 19       **MUNICATION   SERVICES   DEMONSTRATE**  
 20       **ORDER-OF-MAGNITUDE IMPROVEMENTS IN**  
 21       **SATELLITE COMMUNICATIONS CAPABILITIES.**

22       (a) IN GENERAL.—Section 1605 of the Carl Levin  
 23   and Howard P. “Buck” McKeon National Defense Au-  
 24   thorization Act for Fiscal Year 2015 (Public Law 113–  
 25   291; 10 U.S.C. 2208 note) is amended—

1           (1) by redesignating subsections (c) and (d) as  
2           subsections (d) and (e), respectively; and

3           (2) by inserting after subsection (b) the fol-  
4           lowing new subsection:

5           “(c) LIMITATION ON USE OF FUNDS.—None of the  
6           funds authorized to be appropriated or otherwise made  
7           available to carry out the pilot program under subsection  
8           (a)(1) may be obligated or expended until the Secretary  
9           submits to the congressional defense committees a plan  
10          to demonstrate that the pilot program will achieve order-  
11          of-magnitude improvements in satellite communications  
12          capability, as required by subsection (b)(5).”.

13          (b) SENSE OF CONGRESS.—It is the sense of Con-  
14          gress that it is disappointing that, despite numerous re-  
15          quests to the Air Force for its plan to meet the require-  
16          ment of subsection (b)(5) of section 1605 of the Carl  
17          Levin and Howard P. “Buck” McKeon National Defense  
18          Authorization Act for Fiscal Year 2015 (Public Law 113–  
19          291; 10 U.S.C. 2208 note) in carrying out the pilot pro-  
20          gram under that section, the Air Force has not only failed  
21          to meet the statutorily imposed requirement to provide a  
22          briefing on that pilot program at the same time as the  
23          President submitted to Congress the budget for fiscal year  
24          2017 pursuant to section 1105 of title 31, United States

1 Code, but has also been nonresponsive to requests for in-  
2 formation relating to that requirement.

3 **SEC. 1602. PLAN FOR USE OF ALLIED LAUNCH VEHICLES.**

4 (a) IN GENERAL.—The Commander of the Air Force  
5 Space Command shall develop a plan to use allied launch  
6 vehicles to meet the requirements for achieving the policy  
7 relating to assured access to space set forth in section  
8 2273 of title 10, United States Code, in the event that  
9 such requirements cannot be met, for a limited period of  
10 time, using only United States launch vehicles.

11 (b) ASSESSMENTS.—In developing the plan required  
12 by subsection (a), the Commander shall conduct assess-  
13 ments of—

14 (1) what United States satellites would be ap-  
15 propriate to be launched on an allied launch vehicle;  
16 and

17 (2) whether any legislation would be necessary  
18 to allow for the launch of a national security satellite  
19 on an allied launch vehicle.

20 (c) SUBMISSION TO CONGRESS.—Not later than 180  
21 days after the date of the enactment of this Act, the Com-  
22 mander shall submit to the congressional defense commit-  
23 tees a report on the plan required by subsection (a) and  
24 the assessments required by subsection (b).

25 (d) DEFINITIONS.—In this section:



1 (1) ALLIED LAUNCH VEHICLE.—

2 (A) IN GENERAL.—The term “allied  
3 launch vehicle” means a launch vehicle of the  
4 government of a country that is an ally of the  
5 United States.

6 (B) EXCLUSIONS.—A launch vehicle of the  
7 government of the Russian Federation, the Peo-  
8 ple’s Republic of China, Iran, or North Korea  
9 may not be considered an allied launch vehicle  
10 for purposes of this section.

11 (2) NATIONAL SECURITY SATELLITE.—The  
12 term “national security satellite” means a satellite  
13 launched for national security purposes, including  
14 such a satellite launched by the Air Force, the Navy,  
15 or the National Reconnaissance Office, or any other  
16 element of the Department of Defense.

17 **SEC. 1603. LONG-TERM STRATEGY ON ELECTROMAGNETIC**  
18 **SPECTRUM FOR WARFARE.**

19 (a) STRATEGY REQUIRED.—Not later than February  
20 28, 2017, the Commander of the United States Strategic  
21 Command shall submit to the Committees on Armed Serv-  
22 ices of the Senate and the House of Representatives a  
23 strategy for the Department of Defense for the avail-  
24 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           (5) An assessment of whether there are well-de-  
2       fined methods for terminating the OCX program in  
3       the event of the inability of the Air Force to success-  
4       fully complete blocks zero through two or other re-  
5       quirements for the OCX while ensuring that the  
6       Global Positioning System constellation meets re-  
7       quirements for the availability of that System.

8       (c) SUBMISSION TO CONGRESS.—Not later than one  
9   year after the date of the enactment of this Act, the Sec-  
10   retary shall submit to the congressional defense commit-  
11   tees a report on the results of the assessment required  
12   by subsection (a).

13   **SEC. 1606. GOVERNMENT ACCOUNTABILITY OFFICE AS-**  
14                   **SESSMENT OF SATELLITE ACQUISITION BY**  
15                   **NATIONAL RECONNAISSANCE OFFICE.**

16       (a) IN GENERAL.—The Comptroller General of the  
17   United States shall conduct an assessment, for calendar  
18   year 2017 and each calendar year thereafter, of the cost,  
19   schedule, and performance of each program of the Na-  
20   tional Reconnaissance Office for developing, acquiring,  
21   launching, and deploying satellites or overhead reconnais-  
22   sance systems that, before, on, or after the date of the  
23   enactment of this Act, receives funding from the Military  
24   Intelligence Program or is supported by personnel of the  
25   Department of Defense.

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(c) 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) 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       (f) DEPARTMENT OF DEFENSE CRITICAL INFRA-  
8       STRUCTURE DEFINED.—In this section, the term “De-  
9       partment of Defense critical infrastructure” means any  
10      asset of the Department of Defense of such extraordinary  
11      importance to the functioning of the Department and the  
12      operation of the military that its incapacitation or destruc-  
13      tion from a cyber attack would have a debilitating effect  
14      on the ability of the Department to fulfill its missions.

15   **SEC. 1638. PLAN FOR INFORMATION SECURITY CONTIN-**  
16                   **UOUS MONITORING CAPABILITY AND COM-**  
17                   **PLY-TO-CONNECT POLICY.**

18       (a) DEVELOPMENT OF PLAN.—

19           (1) IN GENERAL.—The Chief Information Offi-  
20      cer of the Department of Defense and the Com-  
21      mander of the United States Cyber Command, in co-  
22      ordination with the Principal Cyber Adviser, shall  
23      jointly develop a plan for a modernized, enterprise-  
24      wide information security continuous monitoring  
25      (ISCM) capability and a comply-to-connect policy.

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 NA- TIONAL 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.

**Subtitle E—Missile Defense  
Programs**

**SEC. 1661. REQUIRED TESTING BY MISSILE DEFENSE AGENCY OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) TESTING REQUIRED.—Except as provided in subsection (c), not less frequently than once each fiscal year, the Director of the Missile Defense Agency shall administer a flight test of the ground-based midcourse defense element of the ballistic missile defense system.

(b) REQUIREMENTS.—The Director shall ensure that each test carried out under subsection (a) provides, when possible, for one or more of the following:

(1) The validation of technical improvements made to increase system performance and reliability.

(2) The evaluation of the operational effectiveness of the ground-based midcourse defense element of the ballistic missile defense system.

(3) The use of threat-representative targets and critical engagement conditions.

(4) The evaluation of new configurations of interceptors before they are fielded.

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-

gressional defense committees a certification setting forth the condition or conditions that caused the test to be forgone under that subsection.

(e) REPORT.—Not later than 45 days after forgoing a test for any condition specified in subsection (c), the Director shall submit to the congressional defense committees a report setting forth the rationale for forgoing the test and a plan to restore an intercept flight test in the Integrated Master Test Plan of the Missile Defense Agency. In the case of a test forgone for a condition or conditions under subsection (c)(8), the report required by this subsection is in addition to the certification required by subsection (d).

**SEC. 1662. IRON DOME SHORT-RANGE ROCKET DEFENSE  
SYSTEM CODEVELOPMENT AND COPRODUCTION.**

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE  
SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated for Procurement, Defense-wide, and available for the Missile Defense Agency, not more than \$42,000,000 may be provided to the Government of Israel to procure Tamir interceptors for the Iron Dome short-range rocket defense system through coproduction of such inter-



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**

<b>State or Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in 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

**SEC. 2202. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may construct or acquire family housing units (including land acquisition 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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alaska .....	Clear Air Force Station .....	\$155,000,000
	Fort Greely .....	\$9,560,000
	Joint Base Elmendorf-Richardson .....	\$4,900,000
Arizona .....	Fort Huachuca .....	\$4,493,000
California .....	Coronado .....	\$175,412,000
	Travis Air Force Base .....	\$26,500,000
Delaware .....	Dover Air Force Base .....	\$44,115,000
Florida .....	Patrick Air Force Base .....	\$10,100,000
Georgia .....	Fort Benning .....	\$4,820,000
	Fort Gordon .....	\$25,000,000
Maine .....	Portsmouth .....	\$27,100,000
Maryland .....	Bethesda Naval Hospital .....	\$510,000,000
	Fort Meade .....	\$38,000,000
Missouri .....	St. Louis .....	\$801,000
North Carolina .....	Camp Lejeune .....	\$31,000,000
	Fort Bragg .....	\$86,593,000
South Carolina .....	Joint Base Charleston .....	\$17,000,000
Texas .....	Red River Army Depot .....	\$44,700,000
	Sheppard Air Force Base .....	\$91,910,000
Virginia .....	Pentagon .....	\$8,105,000
CONUS Classified ....	Battalion Complex .....	\$179,924,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Country	Installation or Location	Amount
Diego Garcia .....	Diego Garcia .....	\$30,000,000
Germany .....	Kaiserslautern .....	\$45,221,000
Japan .....	Iwakuni .....	\$6,664,000
	Kadena Air Base .....	\$161,224,000
	Yokata Air Base .....	\$113,731,000
Marshall Islands	Kwajalein Atoll .....	\$85,500,000
United Kingdom	Royal Air Force Croughton .....	\$71,424,000
	Royal Air Force Lakenheath .....	\$13,500,000
Wake Island .....	Wake Island .....	\$11,670,000

**SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:



**Energy Conservation Projects: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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 .....	PFPA Support Operations Center .....	\$14,800,000
	Pentagon .....	Raven Rock Administrative Facility Upgrade .....	\$32,000,000
	Pentagon .....	Boundary Channel Access Control Point .....	\$6,700,000

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.

# **Subtitle B—Host Country In-Kind Contributions**

## **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.**

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

**Republic of Korea Funded Construction Projects**

Country	Component	Installation or Location	Project	Amount
Korea .....	Army .....	CP Tango ..	Repair Collective Protection System (CPS) .....	\$11,600,000
	Army .....	Camp Humphreys ....	Duplex Company Operations, 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

<b>Country</b>	<b>Component</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
	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**

<b>State</b>	<b>Location</b>	<b>Amount</b>
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**

<b>State</b>	<b>Location</b>	<b>Amount</b>
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**

<b>State</b>	<b>Location</b>	<b>Amount</b>
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-

ing table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Air Force Reserve**

State	Location	Amount
North Carolina .....	Seymour Johnson Air Force Base .....	\$97,950,000
Pennsylvania .....	Pittsburgh International Airport .....	\$85,000,000

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2016, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

**Subtitle B—Other Matters**

**SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2014 PROJECT.**

In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2014 (division B of Public Law 113–66; 127 Stat. 1001) for Bullville, New York, for construc-

tion of a new Army Reserve Center at that location, the Secretary of the Army may add to or alter the existing Army Reserve Center at Bullville, New York.

**SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.**

In the case of the authorization contained in the table in section 2603 of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113–291; 128 Stat. 3689) for Pittsburgh, Pennsylvania, for construction of a Reserve Training Center at that location, the Secretary of the Navy may acquire approximately 8.5 acres (370,260 square feet) of adjacent land, obtain necessary interest in land, and construct road improvements and associated supporting facilities to provide required access to the Reserve Training Center.

**SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2013 PROJECT.**

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112–239; 126 Stat. 2118), the authorization set forth in the table in subsection (b), as provided in section 2603 of that Act (126 Stat. 2135) and extended by section 2614 of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114–92; 129 Stat. 1166), shall re-

1 main 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 TITLE XXVII—BASE REALIGN-**  
**2 MENT AND CLOSURE ACTIVI-**  
**3 TIES**

**4 SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**  
**5 BASE REALIGNMENT AND CLOSURE ACTIVI-**  
**6 TIES FUNDED THROUGH DEPARTMENT OF**  
**7 DEFENSE BASE CLOSURE ACCOUNT.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal years beginning after September 30, 2016, for base  
10 realignment and closure activities, including real property  
11 acquisition and military construction projects, as author-  
12 ized by the Defense Base Closure and Realignment Act  
13 of 1990 (part A of title XXIX of Public Law 101–510;  
14 10 U.S.C. 2687 note) and funded through the Department  
15 of Defense Base Closure Account established by section  
16 2906 of such Act (as amended by section 2711 of the Mili-  
17 tary Construction Authorization Act for Fiscal Year 2013  
18 (division B of Public Law 112–239; 126 Stat. 2140)), as  
19 specified in the funding table in section 4601.

1 **SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL**  
2 **BASE REALIGNMENT AND CLOSURE (BRAC)**  
3 **ROUND.**

4 Nothing in this Act shall be construed to authorize  
5 an additional Base Realignment and Closure (BRAC)  
6 round.

7 **TITLE XXVIII—MILITARY CON-**  
8 **STRUCTION GENERAL PROVI-**  
9 **SIONS**

10 **Subtitle A—Military Construction**  
11 **Program and Military Family**  
12 **Housing Changes**

13 **SEC. 2801. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**  
14 **ITY TO USE OPERATION AND MAINTENANCE**  
15 **FUNDS FOR CONSTRUCTION PROJECTS IN**  
16 **CERTAIN AREAS OUTSIDE THE UNITED**  
17 **STATES.**

18 Section 2808 of the National Defense Authorization  
19 Act for Fiscal Year 2004 (division B of Public Law 108–  
20 136; 117 Stat. 1723), as most recently amended by sec-  
21 tion 2802 of the National Defense Authorization Act for  
22 Fiscal Year 2016 (Public Law 114–92; 129 Stat. 1169),  
23 is further amended—

24 (1) in subsection (c)(1)—

25 (A) by striking “October 1, 2015” and in-  
26 serting “October 1, 2016”;

1 (B) by striking “December 31, 2016” and  
 2 inserting “December 31, 2017”; and

3 (C) by striking “fiscal year 2017” and in-  
 4 serting “fiscal year 2018”; and  
 5 (2) in subsection (h)—

6 (A) in paragraph (1), by striking “Decem-  
 7 ber 31, 2016” and inserting “December 31,  
 8 2017”; and

9 (B) in paragraph (2), by striking “fiscal  
 10 year 2017” and inserting “fiscal year 2018”.

11 **SEC. 2802. LIMITED AUTHORITY FOR SCOPE OF WORK IN-**  
 12 **CREASE.**

13 (a) IN GENERAL.—Section 2853 of title 10, United  
 14 States Code, is amended—

15 (1) in subsection (b)(2), by striking “The scope  
 16 of work” and inserting “Except as provided in sub-  
 17 section (d), the scope of work”;

18 (2) by redesignating subsections (d) and (e) as  
 19 subsections (e) and (f), respectively; and

20 (3) by inserting after subsection (c) the fol-  
 21 lowing new subsection (d):

22 “(d) The limitation in subsection (b)(2) on an in-  
 23 crease in the scope of work does not apply if—

24 “(1) the increase in the scope of work is not  
 25 more than 10 percent of the amount specified for



1       that project, construction, improvement, or acquisi-  
2       tion in the justification data provided to Congress as  
3       part of the request for authorization of the project,  
4       construction, improvement, or acquisition;

5           “(2) the increase is approved by the Secretary  
6       concerned;

7           “(3) the Secretary concerned notifies the con-  
8       gressional defense committees in writing of the in-  
9       crease in scope and the reasons therefor; and

10          “(4) a period of 21 days has elapsed after the  
11       date on which the notification is received by the  
12       committees or, if over sooner, a period of 14 days  
13       has elapsed after the date on which a copy of the  
14       notification is provided in an electronic medium pur-  
15       suant to section 480 of this title.”.

16       (b) CROSS-REFERENCE AMENDMENTS.—(1) Sub-  
17       section (a) of such section is amended by striking “sub-  
18       section (c) or (d)” and inserting “subsection (c), (d), or  
19       (e)”.

20       (2) Subsection (f) of such section, as redesignated by  
21       subsection (a)(2), is amended by striking “through (d)”  
22       and inserting “through (e)”.

23       (c) ADDITIONAL TECHNICAL AMENDMENT.—Sub-  
24       section (a) of such section is further amended by inserting  
25       “of this title” after “section 2805(a)”.

1 **SEC. 2803. PERMANENT AUTHORITY FOR ACCEPTANCE AND**  
 2 **USE OF CONTRIBUTIONS FOR CERTAIN CON-**  
 3 **STRUCTION, MAINTENANCE, AND REPAIR**  
 4 **PROJECTS MUTUALLY BENEFICIAL TO THE**  
 5 **DEPARTMENT OF DEFENSE AND KUWAIT**  
 6 **MILITARY FORCES.**

7 (a) PERMANENT AUTHORITY.—Section 2804 of the  
 8 National Defense Authorization Act for Fiscal Year 2016  
 9 (Public Law 114-92; 10 U.S.C. 2350j note) is amended  
 10 by striking subsection (f).

11 (b) CONFORMING AMENDMENT.—The heading of  
 12 such section is amended by striking “**TEMPORARY**”.

## 13 **Subtitle B—Real Property and** 14 **Facilities Administration**

15 **SEC. 2811. AUTHORITY TO CARRY OUT MILITARY CON-**  
 16 **STRUCTION PROJECTS FOR ENERGY RESIL-**  
 17 **IENCY AND SECURITY PROJECTS NOT PRE-**  
 18 **VIOUSLY AUTHORIZED.**

19 (a) IN GENERAL.—Section 2914 of title 10, United  
 20 States Code, is amended—

21 (1) in the section heading, by inserting “**RE-**  
 22 **SILIENCY AND**” before “**CONSERVATION CON-**  
 23 **STRUCTION PROJECTS**”; and

24 (2) in subsection (a), by striking “military con-  
 25 struction project for energy conservation” and in-  
 26 serting “military construction project for energy re-

1       siliency and security, in addition to energy conserva-  
2       tion”.

3       (b) CLERICAL AMENDMENT.—The table of sections  
4       at the beginning of chapter 173 of such title is amended  
5       by striking the item relating to section 2914 and inserting  
6       the following new item:

“2914. Energy resiliency and conservation construction projects.”.

7       **SEC. 2812. AUTHORITY OF THE SECRETARY CONCERNED TO**  
8                               **ACCEPT LESSEE IMPROVEMENTS AT GOV-**  
9                               **ERNMENT-OWNED/CONTRACTOR-OPERATED**  
10                              **INDUSTRIAL PLANTS OR FACILITIES.**

11       Section 2535 of title 10, United States Code, is  
12       amended—

13               (1) by redesignating subsection (c) as sub-  
14       section (d); and

15               (2) by inserting after subsection (b) the fol-  
16       lowing new subsection:

17       “(c) ACCEPTANCE OF LESSEE IMPROVEMENTS AT  
18       GOVERNMENT-OWNED/CONTRACTOR-OPERATED    INDUS-  
19       TRIAL PLANTS.—(1) A lease of a Government-owned/con-  
20       tractor-operated industrial plant or facility may permit the  
21       lessee, with the approval of the Secretary concerned, to  
22       alter, expand, or otherwise improve the plant or facility  
23       as necessary for the development or production of military  
24       weapons systems, munitions, components, or supplies.  
25       Such lease may provide, notwithstanding section 2802 of

1 this title, that such alteration, expansion or other improve-  
2 ment shall, upon completion, become the property of the  
3 Government, regardless of whether such alteration, expan-  
4 sion, or other improvement constitutes all or part of the  
5 consideration for the lease pursuant to section 2667(b)(5)  
6 of this title or represents a reimbursable cost allocable to  
7 any contract, cooperative agreement, grant, or other in-  
8 strument with respect to activity undertaken at such in-  
9 dustrial plant or facility.

10 “(2) When a decision is made to approve a project  
11 to which paragraph (1) applies costing more than the  
12 threshold specified under section 2805(c) of this title, the  
13 Secretary concerned shall notify the congressional defense  
14 committees in writing of that decision, the justification for  
15 the project, and the estimated cost of the project. The  
16 project may be carried out only after the end of the 21-  
17 day period beginning on the date the notification is re-  
18 ceived by the committees or, if earlier, the end of the 14-  
19 day period beginning on the date on which a copy of the  
20 notification is provided in an electronic medium pursuant  
21 to section 480 of this title.”.

1 **SEC. 2813. TREATMENT OF INSURED DEPOSITORY INSTITU-**  
 2 **TIONS OPERATING ON LAND LEASED FROM**  
 3 **MILITARY INSTALLATIONS.**

4 Section 2667 of title 10, United States Code, is  
 5 amended by adding at the end the following new sub-  
 6 section:

7 “(1) TREATMENT OF INSURED DEPOSITORY INSTITU-  
 8 TIONS.—All Federal or State chartered insured depository  
 9 institutions operating on a military installation may be  
 10 treated equally with respect to the financial terms of  
 11 leases, services, and utilities.”.

12 **Subtitle C—Land Conveyances**

13 **SEC. 2821. LAND ACQUISITIONS, ARLINGTON COUNTY, VIR-**  
 14 **GINIA.**

15 (a) ACQUISITION AUTHORIZED.—

16 (1) IN GENERAL.—The Secretary of the Army  
 17 may acquire by purchase, exchange, donation or by  
 18 other means, including condemnation, which the  
 19 Secretary determines is sufficient for the expansion  
 20 of Arlington National Cemetery for purposes of en-  
 21 suring maximization of interment sites and compat-  
 22 ible use of adjacent properties, including any appro-  
 23 priate cemetery or memorial parking, all right, title  
 24 and interest in and to land—

25 (A) from Arlington County (in this section  
 26 referred to as the “County”), one or more par-

1 cels of real property in the area known as the  
2 Southgate Road right-of-way, Columbia Pike  
3 right-of-way, and South Joyce Street right-of-  
4 way located in Arlington County, Virginia; and

5 (B) from the Commonwealth— of Virginia  
6 (in this section referred to as the “Common-  
7 wealth”), one or more parcels of property in the  
8 area known as the Columbia Pike right-of-way,  
9 including the Virginia Transportation Mainte-  
10 nance Yard, and the Washington Boulevard-Co-  
11 lumbia Pike interchange.

12 (2) SELECTION OF PROPERTY FOR ACQUISI-  
13 TION.—The Memorandum of Understanding between  
14 the Department of the Army and Arlington County  
15 signed in January 2013 shall be used as a guide in  
16 determining the properties to be acquired under this  
17 section to expand Arlington National Cemetery to  
18 the maximum extent practicable. After consultation  
19 with the Commonwealth and the County, the Sec-  
20 retary shall determine the exact parcels to be ac-  
21 quired, and such determination shall be final. In se-  
22 lecting the properties to be acquired under para-  
23 graph (1), the Secretary shall seek—

24 (A) to remove existing barriers to the ex-  
25 pansion of Arlington National Cemetery north

1 of Columbia Pike through a realignment of  
2 Southgate Road to the western boundary of the  
3 former Navy Annex site; and

4 (B) to support the realignment and  
5 straightening of Columbia Pike and redesign of  
6 the Washington Boulevard-Columbia Pike inter-  
7 change.

8 (3) CONSIDERATION.—The Secretary is author-  
9 ized to expend amounts up to fair market value con-  
10 sideration for the interests in land acquired under  
11 this subsection.

12 (b) EXCHANGE AUTHORIZED.—

13 (1) In carrying out the acquisition authorized in  
14 subsection (a), in lieu of the consideration author-  
15 ized under subsection (a)(3), the Secretary may con-  
16 vey through land exchange—

17 (A) to the County, all right, title, and in-  
18 terest of the United States in and to one or  
19 more parcels of real property, together with any  
20 improvements thereon, located south of current  
21 Columbia Pike and west of South Joyce Street  
22 in Arlington County, Virginia;

23 (B) to the Commonwealth, all right, title,  
24 and interest of the United States in and to one  
25 or more parcels of property east of Joyce Street

1 in Arlington County, Virginia, necessary for the  
2 realignment of Columbia Pike and the Wash-  
3 ington Boulevard-Columbia Pike interchange,  
4 as well as for future improvements to Interstate  
5 395 ramps; and

6 (C) to either the County or the Common-  
7 wealth, other real property under control of the  
8 Secretary determined by the Secretary to be ex-  
9 cess to the needs of the Army.

10 (2) EXCHANGE VALUE.—

11 (A) MINIMUM VALUE.—The Secretary  
12 shall obtain no less than fair market value con-  
13 sideration for any property conveyed under this  
14 subsection.

15 (B) CASH EQUALIZATION.—Where the  
16 value of property to be exchanged is greater  
17 than the value of property to be acquired by the  
18 Secretary, the Secretary may accept cash  
19 equalization payments.

20 (C) TREATMENT OF CASH CONSIDERATION  
21 RECEIVED.—Any cash payment received by the  
22 United States as consideration for the convey-  
23 ance under subparagraph (B) shall be deposited  
24 in the special account in the Treasury estab-  
25 lished under subsection (b) of section 572 of



1 title 40, United States Code, and shall be avail-  
2 able in accordance with paragraph (5)(B) of  
3 such subsection or, in the case of conveyance of  
4 excess property located on a military installa-  
5 tion closed under the Defense Base Closure and  
6 Realignment Act of 1990 (part A of title XXIX  
7 of Public Law 101–510; 10 U.S.C. 2687 note),  
8 shall be deposited in the special account estab-  
9 lished under section 2906 of such Act.

10 (c) APPRAISALS.—The value of property to be ac-  
11 quired or conveyed under this section shall be determined  
12 by appraisals acceptable to the Secretary.

13 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
14 and legal description of the real property to be acquired  
15 or conveyed under this section shall be determined by sur-  
16 veys satisfactory to the Secretary, in consultation with the  
17 Commonwealth and the County where practicable.

18 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
19 Secretary may require such additional terms and condi-  
20 tions in connection with transactions authorized under  
21 this section as is considered appropriate to protect the in-  
22 terests of the United States.

23 (f) REPEAL OF AUTHORITY.—Section 2841 of the  
24 Military Construction Authorization Act for Fiscal Year

1 2015 (division B of Public Law 113–291; 128 Stat. 3712)  
2 is repealed.

3 **SEC. 2822. LAND CONVEYANCE, CAMPION AIR FORCE**  
4 **RADAR STATION, GALENA, ALASKA.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
6 the Air Force may convey, without consideration, to the  
7 Town of Galena, Alaska (in this section referred to as the  
8 “Town”), all right, title, and interest of the United States  
9 in and to a parcel of real property, including improve-  
10 ments thereon, at the former Campion Air Force Station,  
11 Alaska, as further described in subsection (b), for the pur-  
12 pose of permitting the Town to use the conveyed property  
13 for public purposes. The conveyance under this subsection  
14 is subject to valid existing rights.

15 (b) DESCRIPTION OF PROPERTY.—The property to  
16 be conveyed under subsection (a) consists of up to approxi-  
17 mately 1,300 acres of the remaining land withdrawn under  
18 Public Land Order No. 843 of June 24, 1952, and Public  
19 Land Order No. 1405 of April 4, 1957, for use by the  
20 Secretary of the Air Force as the former Campion Air  
21 Force Station. The portions of the former Air Force Sta-  
22 tion that are not authorized to be conveyed under sub-  
23 section (a) are those portions that are subject to environ-  
24 mental land use restrictions or are undergoing environ-

1 mental remediation by the Secretary of the Air Force as  
2 of the date of such conveyance.

3 (c) REVERSIONARY INTEREST.—If the Secretary of  
4 the Air Force determines at any time that the real prop-  
5 erty conveyed under subsection (a) is not being used in  
6 accordance with the purpose of the conveyance specified  
7 in such subsection, all right, title, and interest in and to  
8 the land, including any improvements thereto, shall, at the  
9 option of the Secretary, revert to and become the property  
10 of the United States, and the United States shall have  
11 the right of immediate entry onto such real property. A  
12 determination by the Secretary under this subsection shall  
13 be made on the record after an opportunity for a hearing.

14 (d) CONVEYANCE AGREEMENT.—The conveyance of  
15 land under this section shall be accomplished using a quit  
16 claim deed or other legal instrument and upon terms and  
17 conditions mutually satisfactory to the Secretary of the  
18 Air Force, after consulting with the Secretary of the Inte-  
19 rior, and the Town, including such additional terms and  
20 conditions as the Secretary of the Air Force, after con-  
21 sulting with the Secretary of the Interior, considers appro-  
22 priate to protect the interests of the United States.

23 (e) PAYMENT OF COSTS OF CONVEYANCE.—

24 (1) PAYMENT REQUIRED.—The Secretary of  
25 the Air Force shall require the Town to cover all

1 costs (except costs for environmental remediation of  
2 the property) to be incurred by the Secretary of the  
3 Air Force and by the Secretary of the Interior, or  
4 to reimburse the appropriate Secretary for such  
5 costs incurred by the Secretary, to carry out the  
6 conveyance under this section, including survey  
7 costs, costs for environmental documentation, and  
8 any other administrative costs related to the convey-  
9 ance. If amounts are collected from the Town in ad-  
10 vance of the Secretary incurring the actual costs,  
11 and the amount collected exceeds the costs actually  
12 incurred by the Secretary to carry out the convey-  
13 ance, the appropriate Secretary shall refund the ex-  
14 cess amount to the Town.

15 (2) TREATMENT OF AMOUNTS RECEIVED.—  
16 Amounts received under paragraph (1) as reim-  
17 bursement for costs incurred by the Secretary of the  
18 Air Force or by the Secretary of the Interior to  
19 carry out the conveyance under subsection (a) shall  
20 be credited to the fund or account that was used to  
21 cover the costs incurred by the appropriate Sec-  
22 retary in carrying out the conveyance, or to an ap-  
23 propriate fund or account currently available to the  
24 appropriate Secretary for the purposes for which the  
25 costs were paid. Amounts so credited shall be

1 merged with amounts in such fund or account and  
 2 shall be available for the same purposes, and subject  
 3 to the same conditions and limitations, as amounts  
 4 in such fund or account.

5 (f) MAP AND LEGAL DESCRIPTION.—As soon as  
 6 practicable after the date of the enactment of this Act,  
 7 the Secretary of the Air Force, in consultation with the  
 8 Secretary of the Interior, shall finalize a map and the legal  
 9 description of the real property to be conveyed under sub-  
 10 section (a). The Secretary of the Air Force may correct  
 11 any minor errors in the map or the legal description. The  
 12 map and legal description shall be on file and available  
 13 for public inspection in the appropriate offices of the Bu-  
 14 reau of Land Management.

15 (g) SUPERSEDEANCE OF PUBLIC LAND ORDERS.—  
 16 Public Land Order Nos. 843 and 1405 are hereby super-  
 17 seded, but only insofar as the orders affect the lands con-  
 18 veyed to the Town under subsection (a).

19 **SEC. 2823. LAND CONVEYANCE, HIGH FREQUENCY ACTIVE**  
 20 **AURORAL RESEARCH PROGRAM FACILITY**  
 21 **AND ADJACENT PROPERTY, GAKONA, ALAS-**  
 22 **KA.**

23 (a) CONVEYANCES AUTHORIZED.—

24 (1) CONVEYANCE TO UNIVERSITY OF ALAS-  
 25 KA.—The Secretary of the Air Force may convey to

1 the University of Alaska (in this section referred to  
2 as the “University”) all right, title, and interest of  
3 the United States in and to a parcel of real prop-  
4 erty, including improvements thereon, consisting of  
5 approximately 1,158 acres near the Gulkana Village,  
6 Alaska, which was purchased by the Secretary of the  
7 Air Force from Ahtna, Incorporated, in January  
8 1989, contain a High Frequency Active Auroral Re-  
9 search Program facility, and comprise a portion of  
10 the property more particularly described in sub-  
11 section (b), for the purpose of permitting the Uni-  
12 versity to use the conveyed property for public pur-  
13 poses.

14 (2) CONVEYANCE TO ALASKA NATIVE CORPORA-  
15 TION.—The Secretary of the Air Force may convey  
16 to Ahtna, Incorporated, (in this section referred to  
17 as “Ahtna”), all right, title, and interest of the  
18 United States in and to a parcel of real property, in-  
19 cluding improvements thereon, consisting of approxi-  
20 mately 4,259 acres near Gulkana Village, Alaska,  
21 which was purchased by the Secretary of the Air  
22 Force from Ahtna, Incorporated, in January 1989  
23 and comprise the portion of the property more par-  
24 ticularly described in subsection (b) that does not  
25 contain the High Frequency Active Auroral Re-

1 search Program facility. The property to be con-  
 2 veyed under this paragraph does not include any of  
 3 the property authorized for conveyance to the Uni-  
 4 versity under paragraph (1).

5 (b) PROPERTY DESCRIBED.—Subject to the property  
 6 exclusions specified in subsection (c), the real property au-  
 7 thorized for conveyance under subsection (a) consists of  
 8 portions of sections within township 7 north, range 1 east;  
 9 township 7 north, range 2 east; township 8 north, range  
 10 1 east; and township 8 north, range 2 east; Copper River  
 11 Meridian, Chitina Recording District, Third Judicial Dis-  
 12 trict, State of Alaska, as follows:

13 (1) Township 7 north, range 1 east:

14 (A) Section 1.

15 (B)  $E^{1/2}$ ,  $S^{1/2}NW^{1/4}$ ,  $SW^{1/4}$  of section 2.

16 (C)  $S^{1/2}SE^{1/4}$ ,  $NE^{1/4}SE^{1/4}$  of section 3.

17 (D)  $E^{1/2}$  of section 10.

18 (E) Sections 11 and 12.

19 (F) That portion of  $N^{1/2}$ ,  $N^{1/2}S^{1/2}$  of sec-  
 20 tion 13, excluding all lands lying southerly and  
 21 easterly of the Glenn Highway right-of-way.

22 (G)  $N^{1/2}$ ,  $N^{1/2}S^{1/2}$  of section 14.

23 (H)  $NE^{1/4}$ ,  $NE^{1/4}SE^{1/4}$  of section 15.

24 (2) Township 7 north, range 2 east:

25 (A)  $W^{1/2}$  of section 6.

1 (B) NW<sup>1</sup>/<sub>4</sub> of section 7, and the portion of  
 2 N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> and NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of such section lying  
 3 northerly of the Glenn Highway right-of-way.

4 (3) Township 8 north, range 1 east:

5 (A) SE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of section 35.

6 (B) E<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of section 36.

7 (4) Township 8 north, range 2 east:

8 (A) W<sup>1</sup>/<sub>2</sub> of section 31.

9 (c) EXCLUSION OF CERTAIN PROPERTY.—The real  
 10 property authorized for conveyance under subsection (a)  
 11 may not include the following:

12 (1) Public easements reserved pursuant to sec-  
 13 tion 17(b) of the Alaska Native Claims Settlement  
 14 Act (43 U.S.C. 1616(b)), as described in the War-  
 15 ranty Deed from Ahtna, Incorporated, to the United  
 16 States, dated March 1, 1990, recorded in Book 31,  
 17 pages 665 through 668 in the Chitina Recording  
 18 District, Third Judicial District, Alaska.

19 (2) Easement for an existing trail as described  
 20 in the such Warranty Deed from Ahtna, Incor-  
 21 porated, to the United States.

22 (3) The subsurface estate.

23 (d) CONSIDERATION.—

24 (1) CONVEYANCE TO UNIVERSITY.—As consid-  
 25 eration for the conveyance of property under sub-



1 section (a)(1), the University shall provide the  
2 United States with consideration in an amount that  
3 is acceptable to the Secretary of the Air Force,  
4 whether in the form of cash payment, in-kind con-  
5 sideration, or a combination thereof.

6 (2) CONVEYANCE TO AHTNA.—As consideration  
7 for the conveyance of property under subsection  
8 (a)(2), Ahtna shall provide the United States with  
9 consideration in an amount that is acceptable to the  
10 Secretary, whether in the form of cash payment, in-  
11 kind consideration, a land exchange under the Alas-  
12 ka Native Claims Settlement Act (43 U.S.C. 1601 et  
13 seq), or a combination thereof.

14 (3) TREATMENT OF CASH CONSIDERATION RE-  
15 CEIVED.—Any cash payment received by the Sec-  
16 retary as consideration for a conveyance under sub-  
17 section (a) shall be deposited in the special account  
18 in the Treasury established under subsection (b) of  
19 section 572 of title 40, United States Code, and  
20 shall be available in accordance with paragraph  
21 (5)(B) of such subsection.

22 (e) REVERSIONARY INTEREST.—If the Secretary of  
23 the Air Force determines at any time that the real prop-  
24 erty conveyed under subsection (a)(1) is not being used  
25 by the University in accordance with the purposes of the

1 conveyance specified in such subsection, all right, title, and  
2 interest in and to the property, including any improve-  
3 ments thereto, shall, at the option of the Secretary, revert  
4 to and become the property of the United States, and the  
5 United States shall have the right of immediate entry onto  
6 such property. A determination by the Secretary under  
7 this subsection shall be made on the record after an oppor-  
8 tunity for a hearing.

9 (f) PAYMENT OF COSTS OF CONVEYANCE.—

10 (1) PAYMENT REQUIRED.—The Secretary of  
11 the Air Force shall require the recipient of real  
12 property under this section to cover all costs to be  
13 incurred by the Secretary, or to reimburse the Sec-  
14 retary for such costs incurred by the Secretary, to  
15 carry out the conveyance of that property, including  
16 survey costs, costs for environmental documentation,  
17 and any other administrative costs related to the  
18 conveyance. If amounts are collected in advance of  
19 the Secretary incurring the actual costs, and the  
20 amount collected exceeds the costs actually incurred  
21 by the Secretary to carry out the conveyance, the  
22 Secretary shall refund the excess amount to the re-  
23 cipient.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—

25 Amounts received under paragraph (1) as reim-

1       bursement for costs incurred by the Secretary to  
 2       carry out a conveyance under this section shall be  
 3       credited and made available to the Secretary as pro-  
 4       vided in section 2695(c) of title 10, United States  
 5       Code.

6       (g) CONVEYANCE AGREEMENT.—The conveyance of  
 7       property under this section shall be accomplished using  
 8       a quit claim deed or other legal instrument and upon  
 9       terms and conditions mutually satisfactory to the Sec-  
 10      retary of the Air Force and the recipient of the property,  
 11      including such additional terms and conditions as the Sec-  
 12      retary considers appropriate to protect the interests of the  
 13      United States.

14   **SEC. 2824. TRANSFER OF FORT BELVOIR MARK CENTER**  
 15                   **CAMPUS FROM THE SECRETARY OF THE**  
 16                   **ARMY TO THE SECRETARY OF DEFENSE AND**  
 17                   **APPLICABILITY OF CERTAIN PROVISIONS OF**  
 18                   **LAW RELATING TO THE PENTAGON RESERVA-**  
 19                   **TION.**

20       (a) INCLUSION OF MARK CENTER CAMPUS UNDER  
 21      PENTAGON RESERVATION AUTHORITIES.—

22           (1) DEFINITION OF PENTAGON RESERVA-  
 23      TION.—Paragraph (1) of subsection (f) of section  
 24      2674 of title 10, United States Code, is amended to  
 25      read as follows:

1           “(1) The term ‘Pentagon Reservation’ means  
2           the Pentagon, the Mark Center Campus, and the  
3           Raven Rock Mountain Complex.”.

4           (2) OTHER DEFINITIONS.—Such subsection is  
5           further amended by adding at the end the following  
6           new paragraphs:

7           “(3) The term ‘Pentagon’ means that area of  
8           land (consisting of approximately 227 acres) and im-  
9           provements thereon, including parking areas, located  
10          in Arlington County, Virginia, containing the Pen-  
11          tagon Office Building and its supporting facilities.

12          “(4) The term ‘Mark Center Campus’ means  
13          that area of land (consisting of approximately 16  
14          acres) and improvements thereon, including parking  
15          areas, located in Alexandria, Virginia, and known on  
16          the day before the date of the enactment of this  
17          paragraph as the Fort Belvoir Mark Center Cam-  
18          pus.

19          “(5) The term ‘Raven Rock Mountain Complex’  
20          means that area of land (consisting of approximately  
21          720 acres) and improvements thereon, including  
22          parking areas, at the Raven Rock Mountain Com-  
23          plex and its supporting facilities located in Maryland  
24          and Pennsylvania.”.

1           (3) CONFORMING AMENDMENT RELATING TO  
2       LAW ENFORCEMENT AUTHORITY.—Subsection (b)(1)  
3       of such section is amended by inserting “for the  
4       Pentagon Reservation and” after “law enforcement  
5       and security functions”.

6           (4) CONFORMING AMENDMENT RELATING TO  
7       DEFINITIONS.—Subsection (g) of such section is re-  
8       pealed.

9       (b) UPDATE TO REFERENCE TO SECRETARY OF DE-  
10      FENSE AUTHORITY.—Subsection (a) of such section is  
11      amended—

12           (1) by striking “Jurisdiction” and inserting  
13       “The Secretary of Defense has jurisdiction”; and

14           (2) by striking “is transferred to the Secretary  
15       of Defense”.

16       (c) REPEAL OF OBSOLETE REPORTING REQUIRE-  
17      MENT.—Such subsection is further amended—

18           (1) by striking “(1)” after “(a)”; and

19           (2) by striking paragraphs (2) and (3).

20       (d) SUBSECTION CAPTIONS.—Such section is further  
21      amended—

22           (1) in subsection (a), as amended by subsection  
23       (c) of this section, by inserting “PENTAGON RES-  
24       ERVATION.—” after “(a)”;

1           (2) in subsection (b), by striking “(b)(1)” and  
 2           inserting “(b) LAW ENFORCEMENT AUTHORITIES  
 3           AND PERSONNEL.—(1)”;

4           (3) in subsection (c), by striking “(c)(1)” and  
 5           inserting “(c) REGULATIONS AND ENFORCEMENT.—  
 6           (1)”;

7           (4) in subsection (d), by inserting “AUTHORITY  
 8           TO CHARGE FOR PROVISION OF CERTAIN SERVICES  
 9           AND FACILITIES.—” after “(d)”;

10          (5) in subsection (e), by striking “(e)(1)” and  
 11          inserting “(e) PENTAGON RESERVATION MAINTENANCE  
 12          REVOLVING FUND.—(1)”;

13          (6) in subsection (f), by inserting “DEFINITIONS.—”  
 14          after “(f)”.

15 **SEC. 2825. TRANSFER OF ADMINISTRATIVE JURISDICTIONS,**

16 **NAVAJO ARMY DEPOT, ARIZONA.**

17          (a) IN GENERAL.—Except as provided under sub-  
 18          section (b), all administrative jurisdiction of the Secretary  
 19          of Agriculture over 23,682 acres of National Forest Sys-  
 20          tem land located within the Kaibab National Forest and  
 21          the Coconino National Forest shown on the map entitled  
 22          “Navajo Army Depot Jurisdiction” and dated May 9,  
 23          2016, is hereby transferred to the Secretary of the Army.

24          (b) VOLUNTEER MOUNTAIN LOOKOUT.—The Sec-  
 25          retary of Agriculture shall retain road access to the Volun-

1 teer Lookout Mountain as depicted on the map referred  
2 to in subsection (a).

3 (c) RESTORATION OR REMEDIATION.—

4 (1) JURISDICTION TRANSFERRED TO THE SEC-  
5 RETARY OF THE ARMY.—The Secretary of the Army  
6 shall be responsible for, and fund any environmental  
7 restoration or remediation that is required for, the  
8 abatement of any release of hazardous substances,  
9 pollutants, contaminants, or petroleum products on  
10 the land referenced in subsection (a), and shall hold  
11 harmless the Secretary of Agriculture from any fi-  
12 nancial obligation to contribute to any such restora-  
13 tion or remediation.

14 (2) JURISDICTION RETAINED BY SECRETARY OF  
15 AGRICULTURE.—With respect to the approximately  
16 4,741 acres of land that were withdrawn and re-  
17 served for use by the Secretary of the Army pursu-  
18 ant to the Public Land Orders referenced in sub-  
19 section (d) for which the Secretary of Agriculture  
20 will retain administrative jurisdiction, the Secretary  
21 of the Army shall be responsible for, and fund any  
22 environmental restoration or remediation that is re-  
23 quired for, the abatement of any release of haz-  
24 ardous substances, pollutants, contaminants, or pe-

1       troleum products on the lands that occurred prior to  
2       the date of the enactment of this section.

3       (d) REVOCATION.—Public Land Order 59 (dated No-  
4       vember 12, 1942) and Public Land Order 176 (dated Sep-  
5       tember 29, 1943) are hereby revoked.

6       (e) REVERSIONARY INTEREST.—On the request of  
7       the owners of the Camp Navajo railroad 1 parcel and the  
8       Camp Navajo railroad 2 parcel, any reversionary interest  
9       of the United States pursuant to the Act of July 27, 1866  
10      (14 Stat. 292, chapter 278), in and to the Camp Navajo  
11      railroad 1 parcel shall be transferred to the Camp Navajo  
12      railroad 2 parcel.

13      (f) RELEASE.—On transfer of the reversionary inter-  
14      est under subsection (e), the Camp Navajo railroad 1 par-  
15      cel shall no longer be subject to the reversionary interest  
16      described in that subsection.

17      (g) DEFINITIONS.—In this section:

18           (1) CAMP NAVAJO RAILROAD 1 PARCEL.—The  
19           term “Camp Navajo railroad 1 parcel” means the  
20           land described in the deed recorded in Coconino  
21           County, Arizona, on October 6, 2014, as document  
22           number 3703647.

23           (2) CAMP NAVAJO RAILROAD 2 PARCEL.—The  
24           term “Camp Navajo railroad 2 parcel” means the  
25           parcel of land as described in the deed recorded in



Coconino County, Arizona, on June 2, 2006, as document number 3386576.

## **Subtitle D—Utah Land Withdrawals and Exchanges.**

### **PART I—AUTHORIZATION FOR TEMPORARY CLOSURE OF CERTAIN PUBLIC LAND ADJACENT TO THE UTAH TEST AND TRAINING RANGE**

#### **SEC. 2831. SHORT TITLE.**

This part may be cited as the “Utah Test and Training Range Encroachment Prevention and Temporary Closure Act”.

#### **SEC. 2832. DEFINITIONS.**

In this part:

(1) **BLM LAND.**—The term “BLM land” means certain public land administered by the Bureau of Land Management land in the State comprising approximately 703,621 acres, as generally depicted on the map entitled “Utah Test and Training Range Enhancement/West Desert Land Exchange” and dated May 7, 2016.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Utah.

1           (4) UTAH TEST AND TRAINING RANGE.—The  
2       term “Utah Test and Training Range” means the  
3       portions of the military land and airspace operating  
4       area of the Utah Test and Training Area that are  
5       located in the State, including the Dugway Proving  
6       Ground.

7   **SEC. 2833. MEMORANDUM OF AGREEMENT.**

8       (a) MEMORANDUM OF AGREEMENT.—

9           (1) IN GENERAL.—Not later than 1 year after  
10      the date of enactment of this Act, the Secretary and  
11      the Secretary of the Air Force shall enter into a  
12      memorandum of agreement to authorize the Sec-  
13      retary of the Air Force, in consultation with the Sec-  
14      retary, to impose limited closures of the BLM land  
15      for military operations and national security and  
16      public safety purposes, as provided in this part.

17          (2) DRAFT.—

18           (A) IN GENERAL.—Not later than 180  
19      days after the date of enactment of this Act,  
20      the Secretary and the Secretary of the Air  
21      Force shall complete a draft of the memo-  
22      randum of agreement required under paragraph  
23      (1).

24           (B) PUBLIC COMMENT PERIOD.—During  
25      the 30-day period beginning on the date on

1           which the draft memorandum of agreement is  
2           completed under subparagraph (A), there shall  
3           be an opportunity for public comment on the  
4           draft memorandum of agreement, including an  
5           opportunity for the Utah Test and Training  
6           Range Community Resource Advisory Group es-  
7           tablished under section 2836 to provide com-  
8           ments on the draft memorandum of agreement.

9           (3) MANAGEMENT BY SECRETARY.—The memo-  
10          randum of agreement entered into under paragraph  
11          (1) shall provide that the Secretary shall continue to  
12          manage the BLM land in accordance with the Fed-  
13          eral Land Policy and Management Act of 1976 (43  
14          U.S.C. 1701 et seq.) and applicable land use plans,  
15          while allowing for the temporary closure of the BLM  
16          land in accordance with this part.

17          (4) PERMITS AND RIGHTS-OF-WAY.—

18                (A) IN GENERAL.—The Secretary shall  
19                consult with the Secretary of the Air Force re-  
20                garding Utah Test and Training Range mission  
21                requirements before issuing new use permits or  
22                rights-of-way on the BLM land.

23                (B) FRAMEWORK.—The Secretary and the  
24                Secretary of the Air Force shall establish within  
25                the memorandum of agreement entered into

1 under paragraph (1) a framework agreed to by  
2 the Secretary and the Secretary of the Air  
3 Force for resolving any disagreement on the  
4 issuance of permits or rights-of-way on the  
5 BLM land.

6 (5) TERMINATION.—

7 (A) IN GENERAL.—The memorandum of  
8 agreement entered into under paragraph (1)  
9 shall be for a term to be determined by the Sec-  
10 retary and the Secretary of the Air Force, not  
11 to exceed 25 years.

12 (B) EARLY TERMINATION.—The memo-  
13 randum of agreement may be terminated before  
14 the date determined under subparagraph (A) if  
15 the Secretary of the Air Force determines that  
16 the temporary closure of the BLM land is no  
17 longer necessary to fulfill Utah Test and Train-  
18 ing Range mission requirements.

19 (b) MAP.—The Secretary may correct any minor er-  
20 rors in the map described in section 2832(1).

21 (c) LAND SAFETY.—If corrective action is necessary  
22 on the BLM land due to an action of the Air Force, the  
23 Secretary of the Air Force shall—

24 (1) render the BLM land safe for public use;

25 and

1           (2) appropriately communicate the safety of the  
2           land to the Secretary on the date on which the BLM  
3           land is rendered safe for public use under paragraph  
4           (1).

5           (d) CONSULTATION.—The Secretary shall consult  
6           with any federally recognized Indian tribe in the vicinity  
7           of the BLM land before entering into any agreement  
8           under this part.

9           (e) GRAZING.—

10           (1) EFFECT.—Nothing in this part impacts the  
11           management of grazing on the BLM land.

12           (2) CONTINUATION OF GRAZING MANAGE-  
13           MENT.—The Secretary shall continue grazing man-  
14           agement on the BLM land pursuant to the Federal  
15           Land Policy and Management Act of 1976 (43  
16           U.S.C. 1701 et seq.) and applicable resource man-  
17           agement plans.

18           (f) MEMORANDUM OF UNDERSTANDING ON EMER-  
19           GENCY ACCESS AND RESPONSE.—Nothing in this section  
20           precludes the continuation of the memorandum of under-  
21           standing between the Department of the Interior and the  
22           Department of the Air Force with respect to emergency  
23           access and response, as in existence on the date of enact-  
24           ment of this Act.

1 (g) WITHDRAWAL.—Subject to valid existing rights,  
2 the BLM land is withdrawn from all forms of appropria-  
3 tion under the public land laws, including the mining laws,  
4 the mineral leasing laws, and the geothermal leasing laws.

5 **SEC. 2834. TEMPORARY CLOSURES.**

6 (a) IN GENERAL.—If the Secretary of the Air Force  
7 determines that military operations (including operations  
8 relating to the fulfillment of the mission of the Utah Test  
9 and Training Range), public safety, or national security  
10 require the temporary closure to public use of any road,  
11 trail, or other portion of the BLM land, the Secretary of  
12 the Air Force may take such action as the Secretary of  
13 the Air Force, in consultation with the Secretary, deter-  
14 mines necessary to carry out the temporary closure.

15 (b) LIMITATIONS.—Any temporary closure under  
16 subsection (a)—

17 (1) shall be limited to the minimum areas and  
18 periods during which the Secretary of the Air Force  
19 determines are required to carry out a closure under  
20 this section;

21 (2) shall not occur on a State or Federal holi-  
22 day, unless notice is provided in accordance with  
23 subsection (c)(1)(B);

1           (3) shall not occur on a Friday, Saturday, or  
2       Sunday, unless notice is provided in accordance with  
3       subsection (c)(1)(B); and

4           (4)(A) if practicable, shall be for not longer  
5       than a 3-hour period per day;

6           (B) shall only be for longer than a 3-hour  
7       period per day—

8           (i) for mission essential reasons; and

9           (ii) as infrequently as practicable and  
10       in no case for more than 10 days per year;  
11       and

12          (C) shall in no case be for longer than a  
13       6-hour period per day.

14       (c) NOTICE.—

15          (1) IN GENERAL.—Except as provided in para-  
16       graph (2), the Secretary of the Air Force shall—

17          (A) keep appropriate warning notices post-  
18       ed before and during any temporary closure;  
19       and

20          (B) provide notice to the Secretary, public,  
21       and relevant stakeholders concerning the tem-  
22       porary closure—

23           (i) at least 30 days before the date on  
24       which the temporary closure goes into ef-  
25       fect;

1 (ii) in the case of a closure during the  
 2 period beginning on March 1 and ending  
 3 on May 31, at least 60 days before the  
 4 date on which the closure goes into effect;  
 5 or

6 (iii) in the case of a closure described  
 7 in paragraph (3) or (4) of subsection (b),  
 8 at least 90 days before the date on which  
 9 the closure goes into effect.

10 (2) SPECIAL NOTIFICATION PROCEDURES.—In  
 11 each case for which a mission-unique security re-  
 12 quirement does not allow for the notifications de-  
 13 scribed in paragraph (1)(B), the Secretary of the Air  
 14 Force shall work with the Secretary to achieve a mu-  
 15 tually agreeable timeline for notification.

16 (d) MAXIMUM ANNUAL CLOSURES.—The total cumu-  
 17 lative hours of temporary closures authorized under this  
 18 section with respect to the BLM land shall not exceed 100  
 19 hours annually.

20 (e) PROHIBITION ON CERTAIN TEMPORARY CLO-  
 21 SURES.—The northernmost area identified as “Newfound-  
 22 land’s” on the map described in section 2832(1) shall not  
 23 be subject to any temporary closure between August 21  
 24 and February 28, in accordance with the lawful hunting  
 25 seasons of the State of Utah.



1       (f) EMERGENCY GROUND RESPONSE.—A temporary  
2 closure of a portion of the BLM land shall not affect the  
3 conduct of emergency response activities on the BLM land  
4 during the temporary closure.

5       (g) LIVESTOCK.—Livestock authorized by a Federal  
6 grazing permit shall be allowed to remain on the BLM  
7 land during a temporary closure of the BLM land under  
8 this section.

9       (h) LAW ENFORCEMENT AND SECURITY.—The Sec-  
10 retary and the Secretary of the Air Force may enter into  
11 cooperative agreements with State and local law enforce-  
12 ment officials with respect to lawful procedures and proto-  
13 cols to be used in promoting public safety and operation  
14 security on or near the BLM land during noticed test and  
15 training periods.

16 **SEC. 2835. LIABILITY.**

17       The United States (including all departments, agen-  
18 cies, officers, and employees of the United States) shall  
19 be held harmless and shall not be liable for any injury  
20 or damage to any individual or property suffered in the  
21 course of any mining, mineral, or geothermal activity, or  
22 any other authorized nondefense-related activity, con-  
23 ducted on the BLM land.

1 **SEC. 2836. COMMUNITY RESOURCE ADVISORY GROUP.**

2 (a) ESTABLISHMENT.—Not later than 90 days after  
3 the date of enactment of this Act, there shall be estab-  
4 lished the Utah Test and Training Range Community Re-  
5 source Advisory Group (referred to in this section as the  
6 “Community Group”) to provide regular and continuing  
7 input to the Secretary and the Secretary of the Air Force  
8 on matters involving public access to, use of, and overall  
9 management of the BLM land.

10 (b) MEMBERSHIP.—

11 (1) IN GENERAL.—The Secretary shall appoint  
12 members to the Community Group, including—

13 (A) 1 representative of Indian tribes in the  
14 vicinity of the BLM land, to be nominated by  
15 a majority vote conducted among the Indian  
16 tribes in the vicinity of the BLM land;

17 (B) not more than 1 county commissioner  
18 from each of Box Elder, Tooele, and Juab  
19 Counties, Utah;

20 (C) 2 representatives of off-road and high-  
21 way use, hunting, or other recreational users of  
22 the BLM land;

23 (D) 2 representatives of livestock permit-  
24 tees on public land located within the BLM  
25 land;

1 (E) 1 representative of the Utah Depart-  
2 ment of Agriculture and Food; and

3 (F) not more than 3 representatives of  
4 State or Federal offices or agencies, or private  
5 groups or individuals, if the Secretary deter-  
6 mines that such representatives would further  
7 the goals and objectives of the Community  
8 Group.

9 (2) CHAIRPERSON.—The members described in  
10 paragraph (1) shall elect from among the members  
11 of the Community Group—

12 (A) 1 member to serve as Chairperson of  
13 the Community Group; and

14 (B) 1 member to serve as Vice-Chairperson  
15 of the Community Group.

16 (3) AIR FORCE PERSONNEL.—The Secretary of  
17 the Air Force shall appoint appropriate operational  
18 and land management personnel of the Air Force to  
19 serve as a liaison to the Community Group.

20 (c) CONDITIONS AND TERMS OF APPOINTMENT.—

21 (1) IN GENERAL.—Each member of the Com-  
22 munity Group shall serve voluntarily and without  
23 compensation.

24 (2) TERM OF APPOINTMENT.—

1 (A) IN GENERAL.—Each member of the  
2 Community Group shall be appointed for a  
3 term of 4 years.

4 (B) ORIGINAL MEMBERS.—Notwith-  
5 standing subparagraph (A), the Secretary shall  
6 select  $\frac{1}{2}$  of the original members of the Com-  
7 munity Group to serve for a term of 4 years  
8 and the  $\frac{1}{2}$  to serve for a term of 2 years to en-  
9 sure the replacement of members shall be stag-  
10 gered from year to year.

11 (C) REAPPOINTMENT AND REPLACE-  
12 MENT.—The Secretary may reappoint or re-  
13 place a member of the Community Group ap-  
14 pointed under subsection (b)(1), if—

15 (i) the term of the member has ex-  
16 pired;

17 (ii) the member has retired; or

18 (iii) the position held by the member  
19 described in subparagraph (A) through (F)  
20 of paragraph (1) has changed to the extent  
21 that the ability of the member to represent  
22 the group or entity that the member rep-  
23 resents has been significantly affected.

24 (d) MEETINGS.—

1           (1) IN GENERAL.—The Community Group shall  
2       meet not less than once per year, and at such other  
3       frequencies as determined by 5 or more of the mem-  
4       bers of the Community Group.

5           (2) RESPONSIBILITIES OF COMMUNITY  
6       GROUP.—The Community Group shall be responsible  
7       for determining appropriate schedules for, details of,  
8       and actions for meetings of the Community Group.

9           (3) NOTICE.—The Chairperson shall provide  
10      notice to each member of the Community Group not  
11      less than 10 business days before the date of a  
12      scheduled meeting.

13          (4) EXEMPT FROM FEDERAL ADVISORY COM-  
14      MITTEE ACT.—The Federal Advisory Committee Act  
15      (5 U.S.C. App.) shall not apply to meetings of the  
16      Community Group.

17          (e) RECOMMENDATIONS OF COMMUNITY GROUP.—  
18      The Secretary and Secretary of the Air Force, consistent  
19      with existing laws (including regulations), shall take under  
20      consideration recommendations from the Community  
21      Group.

22          (f) TERMINATION OF AUTHORITY.—The Community  
23      Group shall terminate on the date that is 10 years after  
24      the date of enactment of this Act.

1 **SEC. 2837. SAVINGS CLAUSES.**

2 (a) EFFECT ON WEAPON IMPACT AREA.—Nothing in  
3 this part expands the boundaries of the weapon impact  
4 area of the Utah Test and Training Range.

5 (b) EFFECT ON SPECIAL USE AIRSPACE AND TRAIN-  
6 ING ROUTES.—Nothing in this part precludes—

7 (1) the designation of new units of special use  
8 airspace; or

9 (2) the expansion of existing units of special  
10 use airspace.

11 (c) EFFECT ON EXISTING MILITARY SPECIAL USE  
12 AIRSPACE AGREEMENT.—Nothing in this part limits or  
13 alters the Military Operating Areas of Airspace Use  
14 Agreement between the Federal Aviation Administration  
15 and the Air Force in effect on the date of enactment of  
16 this Act.

17 (d) EFFECT ON EXISTING RIGHTS AND AGREE-  
18 MENTS.—

19 (1) KNOLLS SPECIAL RECREATION MANAGE-  
20 MENT AREA; BLM COMMUNITY PITS.—Except as oth-  
21 erwise provided in section 2834, nothing in this part  
22 limits or alters any existing right or right of access  
23 to—

24 (A) the Knolls Special Recreation Manage-  
25 ment Area; or

1 (B)(i) the Bureau of Land Management  
2 Community Pits Central Grayback and South  
3 Grayback; and

4 (ii) any other county or community pit lo-  
5 cated within close proximity to the BLM land.

6 (e) INTERSTATE 80.—Nothing in this part authorizes  
7 any additional authority or right to the Secretary or the  
8 Secretary of the Air Force to temporarily close Interstate  
9 80.

10 (f) EFFECT ON LIMITATION ON AMENDMENTS TO  
11 CERTAIN INDIVIDUAL RESOURCE MANAGEMENT  
12 PLANS.—Nothing in this part affects the limitation estab-  
13 lished under section 2815(d) of the National Defense Au-  
14 thorization Act for Fiscal Year 2000 (Public Law 106–  
15 65; 113 Stat. 852).

16 (g) EFFECT ON PREVIOUS MEMORANDUM OF UN-  
17 DERSTANDING.—Nothing in this part affects the memo-  
18 randum of understanding entered into by the Air Force,  
19 the Bureau of Land Management, the Utah Department  
20 of Natural Resources, and the Utah Division of Wildlife  
21 Resources relating to the reestablishment of bighorn sheep  
22 in the Newfoundland Mountains and signed by the parties  
23 to the memorandum of understanding during the period  
24 beginning on January 24, 2000, and ending on February  
25 4, 2000.

1 (h) EFFECT ON FEDERALLY RECOGNIZED INDIAN  
 2 TRIBES.—Nothing in this part alters any right reserved  
 3 by treaty or Federal law for a Federally recognized Indian  
 4 tribe for tribal use.

5 (i) PAYMENTS IN LIEU OF TAXES.—Nothing in this  
 6 part diminishes, enhances, or otherwise affects any other  
 7 right or entitlement of the counties in which the BLM land  
 8 is situated to payments in lieu of taxes based on the BLM  
 9 land, under section 6901 of title 31, United States Code.

10 (j) WILDLIFE IMPROVEMENTS.—The Secretary and  
 11 the Utah Division of Wildlife Resources shall continue the  
 12 management of wildlife improvements, including guzzlers,  
 13 in existence as of the date of enactment of this Act on  
 14 the BLM land.

## 15 **PART II—BUREAU OF LAND MANAGEMENT LAND**

### 16 **EXCHANGE WITH STATE OF UTAH**

#### 17 **SEC. 2841. DEFINITIONS.**

18 In this part:

19 (1) EXCHANGE MAP.—The term “Exchange  
 20 Map” means the map prepared by the Bureau of  
 21 Land Management entitled “Utah Test and Train-  
 22 ing Range Enhancement/West Desert Land Ex-  
 23 change” and dated May 7, 2016.

24 (2) FEDERAL LAND.—The term “Federal land”  
 25 means the Bureau of Land Management land lo-



1 cated in Box Elder, Millard, Juab, Tooele, and Bea-  
 2 ver Counties, Utah, that is identified on the Ex-  
 3 change Map as “BLM Lands Proposed for Transfer  
 4 to State Trust Lands”.

5 (3) NON-FEDERAL LAND.—The term “non-Fed-  
 6 eral land” means the land owned by the State in  
 7 Box Elder, Tooele, and Juab Counties, Utah, that is  
 8 identified on the Exchange Map as—

9 (A) “State Trust Land Proposed for  
 10 Transfer to BLM”; and

11 (B) “State Trust Minerals Proposed for  
 12 Transfer to BLM”.

13 (4) SECRETARY.—The term “Secretary” means  
 14 the Secretary of the Interior.

15 (5) STATE.—The term “State” means the State  
 16 of Utah, acting through the School and Institutional  
 17 Trust Lands Administration.

18 **SEC. 2842. EXCHANGE OF FEDERAL LAND AND NON-FED-**  
 19 **ERAL LAND.**

20 (a) IN GENERAL.—If the State offers to convey to  
 21 the United States title to the non-Federal land, the Sec-  
 22 retary shall—

23 (1) accept the offer; and

24 (2) on receipt of all right, title, and interest in  
 25 and to the non-Federal land, convey to the State (or

1 a designee) all right, title, and interest of the United  
2 States in and to the Federal land.

3 (b) APPLICABLE LAW.—

4 (1) IN GENERAL.—The land exchange shall be  
5 subject to section 206 of the Federal Land Policy  
6 and Management Act of 1976 (43 U.S.C. 1716) and  
7 other applicable law.

8 (2) EFFECT OF STUDY.—The Secretary shall  
9 carry out the land exchange under this title notwith-  
10 standing section 2815(d) of the National Defense  
11 Authorization Act for Fiscal Year 2000 (Public Law  
12 106–65; 113 Stat. 852).

13 (3) LAND USE PLANNING.—The Secretary shall  
14 not be required to undertake any additional land use  
15 planning under section 202 of the Federal Land Pol-  
16 icy and Management Act of 1976 (43 U.S.C. 1712)  
17 before the conveyance of the Federal land under this  
18 part.

19 (c) VALID EXISTING RIGHTS.—The exchange author-  
20 ized under subsection (a) shall be subject to valid existing  
21 rights.

22 (d) TITLE APPROVAL.—Title to the Federal land and  
23 non-Federal land to be exchanged under this part shall  
24 be in a format acceptable to the Secretary and the State.

25 (e) APPRAISALS.—

1           (1) IN GENERAL.—The value of the Federal  
2       land and the non-Federal land to be exchanged  
3       under this part shall be determined by appraisals  
4       conducted by 1 or more independent and qualified  
5       appraisers.

6           (2) STATE APPRAISER.—The Secretary and the  
7       State may agree to use an independent and qualified  
8       appraiser retained by the State, with the consent of  
9       the Secretary.

10          (3) APPLICABLE LAW.—The appraisals under  
11       paragraph (1) shall be conducted in accordance with  
12       nationally recognized appraisal standards, including,  
13       as appropriate, the Uniform Appraisal Standards for  
14       Federal Land Acquisitions and the Uniform Stand-  
15       ards of Professional Appraisal Practice.

16          (4) MINERALS.—

17                (A) MINERAL REPORTS.—The appraisals  
18       under paragraph (1) may take into account  
19       mineral and technical reports provided by the  
20       Secretary and the State in the evaluation of  
21       minerals in the Federal land and non-Federal  
22       land.

23                (B) MINING CLAIMS.—Federal land that is  
24       encumbered by a mining or millsite claim lo-  
25       cated under sections 2318 through 2352 of the

1 Revised Statutes (commonly known as the  
2 “Mining Law of 1872”) (30 U.S.C. 21 et seq.)  
3 shall be appraised in accordance with standard  
4 appraisal practices, including, as appropriate,  
5 the Uniform Appraisal Standards for Federal  
6 Land Acquisition.

7 (C) VALIDITY EXAMINATION.—Nothing in  
8 this part requires the Secretary to conduct a  
9 mineral examination for any mining claim on  
10 the Federal land.

11 (5) APPROVAL.—An appraisal conducted under  
12 paragraph (1) shall be submitted to the Secretary  
13 and the State for approval.

14 (6) DURATION.—An appraisal conducted under  
15 paragraph (1) shall remain valid for 3 years after  
16 the date on which the appraisal is approved by the  
17 Secretary and the State.

18 (7) COST OF APPRAISAL.—

19 (A) IN GENERAL.—The cost of an ap-  
20 praisal conducted under paragraph (1) shall be  
21 paid equally by the Secretary and the State.

22 (B) REIMBURSEMENT BY SECRETARY.—If  
23 the State retains an appraiser in accordance  
24 with paragraph (2), the Secretary shall reim-

1           burse the State in an amount equal to 50 per-  
2           cent of the costs incurred by the State.

3           (f) CONVEYANCE OF TITLE.—It is the intent of Con-  
4 gress that the land exchange authorized under this part  
5 shall be completed not later than 1 year after the date  
6 of final approval by the Secretary and the State of the  
7 appraisals conducted under subsection (e).

8           (g) PUBLIC INSPECTION AND NOTICE.—

9           (1) PUBLIC INSPECTION.—At least 30 days be-  
10 fore the date of conveyance of the Federal land and  
11 non-Federal land, all final appraisals and appraisal  
12 reviews for the Federal land and non-Federal land  
13 to be exchanged under this part shall be available  
14 for public review at the office of the State Director  
15 of the Bureau of Land Management in the State.

16           (2) NOTICE.—The Secretary or the State, as  
17 applicable, shall publish in a newspaper of general  
18 circulation in Salt Lake County, Utah, a notice that  
19 the appraisals conducted under subsection (e) are  
20 available for public inspection.

21           (h) CONSULTATION WITH INDIAN TRIBES.—The  
22 Secretary shall consult with any federally recognized In-  
23 dian tribe in the vicinity of the Federal land and non-Fed-  
24 eral land to be exchanged under this part before the com-  
25 pletion of the land exchange.

1 (i) EQUAL VALUE EXCHANGE.—

2 (1) IN GENERAL.—The value of the Federal  
3 land and non-Federal land to be exchanged under  
4 this part—

5 (A) shall be equal; or

6 (B) shall be made equal in accordance with  
7 paragraph (2).

8 (2) EQUALIZATION.—

9 (A) SURPLUS OF FEDERAL LAND.—

10 (i) IN GENERAL.—If the value of the  
11 Federal land exceeds the value of the non-  
12 Federal land, the value of the Federal land  
13 and non-Federal land shall be equalized by  
14 the State conveying to the Secretary, as  
15 necessary to equalize the value of the Fed-  
16 eral land and non-Federal land—

17 (I) State trust land parcel 1, as  
18 described in the assessment entitled  
19 “Bureau of Land Management Envi-  
20 ronmental Assessment UT-100-06-  
21 EA”, numbered UTU-82090, and  
22 dated March 2008; or

23 (II) State trust land located  
24 within any of the wilderness areas or  
25 national conservation areas in Wash-

1           ington County, Utah, established  
2           under subtitle O of title I of the Om-  
3           nibus Public Land Management Act  
4           of 2009 (Public Law 111–11; 123  
5           Stat. 1075).

6           (ii) ORDER OF CONVEYANCES.—Any  
7           non-Federal land required to be conveyed  
8           to the Secretary under clause (i) shall be  
9           conveyed until the value of the Federal  
10          land and non-Federal land is equalized.

11          (B) SURPLUS OF NON-FEDERAL LAND.—If  
12          the value of the non-Federal land exceeds the  
13          value of the Federal land, the value of the Fed-  
14          eral land and the non-Federal land shall be  
15          equalized—

16               (i) by the Secretary making a cash  
17               equalization payment to the State, in ac-  
18               cordance with section 206(b) of the Fed-  
19               eral Land Policy and Management Act of  
20               1976 (43 U.S.C. 1716(b)); or

21               (ii) by removing non-Federal land  
22               from the exchange.

23          (j) GRAZING PERMITS.—

24               (1) IN GENERAL.—If the Federal land or non-  
25          Federal land exchanged under this part is subject to

1 a lease, permit, or contract for the grazing of domes-  
2 tic livestock in effect on the date of acquisition, the  
3 Secretary and the State shall allow the grazing to  
4 continue for the remainder of the term of the lease,  
5 permit, or contract, subject to the related terms and  
6 conditions of user agreements, including permitted  
7 stocking rates, grazing fee levels, access rights, and  
8 ownership and use of range improvements.

9 (2) RENEWAL.—To the extent allowed by Fed-  
10 eral or State law, on expiration of any grazing lease,  
11 permit, or contract described in paragraph (1), the  
12 holder of the lease, permit, or contract shall be enti-  
13 tled to a preference right to renew the lease, permit,  
14 or contract.

15 (3) CANCELLATION.—

16 (A) IN GENERAL.—Nothing in this part  
17 prevents the Secretary or the State from can-  
18 celing or modifying a grazing permit, lease, or  
19 contract if the Federal land or non-Federal  
20 land subject to the permit, lease, or contract is  
21 sold, conveyed, transferred, or leased for non-  
22 grazing purposes by the Secretary or the State.

23 (B) LIMITATION.—Except to the extent  
24 reasonably necessary to accommodate surface  
25 operations in support of mineral development,



1           the Secretary or the State shall not cancel or  
 2           modify a grazing permit, lease, or contract be-  
 3           cause the land subject to the permit, lease, or  
 4           contract has been leased for mineral develop-  
 5           ment.

6           (4) BASE PROPERTIES.—If non-Federal land  
 7           conveyed by the State under this part is used by a  
 8           grazing permittee or lessee to meet the base prop-  
 9           erty requirements for a Federal grazing permit or  
 10          lease, the land shall continue to qualify as a base  
 11          property for—

12                   (A) the remaining term of the lease or per-  
 13                   mit; and

14                   (B) the term of any renewal or extension  
 15                   of the lease or permit.

16          (k) WITHDRAWAL OF FEDERAL LAND FROM MIN-  
 17          ERAL ENTRY PRIOR TO EXCHANGE.—Subject to valid ex-  
 18          isting rights, the Federal land to be conveyed to the State  
 19          under this part is withdrawn from mineral location, entry,  
 20          and patent under the mining laws pending conveyance of  
 21          the Federal land to the State.

22      **SEC. 2843. STATUS AND MANAGEMENT OF NON-FEDERAL**  
 23                   **LAND ACQUIRED BY THE UNITED STATES.**

24          (a) IN GENERAL.—On conveyance to the United  
 25          States under this part, the non-Federal land shall be man-

1 aged by the Secretary in accordance with the Federal  
2 Land Policy and Management Act of 1976 (43 U.S.C.  
3 1701 et seq.) and applicable land use plans.

4 (b) NON-FEDERAL LAND WITHIN CEDAR MOUN-  
5 TAINS WILDERNESS.—On conveyance to the Secretary  
6 under this part, the non-Federal land located within the  
7 Cedar Mountains Wilderness shall, in accordance with sec-  
8 tion 206(c) of the Federal Land Policy Act of 1976 (43  
9 U.S.C. 1716(c)), be added to, and administered as part  
10 of, the Cedar Mountains Wilderness.

11 (c) NON-FEDERAL LAND WITHIN WILDERNESS  
12 AREAS OR NATIONAL CONSERVATION AREAS.—On con-  
13 veyance to the Secretary under this part, non-Federal land  
14 located in a national wilderness area or national conserva-  
15 tion area shall be managed in accordance with the applica-  
16 ble provisions of subtitle O of title I of the Omnibus Public  
17 Land Management Act of 2009 (Public Law 111–11).

18 **SEC. 2844. HAZARDOUS MATERIALS.**

19 (a) COSTS.—Except as provided in subsection (b), the  
20 costs of remedial actions relating to hazardous materials  
21 on land acquired under this part shall be paid by those  
22 entities responsible for the costs under applicable law.

23 (b) REMEDIATION OF PRIOR TESTING AND TRAINING  
24 ACTIVITY.—The Secretary of the Air Force shall bear all  
25 costs of evaluation, management, and remediation caused

1 by the previous testing of military weapons systems and  
 2 the training of military forces on non-Federal land to be  
 3 conveyed to the United States under this part.

## 4           **Subtitle E—Other Matters**

5   **SEC. 2851. CERTIFICATION OF OPTIMAL LOCATION FOR**  
 6                   **4TH AND 5TH GENERATION COMBAT AIR-**  
 7                   **CRAFT BASING AND FOR ROTATION OF**  
 8                   **FORCES AT NAVAL AIR STATION EL CENTRO**  
 9                   **OR MARINE CORPS AIR STATION KANEOHE**  
 10                  **BAY.**

11       (a) NEXT GENERATION FACILITY CERTIFICATION.—  
 12 No amounts may be expended for the construction of  
 13 hangars, housing, maintenance or related facilities to sup-  
 14 port any current or future F/A–18 or F–35 squadrons at  
 15 Naval Air Station Lemoore, California, as authorized by  
 16 section 2201, until the Secretary of Defense certifies to  
 17 the congressional defense committees that the Secretary  
 18 has determined, based on an analysis of United States  
 19 operational requirements, that Naval Air Station Lemoore  
 20 remains the optimal location for F/A–18 or F–35 squad-  
 21 rons. The certification shall include an explanation of the  
 22 basis for the certification.

23       (b) EL CENTRO AND KANEOHE BAY UTILIZATION.—

24           (1) DETERMINATION.—Not later than one year  
 25       after the date of the enactment of this Act, the Sec-

1       retary of Defense, in coordination with the Chief of  
2       Naval Operations, shall submit to the congressional  
3       defense committees a determination of the oper-  
4       ational viability of the use of Naval Air Facility El  
5       Centro, California, or Marine Corps Air Station  
6       Kaneohe Bay, Hawaii, for the rotational presence  
7       of—

8               (A) fighter aircraft for air-to-air training;

9               or

10              (B) naval forces.

11              (2) BASIS OF DETERMINATION.—The submis-  
12       sion to the congressional defense committees under  
13       paragraph (1) shall include an explanation of the  
14       basis for the determination.

15              (3) PLAN.—If the Secretary of Defense deter-  
16       mines that Naval Air Facility El Centro or Marine  
17       Corps Air Station Kaneohe Bay is a viable option  
18       for one or more of the uses specified in paragraph  
19       (1), the Secretary shall, not later than April 1,  
20       2018, submit to the congressional defense commit-  
21       tees a plan for such uses that includes the following  
22       elements:

23               (A) The types and number of naval forces

24               or air-to-air training fighter aircraft considered

25               for rotational purposes.

1 (B) The duration and frequency of such  
2 assignment.

3 (C) A description of any additional infra-  
4 structure investment required to support such  
5 assignment.

6 (D) An assessment of the impact to per-  
7 manent manpower levels necessary to support  
8 such assignment.

9 **SEC. 2852. REPLENISHMENT OF SIERRA VISTA SUBWATER-**  
10 **SHED REGIONAL AQUIFER, ARIZONA.**

11 The Secretary of the Army or the Secretary of the  
12 Interior may enter into agreements with the Cochise Con-  
13 servation Recharge Network, Arizona, in support of water  
14 conservation, recharge, and reuse efforts for the regional  
15 aquifer identified under Section 321(g) of the National  
16 Defense Authorization Act for Fiscal Year 2004 (Public  
17 Law 108–136; 117 Stat. 1439).

18 **TITLE XXIX—OVERSEAS CONTIN-**  
19 **GENCY OPERATIONS MILI-**  
20 **TARY CONSTRUCTION**

21 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
22 **ACQUISITION PROJECTS.**

23 The Secretary of the Navy may acquire real property  
24 and carry out the military construction projects for the

1 installations outside the United States, and in the  
 2 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

3 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 4 **LAND ACQUISITION PROJECTS.**

5 The Secretary of the Air Force may acquire real  
 6 property and carry out the military construction projects  
 7 for the installations outside the United States, and in the  
 8 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

9 **SEC. 2903. AUTHORIZATION OF APPROPRIATIONS.**

10 Funds are hereby authorized to be appropriated for  
 11 fiscal years beginning after September 30, 2016, for the  
 12 military construction projects outside the United States  
 13 authorized by this title as specified in the funding table  
 14 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 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).

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 appropria-  
7                   tions 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”; and

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 ministrator 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.—



“(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—

“(i) that NOTAM is not available through the repository before the commencement of the flight; and

“(ii) that NOTAM is not reasonably accessible and identifiable to the airman.

“(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.”.

**SEC. 3306. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

(a) IN GENERAL.—Subchapter I of chapter 471 of title 49, United States Code, is amended by inserting after section 47124 the following:

**“§ 47124a. Accessibility of certain flight data**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATION.—The term ‘Administration’ means the Federal Aviation Administration.

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
<b>AIRCRAFT PROCUREMENT, ARMY</b>			
<b>FIXED WING</b>			
1	UTILITY F/W AIRCRAFT .....	57,529	57,529
3	MQ-1 UAV .....	55,388	55,388
<b>ROTARY</b>			
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
<b>MODIFICATION OF AIRCRAFT</b>			
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
<b>GROUND SUPPORT AVIONICS</b>			
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
<b>OTHER SUPPORT</b>			
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
<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....		<b>3,614,787</b>	<b>3,640,787</b>
<b>MISSILE PROCUREMENT, ARMY</b>			
<b>SURFACE-TO-AIR MISSILE SYSTEM</b>			
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
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
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
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
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
<b>MODIFICATIONS</b>			
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
<b>SPARES AND REPAIR PARTS</b>			
21	SPARES AND REPAIR PARTS .....	34,487	34,487
<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>			
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
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>1,519,966</b>	<b>1,519,966</b>
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
1	STRYKER VEHICLE .....	71,680	71,680
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>		
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]
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		
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]
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
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
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
32	ITEMS LESS THAN \$5.0M (WOCV-WTCV) .....	2,331	2,331
35	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) .....	3,155	3,155
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>2,265,177</b>	<b>2,394,177</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
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]
	<b>MORTAR AMMUNITION</b>		
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
	<b>TANK AMMUNITION</b>		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	120,668	117,868
	Early to need .....		[-2,800]
	<b>ARTILLERY AMMUNITION</b>		
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
	<b>ROCKETS</b>		
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
	<b>OTHER AMMUNITION</b>		
21	CAD/PAD, ALL TYPES .....	4,914	4,914
22	DEMOLITION MUNITIONS, ALL TYPES .....	6,380	6,380
23	GRENADERS, ALL TYPES .....	22,760	22,760
24	SIGNALS, ALL TYPES .....	10,666	10,666
25	SIMULATORS, ALL TYPES .....	7,412	7,412
	<b>MISCELLANEOUS</b>		
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
	<b>PRODUCTION BASE SUPPORT</b>		
32	INDUSTRIAL FACILITIES .....	222,269	222,269
33	CONVENTIONAL MUNITIONS DEMILITARIZATION .....	157,383	157,383
34	ARMS INITIATIVE .....	3,646	3,646
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>1,513,157</b>	<b>1,485,457</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
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
	<b>NON-TACTICAL VEHICLES</b>		
16	HEAVY ARMORED SEDAN .....	394	394
18	NONTACTICAL VEHICLES, OTHER .....	1,755	1,755
	<b>COMM—JOINT COMMUNICATIONS</b>		
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
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
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
	<b>COMM—C3 SYSTEM</b>		
31	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	2,530	2,530
	<b>COMM—COMBAT COMMUNICATIONS</b>		
33	HANDHELD MANPACK SMALL FORM FIT (HMS) .....	273,645	273,645
34	MID-TIER NETWORKING VEHICULAR RADIO (MNVN) .....	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
	<b>COMM—INTELLIGENCE COMM</b>		
47	CI AUTOMATION ARCHITECTURE .....	1,388	1,388
48	ARMY CA/MISO GPF EQUIPMENT .....	5,494	5,494
	<b>INFORMATION SECURITY</b>		
49	FAMILY OF BIOMETRICS .....	2,978	2,978
51	COMMUNICATIONS SECURITY (COMSEC) .....	131,356	131,356
52	DEFENSIVE CYBER OPERATIONS .....	15,132	15,132
	<b>COMM—LONG HAUL COMMUNICATIONS</b>		
53	BASE SUPPORT COMMUNICATIONS .....	27,452	27,452
	<b>COMM—BASE COMMUNICATIONS</b>		
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
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
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
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
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
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
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]
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
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
	<b>ELECT EQUIP—AUTOMATION</b>		
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
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>		
107	TACTICAL DIGITAL MEDIA .....	1,191	1,191
108	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....	1,995	1,995
	<b>ELECT EQUIP—SUPPORT</b>		
109	PRODUCTION BASE SUPPORT (C-E) .....	403	403
	<b>CLASSIFIED PROGRAMS</b>		
110	CLASSIFIED PROGRAMS .....	4,436	4,436
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
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
	<b>BRIDGING EQUIPMENT</b>		
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
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
119	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....	39,350	39,350
120	AREA MINE DETECTION SYSTEM (AMDS) .....	10,500	10,500
121	HUSKY MOUNTED DETECTION SYSTEM (HMDS) .....	274	274
122	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....	2,951	2,951
123	EOD ROBOTICS SYSTEMS RECAPITALIZATION .....	1,949	1,949
124	ROBOTICS AND APPLIQUE SYSTEMS .....	5,203	5,203
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	5,570	5,570



SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
126	REMOTE DEMOLITION SYSTEMS .....	6,238	6,238
127	< \$5M, COUNTERMINE EQUIPMENT .....	836	836
128	FAMILY OF BOATS AND MOTORS .....	3,171	3,171
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
129	HEATERS AND ECU'S .....	18,707	18,707
130	SOLDIER ENHANCEMENT .....	2,112	2,112
131	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	10,856	10,856
132	GROUND SOLDIER SYSTEM .....	32,419	32,419
133	MOBILE SOLDIER POWER .....	30,014	30,014
135	FIELD FEEDING EQUIPMENT .....	12,544	12,544
136	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	18,509	18,509
137	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	29,384	29,384
	<b>PETROLEUM EQUIPMENT</b>		
139	QUALITY SURVEILLANCE EQUIPMENT .....	4,487	4,487
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	42,656	32,656
	Program decrease .....		[-10,000]
	<b>MEDICAL EQUIPMENT</b>		
141	COMBAT SUPPORT MEDICAL .....	59,761	59,761
	<b>MAINTENANCE EQUIPMENT</b>		
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
	<b>CONSTRUCTION EQUIPMENT</b>		
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
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
156	ARMY WATERCRAFT ESP .....	21,860	10,860
	Program decrease .....		[-11,000]
157	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....	1,967	1,967
	<b>GENERATORS</b>		
158	GENERATORS AND ASSOCIATED EQUIP .....	113,266	113,266
159	TACTICAL ELECTRIC POWER RECAPITALIZATION .....	7,867	7,867
	<b>MATERIAL HANDLING EQUIPMENT</b>		
160	FAMILY OF FORKLIFTS .....	2,307	2,307
	<b>TRAINING EQUIPMENT</b>		
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
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
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
	<b>OTHER SUPPORT EQUIPMENT</b>		
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
	<b>OPA2</b>		
179	INITIAL SPARES—C&E .....	27,243	27,243
	<b>TOTAL OTHER PROCUREMENT, ARMY</b>	<b>5,873,949</b>	<b>5,562,063</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
3	JOINT STRIKE FIGHTER CV .....	890,650	890,650
4	JOINT STRIKE FIGHTER CV (AP) .....	80,908	80,908
5	JSF STOVL .....	2,037,768	2,037,768
6	JSF STOVL (AP) .....	233,648	233,648
7	CH-53K (HEAVY LIFT) .....	348,615	348,615
8	CH-53K (HEAVY LIFT) (AP) .....	88,365	88,365
9	V-22 (MEDIUM LIFT) .....	1,264,134	1,264,134
10	V-22 (MEDIUM LIFT) (AP) .....	19,674	19,674
11	H-1 UPGRADES (UH-1Y/AH-1Z) .....	759,778	759,778
12	H-1 UPGRADES (UH-1Y/AH-1Z) (AP) .....	57,232	57,232
14	MH-60R (MYP) .....	61,177	61,177

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
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
	<b>TRAINER AIRCRAFT</b>		
20	JPATS .....	5,849	5,849
	<b>OTHER AIRCRAFT</b>		
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
	<b>MODIFICATION OF AIRCRAFT</b>		
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
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
63	SPARES AND REPAIR PARTS .....	1,407,626	1,458,426
	F-35B spares unfunded requirement .....		[50,800]
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
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
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>14,109,148</b>	<b>14,159,948</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>MODIFICATION OF MISSILES</b>		
1	TRIDENT II MODS .....	1,103,086	1,103,086
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
2	MISSILE INDUSTRIAL FACILITIES .....	6,776	6,776
	<b>STRATEGIC MISSILES</b>		
3	TOMAHAWK .....	186,905	271,105
	Program increase .....		[84,200]
	<b>TACTICAL MISSILES</b>		
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
	<b>MODIFICATION OF MISSILES</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
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
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
20	WEAPONS INDUSTRIAL FACILITIES .....	1,964	1,964
21	FLEET SATELLITE COMM FOLLOW-ON .....	36,723	36,723
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
22	ORDNANCE SUPPORT EQUIPMENT .....	59,096	66,066
	Program increase .....		[6,970]
	<b>TORPEDOES AND RELATED EQUIP</b>		
23	SSTD .....	5,910	5,910
24	MK-48 TORPEDO .....	44,537	44,537
25	ASW TARGETS .....	9,302	9,302
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
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
	<b>SUPPORT EQUIPMENT</b>		
29	TORPEDO SUPPORT EQUIPMENT .....	60,061	60,061
30	ASW RANGE SUPPORT .....	3,706	3,706
	<b>DESTINATION TRANSPORTATION</b>		
31	FIRST DESTINATION TRANSPORTATION .....	3,804	3,804
	<b>GUNS AND GUN MOUNTS</b>		
32	SMALL ARMS AND WEAPONS .....	18,002	18,002
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
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
	<b>SPARES AND REPAIR PARTS</b>		
40	SPARES AND REPAIR PARTS .....	62,383	62,383
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>3,209,262</b>	<b>3,270,432</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
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
	<b>MARINE CORPS AMMUNITION</b>		
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]
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b> .....	<b>664,368</b>	<b>657,868</b>
	<b>SHIPBUILDING AND CONVERSION, NAVY</b>		
	<b>FLEET BALLISTIC MISSILE SHIPS</b>		
1	OHIO REPLACEMENT SUBMARINE (AP) .....	773,138	773,138
	<b>OTHER WARSHIPS</b>		
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

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
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]
	<b>AMPHIBIOUS SHIPS</b>		
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
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
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
	<b>TOTAL SHIPBUILDING AND CONVERSION, NAVY</b> .....	<b>18,354,874</b>	<b>18,426,674</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>SHIP PROPULSION EQUIPMENT</b>		
3	SURFACE POWER EQUIPMENT .....	15,514	15,514
4	HYBRID ELECTRIC DRIVE (HED) .....	40,132	40,132
	<b>GENERATORS</b>		
5	SURFACE COMBATANT HM&E .....	29,974	29,974
	<b>NAVIGATION EQUIPMENT</b>		
6	OTHER NAVIGATION EQUIPMENT .....	63,942	63,942
	<b>OTHER SHIPBOARD EQUIPMENT</b>		
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
	<b>REACTOR PLANT EQUIPMENT</b>		
30	REACTOR COMPONENTS .....	342,158	342,158
	<b>OCEAN ENGINEERING</b>		
31	DIVING AND SALVAGE EQUIPMENT .....	8,973	8,973
	<b>SMALL BOATS</b>		
32	STANDARD BOATS .....	43,684	43,684
	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
34	OPERATING FORCES IPE .....	75,421	75,421
	<b>OTHER SHIP SUPPORT</b>		
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
	<b>LOGISTIC SUPPORT</b>		
41	LSD MIDLIFE .....	10,813	10,813
	<b>SHIP SONARS</b>		
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
	<b>ASW ELECTRONIC EQUIPMENT</b>		
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]
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		
53	AN/SLQ-32 .....	274,892	297,892
	Additional SEWIP Blk 3 unfunded requirement .....		[23,000]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
	<b>RECONNAISSANCE EQUIPMENT</b>		
54	SHIPBOARD IW EXPLOIT .....	170,733	170,733
55	AUTOMATED IDENTIFICATION SYSTEM (AIS) .....	958	958
	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
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
	<b>AVIATION ELECTRONIC EQUIPMENT</b>		
69	ASHORE ATC EQUIPMENT .....	75,068	75,068
70	AFLOAT ATC EQUIPMENT .....	33,484	33,484
76	ID SYSTEMS .....	22,177	
77	NAVAL MISSION PLANNING SYSTEMS .....	14,273	14,273
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
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
	<b>SHIPBOARD COMMUNICATIONS</b>		
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
	<b>SUBMARINE COMMUNICATIONS</b>		
93	SUBMARINE BROADCAST SUPPORT .....	34,151	34,151
94	SUBMARINE COMMUNICATION EQUIPMENT .....	64,529	64,529
	<b>SATELLITE COMMUNICATIONS</b>		
95	SATELLITE COMMUNICATIONS SYSTEMS .....	14,414	14,414
96	NAVY MULTIBAND TERMINAL (NMT) .....	38,365	38,365
	<b>SHORE COMMUNICATIONS</b>		
97	JCS COMMUNICATIONS EQUIPMENT .....	4,156	4,156
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
99	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	85,694	85,694
100	MIO INTEL EXPLOITATION TEAM .....	920	920
	<b>CRYPTOLOGIC EQUIPMENT</b>		
101	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	21,098	21,098
	<b>OTHER ELECTRONIC SUPPORT</b>		
102	COAST GUARD EQUIPMENT .....	32,291	32,291
	<b>SONOBUOYS</b>		
103	SONOBUOYS—ALL TYPES .....	162,588	162,588
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
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
	<b>SHIP GUN SYSTEM EQUIPMENT</b>		
110	SHIP GUN SYSTEMS EQUIPMENT .....	6,191	6,191
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>		
111	SHIP MISSILE SUPPORT EQUIPMENT .....	320,446	320,446
112	TOMAHAWK SUPPORT EQUIPMENT .....	71,046	71,046
	<b>FBM SUPPORT EQUIPMENT</b>		
113	STRATEGIC MISSILE SYSTEMS EQUIP .....	215,138	215,138
	<b>ASW SUPPORT EQUIPMENT</b>		
114	SSN COMBAT CONTROL SYSTEMS .....	130,715	130,715
115	ASW SUPPORT EQUIPMENT .....	26,431	26,431
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	11,821	11,821
117	ITEMS LESS THAN \$5 MILLION .....	6,243	6,243
	<b>OTHER EXPENDABLE ORDNANCE</b>		
118	SUBMARINE TRAINING DEVICE MODS .....	48,020	48,020
120	SURFACE TRAINING EQUIPMENT .....	97,514	97,514
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
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
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
131	SUPPLY EQUIPMENT .....	16,023	16,023
133	FIRST DESTINATION TRANSPORTATION .....	5,115	5,115
134	SPECIAL PURPOSE SUPPLY SYSTEMS .....	295,471	295,471
	<b>TRAINING DEVICES</b>		
136	TRAINING AND EDUCATION EQUIPMENT .....	9,504	9,504
	<b>COMMAND SUPPORT EQUIPMENT</b>		
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
	<b>OTHER</b>		
150	NEXT GENERATION ENTERPRISE SERVICE .....	98,216	98,216
	<b>CLASSIFIED PROGRAMS</b>		
160	CLASSIFIED PROGRAMS .....	9,915	9,915
	<b>SPARES AND REPAIR PARTS</b>		
151	SPARES AND REPAIR PARTS .....	199,660	199,660
	<b>TOTAL OTHER PROCUREMENT, NAVY</b>	<b>6,338,861</b>	<b>6,408,661</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>TRACKED COMBAT VEHICLES</b>		
1	AAV7A1 PIP .....	73,785	73,785
2	LAV PIP .....	53,423	53,423
	<b>ARTILLERY AND OTHER WEAPONS</b>		
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
	<b>OTHER SUPPORT</b>		
7	MODIFICATION KITS .....	15,250	15,250
	<b>GUIDED MISSILES</b>		
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
	<b>COMMAND AND CONTROL SYSTEMS</b>		
15	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C) .....	47,312	47,312
	<b>REPAIR AND TEST EQUIPMENT</b>		
16	REPAIR AND TEST EQUIPMENT .....	16,469	16,469
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
19	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	7,433	7,433
20	AIR OPERATIONS C2 SYSTEMS .....	15,917	15,917
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
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
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
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
	<b>OTHER SUPPORT (NON-TEL)</b>		
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
	<b>CLASSIFIED PROGRAMS</b>		
40	CLASSIFIED PROGRAMS .....	2,738	2,738
	<b>ADMINISTRATIVE VEHICLES</b>		
41	COMMERCIAL CARGO VEHICLES .....	88,312	88,312
	<b>TACTICAL VEHICLES</b>		
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
	<b>ENGINEER AND OTHER EQUIPMENT</b>		

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
	<b>MATERIALS HANDLING EQUIPMENT</b>		
54	PHYSICAL SECURITY EQUIPMENT .....	31,523	31,523
	<b>GENERAL PROPERTY</b>		
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
	<b>OTHER SUPPORT</b>		
62	ITEMS LESS THAN \$5 MILLION .....	6,026	6,026
	<b>SPARES AND REPAIR PARTS</b>		
64	SPARES AND REPAIR PARTS .....	22,848	22,848
	<b>TOTAL PROCUREMENT, MARINE CORPS</b> .....	<b>1,362,769</b>	<b>1,362,769</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL FORCES</b>		
1	F-35 .....	4,401,894	4,401,894
2	F-35 (AP) .....	404,500	404,500
	<b>TACTICAL AIRLIFT</b>		
3	KC-46A TANKER .....	2,884,591	2,884,591
	<b>OTHER AIRLIFT</b>		
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
	<b>HELICOPTERS</b>		
10	UH-1N REPLACEMENT .....	18,337	320,637
	HH-60 Blackhawks, initial spares, and support equipment .....		[302,300]
	<b>MISSION SUPPORT AIRCRAFT</b>		
12	CIVIL AIR PATROL A/C .....	2,637	2,637
	<b>OTHER AIRCRAFT</b>		
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]
	<b>STRATEGIC AIRCRAFT</b>		
16	B-2A .....	46,729	46,729
17	B-1B .....	116,319	116,319
18	B-52 .....	109,020	109,020
	<b>TACTICAL AIRCRAFT</b>		
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
	<b>AIRLIFT AIRCRAFT</b>		
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
	<b>TRAINER AIRCRAFT</b>		
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
	<b>OTHER AIRCRAFT</b>		
37	U-2 MODS .....	36,074	36,074
38	KC-10A (ATCA) .....	4,570	4,570
39	C-12 .....	1,995	1,995
40	VC-25A MOD .....	102,670	102,670
41	C-40 .....	13,984	13,984
42	C-130 .....	9,168	9,168
43	C-130J MODS .....	89,424	89,424
44	C-135 .....	64,161	64,161
45	COMPASS CALL MODS .....	130,257	155,857
	Air Force requested realignment from Initial Spares .....		[25,600]
46	RC-135 .....	211,438	211,438

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
47	E-3 .....	82,786	82,786
48	E-4 .....	53,348	53,348
49	E-8 .....	6,244	6,244
50	AIRBORNE WARNING AND CONTROL SYSTEM .....	223,427	223,427
51	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS .....	4,673	4,673
52	H-1 .....	9,007	9,007
54	H-60 .....	91,357	91,357
55	RQ-4 MODS .....	32,045	32,045
56	HC/MC-130 MODIFICATIONS .....	30,767	30,767
57	OTHER AIRCRAFT .....	33,886	33,886
59	MQ-9 MODS .....	141,929	141,929
60	CV-22 MODS .....	63,395	63,395
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
61	INITIAL SPARES/REPAIR PARTS .....	686,491	747,891
	Air Force requested realignment .....		[-25,600]
	Air Force requested realignment from MQ-9 .....		[87,000]
	<b>COMMON SUPPORT EQUIPMENT</b>		
62	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	121,935	121,935
	<b>POST PRODUCTION SUPPORT</b>		
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
	<b>INDUSTRIAL PREPAREDNESS</b>		
75	INDUSTRIAL RESPONSIVENESS .....	14,126	14,126
	<b>WAR CONSUMABLES</b>		
76	WAR CONSUMABLES .....	120,036	120,036
	<b>OTHER PRODUCTION CHARGES</b>		
77	OTHER PRODUCTION CHARGES .....	1,252,824	1,252,824
	<b>CLASSIFIED PROGRAMS</b>		
78	CLASSIFIED PROGRAMS .....	16,952	16,952
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE</b> .....	<b>13,922,917</b>	<b>14,313,517</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>MISSILE REPLACEMENT EQUIPMENT—BALLISTIC</b>		
1	MISSILE REPLACEMENT EQ-BALLISTIC .....	70,247	70,247
	<b>TACTICAL</b>		
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
	<b>INDUSTRIAL FACILITIES</b>		
8	INDUSTRIAL PREPAREDNESS/POL PREVENTION .....	977	977
	<b>CLASS IV</b>		
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
	<b>MISSILE SPARES AND REPAIR PARTS</b>		
15	INITIAL SPARES/REPAIR PARTS .....	81,607	81,607
	<b>SPECIAL PROGRAMS</b>		
30	SPECIAL UPDATE PROGRAMS .....	46,125	46,125
	<b>CLASSIFIED PROGRAMS</b>		
31	CLASSIFIED PROGRAMS .....	1,009,431	1,009,431
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>2,426,621</b>	<b>2,426,621</b>
	<b>SPACE PROCUREMENT, AIR FORCE</b>		
	<b>SPACE PROGRAMS</b>		
1	ADVANCED EHF .....	645,569	645,569
2	AF SATELLITE COMM SYSTEM .....	42,375	42,375
3	COUNTERSPACE SYSTEMS .....	26,984	26,984
4	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS .....	88,963	88,963
5	WIDEBAND GAPFILLER SATELLITES(SPACE) .....	86,272	86,272
6	GPS III SPACE SEGMENT .....	34,059	34,059
7	GLOBAL 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



SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
14	NUDET DETECTION SYSTEM .....	4,395	4,395
15	SPACE MODS .....	8,642	8,642
16	SPACELIFT RANGE SYSTEM SPACE .....	123,088	123,088
	<b>SPARES</b>		
17	INITIAL SPARES/REPAIR PARTS .....	22,606	22,606
	<b>TOTAL SPACE PROCUREMENT, AIR FORCE</b> .....	<b>3,055,743</b>	<b>3,055,743</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
1	ROCKETS .....	18,734	18,734
	<b>CARTRIDGES</b>		
2	CARTRIDGES .....	220,237	220,237
	<b>BOMBS</b>		
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
	<b>OTHER ITEMS</b>		
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
	<b>FLARES</b>		
12	FLARES .....	134,709	134,709
	<b>FUZES</b>		
13	FUZES .....	229,252	229,252
	<b>SMALL ARMS</b>		
14	SMALL ARMS .....	37,459	37,459
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>1,677,719</b>	<b>1,677,719</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
1	PASSENGER CARRYING VEHICLES .....	14,437	14,437
	<b>CARGO AND UTILITY VEHICLES</b>		
2	MEDIUM TACTICAL VEHICLE .....	24,812	24,812
3	CAP VEHICLES .....	984	984
4	ITEMS LESS THAN \$5 MILLION .....	11,191	11,191
	<b>SPECIAL PURPOSE VEHICLES</b>		
5	SECURITY AND TACTICAL VEHICLES .....	5,361	5,361
6	ITEMS LESS THAN \$5 MILLION .....	4,623	4,623
	<b>FIRE FIGHTING EQUIPMENT</b>		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	12,451	12,451
	<b>MATERIALS HANDLING EQUIPMENT</b>		
8	ITEMS LESS THAN \$5 MILLION .....	18,114	18,114
	<b>BASE MAINTENANCE SUPPORT</b>		
9	RUNWAY SNOW REMOV & CLEANING EQUIP .....	2,310	2,310
10	ITEMS LESS THAN \$5 MILLION .....	46,868	46,868
	<b>COMM SECURITY EQUIPMENT(COMSEC)</b>		
12	COMSEC EQUIPMENT .....	72,359	72,359
	<b>INTELLIGENCE PROGRAMS</b>		
14	INTELLIGENCE TRAINING EQUIPMENT .....	6,982	6,982
15	INTELLIGENCE COMM EQUIPMENT .....	30,504	35,604
	Air Force requested realignment from AFNET .....		[5,100]
	<b>ELECTRONICS PROGRAMS</b>		
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
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
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
	<b>AIR FORCE COMMUNICATIONS</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
39	INFORMATION TRANSPORT SYSTEMS .....	40,043	40,043
40	AFNET .....	146,897	141,797
	Air Force requested realignment .....		[-5,100]
41	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE) .....	5,182	5,182
42	USCENTCOM .....	13,418	13,418
	<b>ORGANIZATION AND BASE</b>		
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
	<b>MODIFICATIONS</b>		
56	COMM ELECT MODS .....	65,700	65,700
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
58	ITEMS LESS THAN \$5 MILLION .....	54,416	54,416
	<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
59	MECHANIZED MATERIAL HANDLING EQUIP .....	7,344	7,344
	<b>BASE SUPPORT EQUIPMENT</b>		
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
	<b>SPECIAL SUPPORT PROJECTS</b>		
66	DARP RC135 .....	25,287	25,287
67	DCGS-AF .....	169,201	169,201
69	SPECIAL UPDATE PROGRAM .....	576,710	576,710
	<b>CLASSIFIED PROGRAMS</b>		
70	CLASSIFIED PROGRAMS .....	15,119,705	15,119,705
	<b>SPARES AND REPAIR PARTS</b>		
72	SPARES AND REPAIR PARTS .....	15,784	15,784
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>17,438,056</b>	<b>17,438,056</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, OSD</b>		
37	MAJOR EQUIPMENT, OSD .....	29,211	6,111
	Mentor Protégé .....		[-23,100]
	<b>MAJOR EQUIPMENT, NSA</b>		
36	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	4,399	4,399
	<b>MAJOR EQUIPMENT, WHS</b>		
40	MAJOR EQUIPMENT, WHS .....	24,979	24,979
	<b>MAJOR EQUIPMENT, DISA</b>		
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
	<b>MAJOR EQUIPMENT, DLA</b>		
17	MAJOR EQUIPMENT .....	2,055	2,055
	<b>MAJOR EQUIPMENT, DSS</b>		
20	MAJOR EQUIPMENT .....	1,057	1,057
	<b>MAJOR EQUIPMENT, DCAA</b>		
1	ITEMS LESS THAN \$5 MILLION .....	2,964	2,964
	<b>MAJOR EQUIPMENT, TJS</b>		
38	MAJOR EQUIPMENT, TJS .....	7,988	7,988
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
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
	<b>MAJOR EQUIPMENT, DHRA</b>		
3	PERSONNEL ADMINISTRATION .....	14,232	14,232
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>		
21	VEHICLES .....	200	200
22	OTHER MAJOR EQUIPMENT .....	6,437	6,437
	<b>MAJOR EQUIPMENT, DODEA</b>		
19	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	288	288
	<b>MAJOR EQUIPMENT, DCMA</b>		
2	MAJOR EQUIPMENT .....	92	92
	<b>MAJOR EQUIPMENT, DMACT</b>		
18	MAJOR EQUIPMENT .....	8,060	8,060
	<b>CLASSIFIED PROGRAMS</b>		
41	CLASSIFIED PROGRAMS .....	568,864	568,864
	<b>AVIATION PROGRAMS</b>		
42	ROTARY WING UPGRADES AND SUSTAINMENT .....	150,396	168,996

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
	OCONUS training loss replacement .....		[18,600]
43	UNMANNED ISR .....	21,190	21,190
45	NON-STANDARD AVIATION .....	4,905	4,905
46	U-28 .....	3,970	3,970
47	MH-47 CHINOOK .....	25,022	25,022
49	CV-22 MODIFICATION .....	19,008	19,008
51	MQ-9 UNMANNED AERIAL VEHICLE .....	10,598	25,398
	MQ-9 capability enhancements .....		[14,800]
53	PRECISION STRIKE PACKAGE .....	213,122	200,022
	SOCOM requested transfer .....		[-13,100]
54	AC/MC-130J .....	73,548	86,648
	SOCOM requested transfer .....		[13,100]
55	C-130 MODIFICATIONS .....	32,970	32,970
	<b>SHIPBUILDING</b>		
56	UNDERWATER SYSTEMS .....	37,098	37,098
	<b>AMMUNITION PROGRAMS</b>		
57	ORDNANCE ITEMS <\$5M .....	105,267	105,267
	<b>OTHER PROCUREMENT PROGRAMS</b>		
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
	<b>CBDP</b>		
70	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS .....	148,203	148,203
71	CB PROTECTION & HAZARD MITIGATION .....	161,113	161,113
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>4,524,918</b>	<b>4,535,218</b>
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>		
1	JOINT URGENT OPERATIONAL NEEDS FUND .....	99,300	99,300
	<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND</b> .....	<b>99,300</b>	<b>99,300</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>101,971,592</b>	<b>102,434,976</b>

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
	<b>AIRCRAFT PROCUREMENT, ARMY</b>		
	<b>ROTARY</b>		
6	AH-64 APACHE BLOCK IIIA REMAN .....	78,040	78,040
	<b>MODIFICATION OF AIRCRAFT</b>		
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
	<b>GROUND SUPPORT AVIONICS</b>		
30	CMWS .....	56,115	56,115
31	CIRCM .....	108,721	108,721
	<b>TOTAL AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>313,171</b>	<b>313,171</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
4	HELLFIRE SYS SUMMARY .....	455,830	455,830
	<b>ANTI-TANK/ASSAULT MISSILE SYS</b>		
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
	<b>TOTAL MISSILE PROCUREMENT, ARMY</b> .....	<b>632,817</b>	<b>632,817</b>

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
	<b>PROCUREMENT OF W&amp;TCV, ARMY</b>		
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>		
7	PALADIN INTEGRATED MANAGEMENT (PIM) .....	125,184	125,184
9	ASSAULT BRIDGE (MOD) .....	5,950	5,950
	<b>WEAPONS &amp; OTHER COMBAT VEHICLES</b>		
17	MORTAR SYSTEMS .....	22,410	22,410
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY</b> .....	<b>153,544</b>	<b>153,544</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SMALL/MEDIUM CAL AMMUNITION</b>		
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
	<b>MORTAR AMMUNITION</b>		
9	60MM MORTAR, ALL TYPES .....	10,000	10,000
10	81MM MORTAR, ALL TYPES .....	2,677	2,677
	<b>TANK AMMUNITION</b>		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	8,999	8,999
	<b>ARTILLERY AMMUNITION</b>		
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
	<b>MINES</b>		
17	MINES & CLEARING CHARGES, ALL TYPES .....	16,866	16,866
	<b>NETWORKED MUNITIONS</b>		
18	SPIDER NETWORK MUNITIONS, ALL TYPES .....	10,353	0
	Early to need .....		[-10,353]
	<b>ROCKETS</b>		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	63,210	63,210
20	ROCKET, HYDRA 70, ALL TYPES .....	42,851	42,851
	<b>OTHER AMMUNITION</b>		
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
	<b>MISCELLANEOUS</b>		
27	NON-LETHAL AMMUNITION, ALL TYPES .....	773	773
	<b>TOTAL PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>301,523</b>	<b>291,170</b>
	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL VEHICLES</b>		
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
	<b>COMM—JOINT COMMUNICATIONS</b>		
19	WIN-T—GROUND FORCES TACTICAL NETWORK .....	9,572	9,572
	<b>COMM—SATELLITE COMMUNICATIONS</b>		
25	SHF TERM .....	24,000	24,000
	<b>COMM—INTELLIGENCE COMM</b>		
47	CI AUTOMATION ARCHITECTURE .....	1,550	1,550
	<b>INFORMATION SECURITY</b>		
51	COMMUNICATIONS SECURITY (COMSEC) .....	1,928	1,928
	<b>COMM—BASE COMMUNICATIONS</b>		
56	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....	20,510	20,510
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>		
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
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>		
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
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>		
80	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	4,270	4,270
89	MORTAR FIRE CONTROL SYSTEM .....	2,572	2,572
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
92	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	69,958	69,958
	<b>ELECT EQUIP—AUTOMATION</b>		
102	AUTOMATED DATA PROCESSING EQUIP .....	9,900	9,900
	<b>ELECT EQUIP—AUDIO VISUAL SYS (A/V)</b>		

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
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
114	CBRN DEFENSE .....	1,841	1,841
	<b>BRIDGING EQUIPMENT</b>		
115	TACTICAL BRIDGING .....	26,000	26,000
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>		
124	ROBOTICS AND APPLIQUE SYSTEMS .....	268	268
128	FAMILY OF BOATS AND MOTORS .....	280	280
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
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
	<b>PETROLEUM EQUIPMENT</b>		
139	QUALITY SURVEILLANCE EQUIPMENT .....	4,800	4,800
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	78,240	78,240
	<b>MEDICAL EQUIPMENT</b>		
141	COMBAT SUPPORT MEDICAL .....	5,763	5,763
	<b>MAINTENANCE EQUIPMENT</b>		
142	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	1,609	1,609
143	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	145	145
	<b>CONSTRUCTION EQUIPMENT</b>		
144	GRADER, ROAD MTZD, HVY, 6X4 (CCE) .....	3,047	3,047
148	TRACTOR, FULL TRACKED .....	4,426	4,426
151	HIGH MOBILITY ENGINEER EXCAVATOR (HME) .....	2,900	2,900
155	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	96	96
	<b>GENERATORS</b>		
158	GENERATORS AND ASSOCIATED EQUIP .....	31,761	31,761
	<b>MATERIAL HANDLING EQUIPMENT</b>		
160	FAMILY OF FORKLIFTS .....	846	846
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
168	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	1,140	1,140
	<b>OTHER SUPPORT EQUIPMENT</b>		
170	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	8,500	8,500
	<b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	<b>1,373,010</b>	<b>1,373,010</b>
	<b>JOINT IMPROVISED-THREAT DEFEAT FUND</b>		
	<b>NETWORK ATTACK</b>		
1	RAPID ACQUISITION AND THREAT RESPONSE .....	345,472	345,472
	<b>STAFF AND INFRASTRUCTURE</b>		
2	MISSION ENABLERS .....	62,800	62,800
	<b>TOTAL JOINT IMPROVISED-THREAT DEFEAT FUND</b> .....	<b>408,272</b>	<b>408,272</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>		
	<b>COMBAT AIRCRAFT</b>		
2	F/A-18E/F (FIGHTER) HORNET .....	184,912	184,912
	<b>OTHER AIRCRAFT</b>		
26	STUASLO UAV .....	70,000	70,000
	<b>MODIFICATION OF AIRCRAFT</b>		
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
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
63	SPARES AND REPAIR PARTS .....	1,500	1,500
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b>		
65	AIRCRAFT INDUSTRIAL FACILITIES .....	524	524
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>393,030</b>	<b>393,030</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>		
	<b>TACTICAL MISSILES</b>		
10	HELLFIRE .....	8,600	8,600
	<b>TOTAL WEAPONS PROCUREMENT, NAVY</b> .....	<b>8,600</b>	<b>8,600</b>
	<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
	<b>NAVY AMMUNITION</b>		
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
	<b>MARINE CORPS AMMUNITION</b>		
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
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>	<b>66,229</b>	<b>66,229</b>
	<b>OTHER PROCUREMENT, NAVY</b>		
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>		
81	DCGS-N .....	12,000	12,000
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	99,329	99,329
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
124	FIRE FIGHTING EQUIPMENT .....	630	630
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
133	FIRST DESTINATION TRANSPORTATION .....	25	25
	<b>COMMAND SUPPORT EQUIPMENT</b>		
137	COMMAND SUPPORT EQUIPMENT .....	10,562	10,562
	<b>CLASSIFIED PROGRAMS</b>		
138	CLASSIFIED PROGRAMS .....	1,660	1,660
	<b>TOTAL OTHER PROCUREMENT, NAVY .....</b>	<b>124,206</b>	<b>124,206</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>ARTILLERY AND OTHER WEAPONS</b>		
6	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....	572	572
	<b>GUIDED MISSILES</b>		
10	JAVELIN .....	1,606	1,606
	<b>OTHER SUPPORT (TEL)</b>		
18	MODIFICATION KITS .....	2,600	2,600
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
19	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	2,200	2,200
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
26	INTELLIGENCE SUPPORT EQUIPMENT .....	20,981	20,981
29	RQ-11 UAV .....	3,817	3,817
	<b>OTHER SUPPORT (NON-TEL)</b>		
35	COMMON COMPUTER RESOURCES .....	2,600	2,600
37	RADIO SYSTEMS .....	9,563	9,563
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
53	EOD SYSTEMS .....	75,000	75,000
	<b>TOTAL PROCUREMENT, MARINE CORPS .....</b>	<b>118,939</b>	<b>118,939</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>OTHER AIRLIFT</b>		
4	C-130J .....	73,000	73,000
	<b>OTHER AIRCRAFT</b>		
15	MQ-9 .....	453,030	453,030
	<b>STRATEGIC AIRCRAFT</b>		
19	LARGE AIRCRAFT INFRARED COUNTERMEASURES .....	135,801	135,801
	<b>TACTICAL AIRCRAFT</b>		
20	A-10 .....	23,850	23,850
	<b>OTHER AIRCRAFT</b>		
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
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>		
61	INITIAL SPARES/REPAIR PARTS .....	25,600	25,600
	<b>OTHER PRODUCTION CHARGES</b>		
77	OTHER PRODUCTION CHARGES .....	8,400	8,400
	<b>TOTAL AIRCRAFT PROCUREMENT, AIR FORCE .....</b>	<b>859,399</b>	<b>859,399</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>		
	<b>TACTICAL</b>		
6	PREDATOR HELLFIRE MISSILE .....	145,125	145,125
7	SMALL DIAMETER BOMB .....	167,800	167,800
	<b>CLASS IV</b>		
11	AGM-65D MAVERICK .....	26,620	26,620
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE .....</b>	<b>339,545</b>	<b>339,545</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>		
	<b>ROCKETS</b>		
1	ROCKETS .....	60,000	60,000
	<b>CARTRIDGES</b>		
2	CARTRIDGES .....	9,830	9,830
	<b>BOMBS</b>		
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
	<b>FLARES</b>		
12	FLARES .....	6,531	6,531
	<b>TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>487,408</b>	<b>487,408</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>		
	<b>PASSENGER CARRYING VEHICLES</b>		
1	PASSENGER CARRYING VEHICLES .....	2,003	2,003
	<b>CARGO AND UTILITY VEHICLES</b>		
2	MEDIUM TACTICAL VEHICLE .....	9,066	9,066
4	ITEMS LESS THAN \$5 MILLION .....	12,264	12,264
	<b>SPECIAL PURPOSE VEHICLES</b>		
6	ITEMS LESS THAN \$5 MILLION .....	16,789	16,789
	<b>FIRE FIGHTING EQUIPMENT</b>		
7	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	48,590	48,590
	<b>MATERIALS HANDLING EQUIPMENT</b>		
8	ITEMS LESS THAN \$5 MILLION .....	2,366	2,366
	<b>BASE MAINTENANCE SUPPORT</b>		
9	RUNWAY SNOW REMOV & CLEANING EQUIP .....	6,468	6,468
10	ITEMS LESS THAN \$5 MILLION .....	9,271	9,271
	<b>ELECTRONICS PROGRAMS</b>		
16	AIR TRAFFIC CONTROL & LANDING SYS .....	42,650	42,650
	<b>SPCL COMM-ELECTRONICS PROJECTS</b>		
29	AIR FORCE PHYSICAL SECURITY SYSTEM .....	7,500	7,500
33	C3 COUNTERMEASURES .....	620	620
	<b>ORGANIZATION AND BASE</b>		
52	TACTICAL C-E EQUIPMENT .....	8,100	8,100
	<b>MODIFICATIONS</b>		
56	COMM ELECT MODS .....	3,800	3,800
	<b>BASE SUPPORT EQUIPMENT</b>		
61	ENGINEERING AND EOD EQUIPMENT .....	53,900	53,900
	<b>SPECIAL SUPPORT PROJECTS</b>		
67	DCGS-AF .....	800	800
	<b>CLASSIFIED PROGRAMS</b>		
68	CLASSIFIED PROGRAMS .....	3,472,094	3,472,094
	<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>3,696,281</b>	<b>3,696,281</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>MAJOR EQUIPMENT, DISA</b>		
7	TELEPORT PROGRAM .....	3,900	3,900
16	DEFENSE INFORMATION SYSTEMS NETWORK .....	2,000	2,000
	<b>CLASSIFIED PROGRAMS</b>		
17	CLASSIFIED PROGRAMS .....	32,482	32,482
	<b>AVIATION PROGRAMS</b>		
41	MC-12 .....	5,000	5,000
43	UNMANNED ISR .....	11,880	11,880
46	U-28 .....	38,283	38,283
	<b>AMMUNITION PROGRAMS</b>		
57	ORDNANCE ITEMS <\$5M .....	52,504	52,504
	<b>OTHER PROCUREMENT PROGRAMS</b>		
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
	<b>TOTAL PROCUREMENT, DEFENSE-WIDE</b> .....	<b>238,434</b>	<b>238,434</b>
	<b>TOTAL PROCUREMENT</b> .....	<b>9,514,408</b>	<b>9,504,055</b>

# TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

### (a) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2017 Request	Senate Authorized
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>				
<b>BASIC RESEARCH</b>				
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
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>428,943</b>	<b>428,943</b>
<b>APPLIED RESEARCH</b>				
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
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>907,574</b>	<b>910,074</b>
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>				
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
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.</b>	<b>930,065</b>	<b>970,065</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>				
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
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>550,635</b>	<b>560,035</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>				
74	0604201A	AIRCRAFT AVIONICS .....	83,248	83,248
75	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	34,642	34,642
77	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR) .....	12,172	12,172
78	0604321A	ALL SOURCE ANALYSIS SYSTEM .....	3,958	3,958
79	0604328A	TRACTOR CAGE .....	12,525	12,525
80	0604601A	INFANTRY SUPPORT WEAPONS .....	66,943	66,943
82	0604611A	JAVELIN .....	20,011	20,011
83	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	11,429	11,429
84	0604633A	AIR TRAFFIC CONTROL .....	3,421	3,421
85	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) .....	39,282	39,282
86	0604642A	LIGHT TACTICAL WHEELED VEHICLES .....	494	494
87	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV .....	9,678	9,678
88	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	84,519	84,519
89	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,054	2,054
90	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	30,774	30,774
91	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	53,332	53,332
92	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	17,887	17,887
93	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	8,813	8,813
94	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	10,487	10,487
95	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	15,068	15,068
96	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	89,716	89,716
97	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	80,365	80,365
98	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	75,098	75,098
99	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	4,245	4,245
100	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	41,124	41,124
101	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV .....	39,630	39,630
102	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	205,590	205,590

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2017 Request	Senate Authorized
103	0604820A	RADAR DEVELOPMENT .....	15,983	15,983
104	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	6,805	6,805
105	0604823A	FIREFINDER .....	9,235	9,235
106	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	12,393	12,393
107	0604854A	ARTILLERY SYSTEMS—EMD .....	1,756	1,756
108	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	74,236	74,236
109	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (PPS-A) .....	155,584	135,584
		Unjustified growth .....		[-20,000]
110	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV) .....	184,221	184,221
111	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE 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 (MIP) .....	4,955	4,955
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH. ....	11,530	11,530
133	0605830A	AVIATION GROUND SUPPORT EQUIPMENT .....	2,142	2,142
134	0210609A	PALADIN INTEGRATED MANAGEMENT (PIM) .....	41,498	41,498
135	0303032A	TROJAN—RH12 .....	4,273	4,273
136	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	14,425	14,425
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>2,265,094</b>	<b>2,237,431</b>
		<b>RD&amp;E MANAGEMENT SUPPORT</b>		
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 RD&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
		<b>SUBTOTAL RD&amp;E MANAGEMENT SUPPORT</b> .....	<b>1,136,134</b>	<b>1,138,634</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
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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Line	Program Element	Item	FY 2017 Request	Senate Authorized
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
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>1,296,954</b>	<b>1,210,754</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY.</b>	<b>7,515,399</b>	<b>7,455,936</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>BASIC RESEARCH</b>		
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
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>542,970</b>	<b>542,970</b>
		<b>APPLIED RESEARCH</b>		
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
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>861,151</b>	<b>871,151</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
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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Line	Program Element	Item	FY 2017 Request	Senate Authorized
		Capable manpower, and power and energy .....		[-10,000]
22	0603680N	MANUFACTURING TECHNOLOGY PROGRAM .....	56,712	56,712
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	4,789	4,789
24	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY .....	25,880	25,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	60,550	60,550
26	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	15,167	15,167
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.</b>	<b>736,988</b>	<b>711,988</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
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	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	46,911	46,911
60	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	4,556	4,556
61	0603721N	ENVIRONMENTAL PROTECTION .....	20,343	20,343
62	0603724N	NAVY ENERGY PROGRAM .....	52,479	52,479
63	0603725N	FACILITIES IMPROVEMENT .....	5,458	5,458
64	0603734N	CHALK CORAL .....	245,860	245,860
65	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,089	3,089
66	0603746N	RETRACT MAPLE .....	323,526	323,526
67	0603748N	LINK PLUMERIA .....	318,497	318,497
68	0603751N	RETRACT ELM .....	52,834	52,834
69	0603764N	LINK EVERGREEN .....	48,116	48,116
70	0603787N	SPECIAL PROCESSES .....	13,619	13,619
71	0603790N	NATO RESEARCH AND DEVELOPMENT .....	9,867	9,867
72	0603795N	LAND ATTACK TECHNOLOGY .....	6,015	6,015
73	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	27,904	27,904
74	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	104,144	104,144
75	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....	32,700	32,700
76	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80).	70,528	70,528
77	0604122N	REMOTE MINEHUNTING SYSTEM (RMS) .....	3,001	3,001
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	34,920	34,920
80	0604292N	MH-XX .....	1,620	1,620
81	0604454N	LX (R) .....	6,354	25,354
		Needed to maintain schedule .....		[19,000]
82	0604536N	ADVANCED UNDERSEA PROTOTYPING .....	78,589	44,189
		Ahead of need .....		[-34,400]
84	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	9,910	9,910
85	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	23,971	23,971
86	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	252,409	252,409

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
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
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>4,662,867</b>	<b>4,615,067</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
90	0603208N	TRAINING SYSTEM AIRCRAFT .....	19,938	19,938
91	0604212N	OTHER HELO DEVELOPMENT .....	6,268	6,268
92	0604214N	AV-8B AIRCRAFT—ENG DEV .....	33,664	33,664
93	0604215N	STANDARDS DEVELOPMENT .....	1,300	1,300
94	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	5,275	5,275
95	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING .....	3,875	3,875
96	0604221N	P-3 MODERNIZATION PROGRAM .....	1,909	1,909
97	0604230N	WARFARE SUPPORT SYSTEM .....	13,237	13,237
98	0604231N	TACTICAL COMMAND SYSTEM .....	36,323	36,323
99	0604234N	ADVANCED HAWKEYE .....	363,792	363,792
100	0604245N	H-1 UPGRADES .....	27,441	27,441
101	0604261N	ACOUSTIC SEARCH SENSORS .....	34,525	34,525
102	0604262N	V-22A .....	174,423	174,423
103	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	13,577	13,577
104	0604269N	EA-18 .....	116,761	116,761
105	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	48,766	48,766
106	0604273N	EXECUTIVE HELO DEVELOPMENT .....	338,357	338,357
107	0604274N	NEXT GENERATION JAMMER (NGJ) .....	577,822	577,822
108	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	2,365	2,365
109	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II .....	52,065	52,065
110	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	282,764	282,764
111	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	580	580
112	0604329N	SMALL DIAMETER BOMB (SDB) .....	97,622	97,622
113	0604366N	STANDARD MISSILE IMPROVEMENTS .....	120,561	120,561
114	0604373N	AIRBORNE MCM .....	45,622	45,622
116	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	25,750	25,750
118	0604501N	ADVANCED ABOVE WATER SENSORS .....	85,868	85,868
119	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	117,476	117,476
120	0604504N	AIR CONTROL .....	47,404	47,404
121	0604512N	SHIPBOARD AVIATION SYSTEMS .....	112,158	112,158
122	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	6,283	6,283
123	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM .....	144,395	144,395
124	0604558N	NEW DESIGN SSN .....	113,013	113,013
125	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	43,160	43,160
126	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	65,002	65,002
127	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,098	3,098
128	0604580N	VIRGINIA PAYLOAD MODULE (VPM) .....	97,920	97,920
129	0604601N	MINE DEVELOPMENT .....	10,490	10,490
130	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	20,178	20,178
131	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	7,369	7,369
132	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	4,995	4,995
133	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	412	412
134	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	134,619	134,619
135	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	114,475	114,475
136	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	114,211	114,211
137	0604761N	INTELLIGENCE ENGINEERING .....	11,029	11,029
138	0604771N	MEDICAL DEVELOPMENT .....	9,220	9,220
139	0604777N	NAVIGATION/ID SYSTEM .....	42,723	42,723
140	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	531,426	531,426
141	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	528,716	528,716
142	0604810M	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—MARINE CORPS.	74,227	74,227
143	0604810N	JOINT STRIKE FIGHTER FOLLOW ON DEVELOPMENT—NAVY.	63,387	63,387
144	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	4,856	4,856
145	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	97,066	97,066
146	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT .....	2,500	2,500
147	0605212N	CH-53K RDTE .....	404,810	404,810
148	0605215N	MISSION PLANNING .....	33,570	33,570
149	0605217N	COMMON AVIONICS .....	51,599	51,599
150	0605220N	SHIP TO SHORE CONNECTOR (SSC) .....	11,088	11,088
151	0605327N	T-AO (X) .....	1,095	1,095
152	0605414N	CARRIER BASED AERIAL REFUELING SYSTEM (CBARS) .....	89,000	89,000
153	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	17,880	17,880
154	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	59,126	59,126
155	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III .....	182,220	182,220
156	0204202N	DDG-1000 .....	45,642	45,642
159	0304231N	TACTICAL COMMAND SYSTEM—MIP .....	676	676

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160	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	36,747	36,747
161	0305124N	SPECIAL APPLICATIONS PROGRAM .....	35,002	35,002
162	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	4,942	6,726
		Full spectrum cyber operations unfunded requirement .....		[1,784]
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>6,025,655</b>	<b>6,027,439</b>
		<b>MANAGEMENT SUPPORT</b>		
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
		<b>SUBTOTAL MANAGEMENT SUPPORT</b> .....	<b>853,736</b>	<b>842,936</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
188	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC) .....	84,501	84,501
189	0607700N	DEPLOYABLE JOINT COMMAND AND CONTROL .....	2,970	2,970
190	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	136,556	136,556
191	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	33,845	33,845
192	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	9,329	9,329
193	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	17,218	17,218
195	0204136N	F/A-18 SQUADRONS .....	189,125	189,125
196	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL) .....	48,225	48,225
197	0204228N	SURFACE SUPPORT .....	21,156	21,156
198	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	71,355	71,355
199	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	58,542	58,542
200	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	13,929	13,929
201	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	83,538	83,538
202	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	38,593	38,593
203	0204574N	CRYPTOLOGIC DIRECT SUPPORT .....	1,122	1,122
204	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	99,998	99,998
205	0205601N	HARM IMPROVEMENT .....	48,635	48,635
206	0205604N	TACTICAL DATA LINKS .....	124,785	124,785
207	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	24,583	24,583
208	0205632N	MK-48 ADCAP .....	39,134	39,134
209	0205633N	AVIATION IMPROVEMENTS .....	120,861	120,861
210	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	101,786	101,786
211	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	82,159	82,159
212	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	11,850	11,850
213	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	47,877	47,877
214	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	13,194	13,194
215	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	17,171	17,171
216	0206629M	AMPHIBIOUS ASSAULT VEHICLE .....	38,020	38,020
217	0207161N	TACTICAL AIM MISSILES .....	56,285	56,285
218	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	40,350	40,350
219	0219902M	GLOBAL COMBAT SUPPORT SYSTEM—MARINE CORPS (GCSS-MC).	9,128	9,128
223	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	37,372	37,372
224	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	23,541	23,541
225	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	38,510	38,510
228	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	6,019	6,019
229	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	8,436	8,436
230	0305205N	UAS INTEGRATION AND INTEROPERABILITY .....	36,509	36,509
231	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	2,100	2,100
232	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	44,571	44,571

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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
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>3,592,934</b>	<b>3,592,934</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY.</b>	<b>17,276,301</b>	<b>17,204,485</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
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
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>500,024</b>	<b>500,024</b>
		<b>APPLIED RESEARCH</b>		
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]
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,260,152</b>	<b>1,270,152</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
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]
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.</b>	<b>725,805</b>	<b>715,805</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
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 EQUIPMENT) (SPACE) .....	278,147	278,147
49	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA) .....	42,338	42,338
50	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	158,002	158,002
51	0306415F	ENABLED CYBER ACTIVITIES .....	15,842	15,842
52	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM .....	5,782	5,782
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>2,847,833</b>	<b>2,555,533</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
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
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>4,075,804</b>	<b>3,871,204</b>
		<b>MANAGEMENT SUPPORT</b>		
92	0604256F	THREAT SIMULATOR DEVELOPMENT .....	21,630	21,630
93	0604759F	MAJOR T&E INVESTMENT .....	66,385	66,385
94	0605101F	RAND PROJECT AIR FORCE .....	34,641	34,641
96	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	11,529	11,529
97	0605807F	TEST AND EVALUATION SUPPORT .....	661,417	661,417
98	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	11,198	11,198
99	0605864F	SPACE TEST PROGRAM (STP) .....	27,070	27,070
100	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	134,111	134,111
101	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	28,091	28,091
102	0606017F	REQUIREMENTS ANALYSIS AND MATURATION .....	29,100	29,100
103	0606116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT .....	18,528	18,528
104	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	176,666	176,666
105	0308602F	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
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>1,245,577</b>	<b>1,245,577</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
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 (ATCALs).	9,770	9,770
191	0305116F	AERIAL TARGETS .....	3,051	3,051
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	405	405
195	0305145F	ARMS CONTROL IMPLEMENTATION .....	4,844	4,844
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	339	339
199	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	3,989	3,989
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID 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	9999999999	CLASSIFIED PROGRAMS .....	13,091,557	13,091,557
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>17,457,056</b>	<b>17,485,356</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....	<b>28,112,251</b>	<b>27,643,651</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	35,436	35,436
2	0601101E	DEFENSE RESEARCH SCIENCES .....	362,297	362,297
3	0601110DSZ	BASIC RESEARCH INITIATIVES .....	36,654	36,654
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE .....	57,791	57,791
5	0601120DSZ	NATIONAL DEFENSE EDUCATION PROGRAM .....	69,345	69,345
6	0601228DSZ	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS.	23,572	23,572
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	44,800	44,800
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>629,895</b>	<b>629,895</b>
		<b>APPLIED RESEARCH</b>		
8	0602000DSZ	JOINT MUNITIONS TECHNOLOGY .....	17,745	17,745
9	0602115E	BIOMEDICAL TECHNOLOGY .....	115,213	115,213
10	0602230DSZ	DEFENSE TECHNOLOGY INNOVATION .....	30,000	30,000
11	0602234DSZ	LINCOLN LABORATORY RESEARCH PROGRAM .....	48,269	48,269
12	0602251DSZ	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	0602668DSZ	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	0602751DSZ	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	8,420	8,420
22	1160401BB	SOF TECHNOLOGY DEVELOPMENT .....	37,820	37,820
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,786,523</b>	<b>1,786,523</b>

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Line	Program Element	Item	FY 2017 Request	Senate Authorized
<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>				
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—ADVANCED DEVELOPMENT.	127,941	127,941
43	0603527D8Z	RETRACT LARCH .....	181,977	181,977
44	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	22,030	22,030
45	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	148,184	148,184
46	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES .....	9,331	9,331
47	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	158,398	158,398
48	0603680S	MANUFACTURING TECHNOLOGY PROGRAM .....	31,259	31,259
49	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT ...	49,895	49,895
50	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	11,011	11,011
52	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM .....	65,078	65,078
53	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	97,826	97,826
54	0603727D8Z	JOINT WARFIGHTING PROGRAM .....	7,848	7,848
55	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES .....	49,807	49,807
56	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS .....	155,081	155,081
57	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY .....	428,894	428,894
58	0603767E	SENSOR TECHNOLOGY .....	241,288	241,288
60	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE .....	14,264	14,264
61	0603826D8Z	QUICK REACTION SPECIAL PROJECTS .....	74,943	74,943
63	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY .....	17,659	17,659
64	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY .....	87,135	87,135
65	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT .....	37,329	41,329
		Competitive technology investment .....		[4,000]
66	0303310D8Z	CWMD SYSTEMS .....	44,836	44,836
67	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT .....	61,620	61,620
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.</b>	<b>3,190,666</b>	<b>3,194,666</b>
<b>ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b>				
68	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	28,498	28,498
69	0603600D8Z	WALKOFF .....	89,643	89,643
71	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES.	2,136	2,136
72	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	52,491	52,491
73	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	206,834	206,834
74	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	862,080	862,080
75	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEVAL.	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 COMMUNICATION.	439,617	449,617
		Post Intercept Assessment Acceleration .....		[10,000]
83	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	47,776	47,776
84	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	54,750	54,750
85	0603906C	REGARDING TRENCH .....	8,785	8,785
86	0603907C	SEA BASED X-BAND RADAR (SBX) .....	68,787	68,787

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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 MIDCOURSE SEGMENT TEST	56,481	56,481
112	0604894C	MULTI-OBJECT KILL VEHICLE .....	71,513	121,513
		Technology maturation .....		[50,000]
114	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	2,636	2,636
115	0305103C	CYBER SECURITY INITIATIVE .....	969	969
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES.</b>	<b>6,919,519</b>	<b>7,200,519</b>
<b>SYSTEM DEVELOPMENT AND DEMONSTRATION</b>				
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
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEM- ONSTRATION.</b>	<b>628,218</b>	<b>628,218</b>
<b>MANAGEMENT SUPPORT</b>				
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
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>897,599</b>	<b>1,002,599</b>
		<b>OPERATIONAL SYSTEM DEVELOPMENT</b>		
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]

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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
		Sharksceer email protection .....		[16,300]
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT ...</b>	<b>4,256,406</b>	<b>4,297,706</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW.</b>	<b>18,308,826</b>	<b>18,740,126</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE MANAGEMENT SUPPORT</b>		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION .....	78,047	78,047
2	0605131OTE	LIVE FIRE TEST AND EVALUATION .....	48,316	48,316
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	52,631	52,631
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>178,994</b>	<b>178,994</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE .....</b>	<b>178,994</b>	<b>178,994</b>
		<b>UNDISTRIBUTED</b>		
		<b>UNDISTRIBUTED</b>		
99	9999999	UNDISTRIBUTED .....	0	4,000
		Cyber pilot program for installations .....		[4,000]
		<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>4,000</b>
		<b>TOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>4,000</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>71,391,771</b>	<b>71,227,192</b>

- 1 SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
- 2 TION FOR OVERSEAS CONTINGENCY OPER-
- 3 ATIONS.
- 4 (a) RESEARCH, DEVELOPMENT, TEST, AND EVALUA-
- 5 TION.—

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2017 Request	Senate Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION .....	9,375	9,375
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES.</b>	<b>9,375</b>	<b>9,375</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
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
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION.</b>	<b>84,043</b>	<b>84,043</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
208	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	7,104	7,104
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.</b>	<b>7,104</b>	<b>7,104</b>

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2017 Request	Senate Authorized
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY.</b>	<b>100,522</b>	<b>100,522</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY ADVANCED COMPONENT DEVELOPMENT &amp; PROTO- TYPES</b>		
38	0603527N	RETRACT LARCH .....	3,907	3,907
78	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTER- MEASURES (TADIRCM).	37,990	37,990
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT &amp; PROTOTYPES.</b>	<b>41,897</b>	<b>41,897</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
80	9999999999	CLASSIFIED PROGRAMS .....	36,426	36,426
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.</b>	<b>36,426</b>	<b>36,426</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY.</b>	<b>78,323</b>	<b>78,323</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
58	0604421F	COUNTERSPACE SYSTEMS .....	425	425
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRA- TION.</b>	<b>425</b>	<b>425</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
200	0305174F	SPACE INNOVATION, INTEGRATION AND RAPID TECH- NOLOGY DEVELOPMENT.	4,715	4,715
220	9999999999	CLASSIFIED PROGRAMS .....	27,765	27,765
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOP- MENT.</b>	<b>32,480</b>	<b>32,480</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF.</b>	<b>32,905</b>	<b>32,905</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW OPERATIONAL SYSTEM DEVELOPMENT</b>		
250	9999999999	CLASSIFIED PROGRAMS .....	162,419	162,419
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT</b>	<b>162,419</b>	<b>162,419</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW.</b>	<b>162,419</b>	<b>162,419</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>374,169</b>	<b>374,169</b>

# 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
		<b>OPERATION &amp; MAINTENANCE, ARMY OPERATING FORCES</b>		
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]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>19,822,607</b>	<b>20,321,107</b>
	<b>MOBILIZATION</b>		
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
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>734,578</b>	<b>759,578</b>
	<b>TRAINING AND RECRUITING</b>		
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
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>4,637,361</b>	<b>4,638,961</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
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]
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>8,614,494</b>	<b>8,594,994</b>
	<b>UNDISTRIBUTED</b>		
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]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>–279,780</b>



SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>33,809,040</b>	<b>34,034,860</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES OPERATING FORCES</b>		
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,606,078</b>	<b>2,673,878</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>106,253</b>	<b>106,253</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b>	<b>2,712,331</b>	<b>2,780,131</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG OPERATING FORCES</b>		
010	MANEUVER UNITS .....	708,251	778,251
	Home station training unfunded requirement .....		[70,000]
020	MODULAR SUPPORT BRIGADES .....	197,251	197,251
030	ECHELONS ABOVE BRIGADE .....	792,271	792,271
040	THEATER LEVEL ASSETS .....	80,341	80,341
050	LAND FORCES OPERATIONS SUPPORT .....	37,138	39,538
	Range increase unfunded requirement .....		[2,400]
060	AVIATION ASSETS .....	887,625	887,625
070	FORCE READINESS OPERATIONS SUPPORT .....	696,267	696,267
080	LAND FORCES SYSTEMS READINESS .....	61,240	61,240
090	LAND FORCES DEPOT MAINTENANCE .....	219,948	274,548
	Depot maintenance unfunded requirement .....		[42,300]
	TWV depot maintenance unfunded requirement .....		[12,300]
100	BASE OPERATIONS SUPPORT .....	1,040,012	1,040,012
110	FACILITIES SUSTAINMENT, RESTORATION & MOD- ERNIZATION .....	676,715	708,815
	FSRM unfunded requirement .....		[32,100]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	1,021,144	1,021,144
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,418,203</b>	<b>6,577,303</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>407,167</b>	<b>411,667</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>6,825,370</b>	<b>6,988,970</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY OPERATING FORCES</b>		

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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>31,173,511</b>	<b>31,335,511</b>
	<b>MOBILIZATION</b>		
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
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>1,581,865</b>	<b>1,581,865</b>
	<b>TRAINING AND RECRUITING</b>		
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
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>1,876,229</b>	<b>1,876,229</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,851,976</b>	<b>4,865,976</b>
	<b>UNDISTRIBUTED</b>		
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]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>-260,290</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>39,483,581</b>	<b>39,399,291</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS OPERATING FORCES</b>		
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>4,683,395</b>	<b>4,861,495</b>
	<b>TRAINING AND RECRUITING</b>		
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
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>755,981</b>	<b>755,981</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>514,882</b>	<b>514,882</b>
	<b>UNDISTRIBUTED</b>		
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]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>-41,830</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>5,954,258</b>	<b>6,090,528</b>

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>			
<b>OPERATING FORCES</b>			
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
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>906,440</b>	<b>912,240</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>21,216</b>	<b>21,216</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b>	<b>927,656</b>	<b>933,456</b>
<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>			
<b>OPERATING FORCES</b>			
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
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>249,768</b>	<b>255,268</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
050	SERVICEWIDE TRANSPORTATION .....	902	902
060	ADMINISTRATION .....	11,130	11,130
070	RECRUITING AND ADVERTISING .....	8,833	8,833
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>20,865</b>	<b>20,865</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RE-SERVE</b> .....	<b>270,633</b>	<b>276,133</b>
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>			
<b>OPERATING FORCES</b>			
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
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>22,760,163</b>	<b>22,913,363</b>
<b>MOBILIZATION</b>			
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
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>4,376,481</b>	<b>4,442,881</b>
	<b>TRAINING AND RECRUITING</b>		
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
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>3,573,006</b>	<b>3,703,706</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>6,808,406</b>	<b>6,808,406</b>
	<b>UNDISTRIBUTED</b>		
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]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>-436,910</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b>	<b>37,518,056</b>	<b>37,431,446</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE OPERATING FORCES</b>		
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,977,943</b>	<b>3,018,643</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVI- TIES</b>		
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
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES .....</b>	<b>89,986</b>	<b>89,986</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RE- SERVE .....</b>	<b>3,067,929</b>	<b>3,108,629</b>
	<b>OPERATION &amp; MAINTENANCE, ANG OPERATING FORCES</b>		
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,651,017</b>	<b>6,708,217</b>
	<b>ADMINISTRATION AND SERVICE-WIDE ACTIVI- TIES</b>		
060	ADMINISTRATION .....	23,715	23,715
070	RECRUITING AND ADVERTISING .....	28,846	28,846
	<b>SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES .....</b>	<b>52,561</b>	<b>52,561</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG .....</b>	<b>6,703,578</b>	<b>6,760,778</b>
	<b>OPERATION AND MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>		
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]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,928,711</b>	<b>5,883,411</b>
	<b>TRAINING AND RECRUITING</b>		
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
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>589,708</b>	<b>599,708</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVI- TIES</b>		
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]
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES .....</b>	<b>26,053,171</b>	<b>25,661,071</b>
	<b>UNDISTRIBUTED</b>		
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]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>-53,080</b>
	<b>TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE .....</b>	<b>32,571,590</b>	<b>32,091,110</b>
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
	<b>US COURT OF APPEALS FOR ARMED FORCES, DEF</b>		
4GTT	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	14,194	14,194
	<b>SUBTOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF .....</b>	<b>14,194</b>	<b>14,194</b>
	<b>OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID</b>		
4GTD	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID ...	105,125	105,125
	<b>SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID .....</b>	<b>105,125</b>	<b>105,125</b>
	<b>COOPERATIVE THREAT REDUCTION ACCOUNT</b>		
1PL3	FORMER SOVIET UNION (FSU) THREAT REDUCTION .....	325,604	325,604
	<b>SUBTOTAL COOPERATIVE THREAT REDUCTION ACCOUNT .....</b>	<b>325,604</b>	<b>325,604</b>
	<b>ENVIRONMENTAL RESTORATION, ARMY</b>		
493	ENVIRONMENTAL RESTORATION, ARMY .....	170,167	170,167
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY .....</b>	<b>170,167</b>	<b>170,167</b>
	<b>ENVIRONMENTAL RESTORATION, NAVY</b>		
044G	ENVIRONMENTAL RESTORATION, NAVY .....	281,762	281,762
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY .....</b>	<b>281,762</b>	<b>281,762</b>
	<b>ENVIRONMENTAL RESTORATION, AIR FORCE</b>		
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
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE .....</b>	<b>371,521</b>	<b>371,521</b>
	<b>ENVIRONMENTAL RESTORATION, DEFENSE</b>		
045G	ENVIRONMENTAL RESTORATION, DEFENSE .....	9,009	9,009
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, DE- FENSE .....</b>	<b>9,009</b>	<b>9,009</b>
	<b>ENVIRONMENTAL RESTORATION FORMERLY USED SITES</b>		
047G	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	197,084	197,084
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....</b>	<b>197,084</b>	<b>197,084</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>1,474,466</b>	<b>1,474,466</b>
	<b>UNDISTRIBUTED</b>		
	<b>UNDISTRIBUTED</b>		
999	UNDISTRIBUTED .....	0	20,000
	Commission on Military, National, and Public Service .....		[15,000]
	Temporary Duty Assignment Per Diem Rate Waiver .....		[5,000]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>20,000</b>
	<b>TOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>20,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>171,318,488</b>	<b>171,389,798</b>

## 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
	<b>OPERATION &amp; MAINTENANCE, ARMY OPERATING FORCES</b>		
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>13,083,002</b>	<b>13,083,002</b>
	<b>MOBILIZATION</b>		
190	ARMY PREPOSITIONED STOCKS .....	350,200	350,200
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>350,200</b>	<b>350,200</b>
	<b>TRAINING AND RECRUITING</b>		
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
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>16,274</b>	<b>16,274</b>



SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2017 Request	Senate Authorized
<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>			
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
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES .....</b>	<b>1,861,111</b>	<b>1,861,111</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY .....</b>	<b>15,310,587</b>	<b>15,310,587</b>
<b>OPERATION &amp; MAINTENANCE, ARMY RES OPERATING FORCES</b>			
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>38,679</b>	<b>38,679</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES ..</b>	<b>38,679</b>	<b>38,679</b>
<b>OPERATION &amp; MAINTENANCE, ARNG OPERATING FORCES</b>			
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>127,035</b>	<b>127,035</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG .....</b>	<b>127,035</b>	<b>127,035</b>
<b>AFGHANISTAN SECURITY FORCES FUND MINISTRY OF DEFENSE</b>			
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
	<b>SUBTOTAL MINISTRY OF DEFENSE .....</b>	<b>2,517,958</b>	<b>2,517,958</b>
<b>MINISTRY OF INTERIOR</b>			
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
	<b>SUBTOTAL MINISTRY OF INTERIOR .....</b>	<b>930,757</b>	<b>930,757</b>
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND ....</b>	<b>3,448,715</b>	<b>3,448,715</b>
<b>COUNTER ISLAMIC STATE IN IRAQ AND THE LE- VANT FUND</b>			
<b>COUNTER ISLAMIC STATE IN IRAQ AND THE LE- VANT FUND</b>			
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]
	<b>SUBTOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND .....</b>	<b>630,000</b>	<b>1,260,000</b>
	<b>TOTAL COUNTER ISLAMIC STATE IN IRAQ AND THE LEVANT FUND .....</b>	<b>630,000</b>	<b>1,260,000</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2017 Request	Senate Authorized
<b>SYRIA TRAIN AND EQUIP FUND</b>			
<b>SYRIA TRAIN AND EQUIP FUND</b>			
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]
	<b>SUBTOTAL SYRIA TRAIN AND EQUIP FUND .....</b>	<b>250,000</b>	<b>0</b>
	<b>TOTAL SYRIA TRAIN AND EQUIP FUND .....</b>	<b>250,000</b>	<b>0</b>
<b>OPERATION &amp; MAINTENANCE, NAVY</b>			
<b>OPERATING FORCES</b>			
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>6,420,775</b>	<b>6,420,775</b>
<b>MOBILIZATION</b>			
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
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>173,126</b>	<b>173,126</b>
<b>TRAINING AND RECRUITING</b>			
410	SPECIALIZED SKILL TRAINING .....	43,365	43,365
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>43,365</b>	<b>43,365</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>190,125</b>	<b>190,125</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>6,827,391</b>	<b>6,827,391</b>
<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>			
<b>OPERATING FORCES</b>			
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>1,135,159</b>	<b>1,135,159</b>
<b>TRAINING AND RECRUITING</b>			
110	TRAINING SUPPORT .....	31,750	31,750
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>31,750</b>	<b>31,750</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
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
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>77,450</b>	<b>77,450</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>1,244,359</b>	<b>1,244,359</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES OPERATING FORCES</b>		
030	AIRCRAFT DEPOT MAINTENANCE .....	16,500	16,500
050	AVIATION LOGISTICS .....	2,522	2,522
100	COMBAT SUPPORT FORCES .....	7,243	7,243
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>26,265</b>	<b>26,265</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES ...</b>	<b>26,265</b>	<b>26,265</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE OPERATING FORCES</b>		
010	OPERATING FORCES .....	2,500	2,500
040	BASE OPERATING SUPPORT .....	804	804
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,304</b>	<b>3,304</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RE- SERVE .....</b>	<b>3,304</b>	<b>3,304</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE OPERATING FORCES</b>		
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,195,446</b>	<b>5,223,446</b>
	<b>MOBILIZATION</b>		
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
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>3,777,680</b>	<b>3,777,680</b>
	<b>TRAINING AND RECRUITING</b>		
230	BASE SUPPORT .....	52,740	52,740
240	SPECIALIZED SKILL TRAINING .....	4,500	4,500
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>57,240</b>	<b>57,240</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
340	LOGISTICS OPERATIONS .....	86,716	86,716
380	BASE SUPPORT .....	59,133	59,133
400	SERVICEWIDE COMMUNICATIONS .....	165,348	165,348
410	OTHER SERVICEWIDE ACTIVITIES .....	141,883	116,783
	Program reduction .....		[-25,100]
450	INTERNATIONAL SUPPORT .....	61	61
460	CLASSIFIED PROGRAMS .....	15,323	15,323
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>468,464</b>	<b>443,364</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b>	<b>9,498,830</b>	<b>9,501,730</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE OPERATING FORCES</b>		
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
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>57,586</b>	<b>57,586</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RE- SERVE .....</b>	<b>57,586</b>	<b>57,586</b>
	<b>OPERATION &amp; MAINTENANCE, ANG OPERATING FORCES</b>		
020	MISSION SUPPORT OPERATIONS .....	3,400	3,400
050	BASE SUPPORT .....	16,600	16,600
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>20,000</b>	<b>20,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG .....</b>	<b>20,000</b>	<b>20,000</b>
	<b>OPERATION AND MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>		
030	SPECIAL OPERATIONS COMMAND/OPERATING FORCES ....	2,650,651	2,650,651
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,650,651</b>	<b>2,650,651</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>		
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
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES .....</b>	<b>3,331,522</b>	<b>2,231,522</b>
	<b>TOTAL OPERATION AND MAINTENANCE, DE- FENSE-WIDE .....</b>	<b>5,982,173</b>	<b>4,882,173</b>
	<b>UKRAINE SECURITY ASSISTANCE INITIATIVE UKRAINE SECURITY ASSISTANCE INITIATIVE</b>		
888	UKRAINE SECURITY ASSISTANCE INITIATIVE .....	0	350,000
	Ukraine Security Assistance Initiative .....		[350,000]
	<b>SUBTOTAL UKRAINE SECURITY ASSISTANCE IN- ITIATIVE .....</b>	<b>0</b>	<b>350,000</b>
	<b>TOTAL UKRAINE SECURITY ASSISTANCE INITIA- TIVE .....</b>	<b>0</b>	<b>350,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>43,464,924</b>	<b>43,097,824</b>

# 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
<b>MILITARY PERSONNEL</b>			

<b>SEC. 4401. MILITARY PERSONNEL</b> (In Thousands of Dollars)		
<b>Item</b>	<b>FY 2017 Request</b>	<b>Senate Authorized</b>
<b>MILITARY PERSONNEL APPROPRIATIONS</b>		
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]
<b>SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS .....</b>	<b>128,902,332</b>	<b>127,651,442</b>
<b>MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS</b>		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS .....	6,366,908	6,366,908
<b>SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS .....</b>	<b>6,366,908</b>	<b>6,366,908</b>
<b>TOTAL MILITARY PERSONNEL .....</b>	<b>135,269,240</b>	<b>134,018,350</b>

1 **SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-**  
2 **GENCY OPERATIONS.**

3 (a) **MILITARY PERSONNEL.—**

<b>SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)		
<b>Item</b>	<b>FY 2017 Request</b>	<b>Senate Authorized</b>
<b>MILITARY PERSONNEL</b>		
<b>MILITARY PERSONNEL APPROPRIATIONS</b>		
MILITARY PERSONNEL APPROPRIATIONS .....	3,562,258	3,562,258
<b>SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS .....</b>	<b>3,562,258</b>	<b>3,562,258</b>
<b>MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS</b>		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS .....	0	0
<b>SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS .....</b>	<b>0</b>	<b>0</b>
<b>TOTAL MILITARY PERSONNEL .....</b>	<b>3,562,258</b>	<b>3,562,258</b>

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
	<b>WORKING CAPITAL FUND</b>		
	<b>WORKING CAPITAL FUND, ARMY</b>		
020	ARMY SUPPLY MANAGEMENT .....	56,469	56,469
	<b>SUBTOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>56,469</b>	<b>56,469</b>
	<b>WORKING CAPITAL FUND, AIR FORCE</b>		
020	WORKING CAPITAL FUND .....	63,967	63,967
	<b>SUBTOTAL WORKING CAPITAL FUND, AIR FORCE .....</b>	<b>63,967</b>	<b>63,967</b>
	<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>		
020	WORKING CAPITAL FUND SUPPORT .....	37,132	37,132
	<b>SUBTOTAL WORKING CAPITAL FUND, DEFENSE-WIDE .....</b>	<b>37,132</b>	<b>37,132</b>
	<b>WORKING CAPITAL FUND, DECA</b>		
010	WORKING CAPITAL FUND SUPPORT .....	1,214,045	1,214,045
	<b>SUBTOTAL WORKING CAPITAL FUND, DECA .....</b>	<b>1,214,045</b>	<b>1,214,045</b>
	<b>TOTAL WORKING CAPITAL FUND .....</b>	<b>1,371,613</b>	<b>1,371,613</b>
	<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION OPERATION AND MAINTENANCE</b>		
1	O&M .....	147,282	147,282
	<b>SUBTOTAL OPERATION AND MAINTENANCE .....</b>	<b>147,282</b>	<b>147,282</b>
	<b>RESEARCH, DEVELOPMENT, TEST, AND EVALUATION</b>		
2	RD&E .....	388,609	388,609
	<b>SUBTOTAL RESEARCH, DEVELOPMENT, TEST, AND EVALUATION .....</b>	<b>388,609</b>	<b>388,609</b>
	<b>PROCUREMENT</b>		
3	PROC .....	15,132	15,132
	<b>SUBTOTAL PROCUREMENT .....</b>	<b>15,132</b>	<b>15,132</b>
	<b>TOTAL CHEM AGENTS &amp; MUNITIONS DESTRUCTION ....</b>	<b>551,023</b>	<b>551,023</b>
	<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF DRUG INTERDICTION AND COUNTER DRUG ACTIVI- TIES</b>		
010	DEFENSEWIDE ACTIVITIES .....	730,087	471,787
	Transfer to Security Cooperation Enhancement Fund .....		[-258,300]
	<b>SUBTOTAL DRUG INTERDICTION AND COUNTER DRUG ACTIVITIES .....</b>	<b>730,087</b>	<b>471,787</b>
	<b>DRUG DEMAND REDUCTION PROGRAM</b>		
020	DRUG INTRDCT & CNTR-DRG ACT, DEF .....	114,713	114,713
	<b>SUBTOTAL DRUG DEMAND REDUCTION PROGRAM .....</b>	<b>114,713</b>	<b>114,713</b>
	<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVI- TIES, DEF .....</b>	<b>844,800</b>	<b>586,500</b>
	<b>OFFICE OF THE INSPECTOR GENERAL OPERATION AND MAINTENANCE</b>		
010	DEFENSEWIDE ACTIVITIES .....	318,882	311,582
	Audit FTE unjustified growth .....		[-7,300]
	<b>SUBTOTAL OPERATION AND MAINTENANCE .....</b>	<b>318,882</b>	<b>311,582</b>
	<b>RD&amp;E</b>		
020	DEFENSEWIDE ACTIVITIES .....	3,153	3,153
	<b>SUBTOTAL RD&amp;E .....</b>	<b>3,153</b>	<b>3,153</b>
	<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>322,035</b>	<b>314,735</b>
	<b>DEFENSE HEALTH PROGRAM OPERATION &amp; MAINTENANCE</b>		
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]
	<b>SUBTOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>32,231,390</b>	<b>32,224,920</b>
	<b>RDT&amp;E</b>		
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
	<b>SUBTOTAL RDT&amp;E .....</b>	<b>822,907</b>	<b>822,907</b>
	<b>PROCUREMENT</b>		
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
	<b>SUBTOTAL PROCUREMENT .....</b>	<b>413,219</b>	<b>413,219</b>
	<b>UNDISTRIBUTED</b>		
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]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>440,000</b>
	<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>33,467,516</b>	<b>33,901,046</b>
	<b>SECURITY COOPERATION ENHANCEMENT FUND (SCEF)</b>		
	<b>SECURITY COOPERATION ENHANCEMENT FUND (SCEF)</b>		
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]
	<b>SUBTOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF) .....</b>	<b>0</b>	<b>673,100</b>
	<b>TOTAL SECURITY COOPERATION ENHANCEMENT FUND (SCEF) .....</b>	<b>0</b>	<b>673,100</b>
	<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>36,556,987</b>	<b>37,398,017</b>

## 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
	<b>WORKING CAPITAL FUND</b>		
	<b>WORKING CAPITAL FUND, ARMY</b>		
020	ARMY SUPPLY MANAGEMENT .....	46,833	46,833
	<b>SUBTOTAL WORKING CAPITAL FUND, ARMY .....</b>	<b>46,833</b>	<b>46,833</b>
	<b>DLA WORKING CAPITAL FUNDS</b>		
030	DLA WORKING CAPITAL FUNDS .....	93,800	93,800
	<b>SUBTOTAL DLA WORKING CAPITAL FUNDS .....</b>	<b>93,800</b>	<b>93,800</b>
	<b>TOTAL WORKING CAPITAL FUND .....</b>	<b>140,633</b>	<b>140,633</b>
	<b>DRUG INTERDICTION &amp; CTR-DRUG ACTIVITIES, DEF</b>		
	<b>DRUG INTERDICTION AND COUNTER DRUG ACTIVI-</b>		
	<b>TIES</b>		
010	DEFENSEWIDE ACTIVITIES .....	215,333	215,333
	<b>SUBTOTAL DRUG INTERDICTION AND COUNTER</b>		
	<b>DRUG ACTIVITIES .....</b>	<b>215,333</b>	<b>215,333</b>
	<b>TOTAL DRUG INTERDICTION &amp; CTR-DRUG ACTIVI-</b>		
	<b>TIES, DEF .....</b>	<b>215,333</b>	<b>215,333</b>
	<b>OFFICE OF THE INSPECTOR GENERAL</b>		
	<b>OPERATION AND MAINTENANCE</b>		
010	OPERATION AND MAINTENANCE .....	22,062	22,062
	<b>SUBTOTAL OPERATION AND MAINTENANCE .....</b>	<b>22,062</b>	<b>22,062</b>
	<b>TOTAL OFFICE OF THE INSPECTOR GENERAL .....</b>	<b>22,062</b>	<b>22,062</b>
	<b>DEFENSE HEALTH PROGRAM</b>		
	<b>OPERATION &amp; MAINTENANCE</b>		
010	IN-HOUSE CARE .....	95,366	95,366
020	PRIVATE SECTOR CARE .....	233,073	233,073
030	CONSOLIDATED HEALTH SUPPORT .....	3,325	3,325
	<b>SUBTOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>331,764</b>	<b>331,764</b>
	<b>TOTAL DEFENSE HEALTH PROGRAM .....</b>	<b>331,764</b>	<b>331,764</b>
	<b>COUNTERTERRORISM PARTNERSHIPS FUND</b>		
	<b>COUNTERTERRORISM PARTNERSHIPS FUND</b>		
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]
	<b>SUBTOTAL COUNTERTERRORISM PARTNERSHIPS</b>		
	<b>FUND .....</b>	<b>1,000,000</b>	<b>0</b>
	<b>TOTAL COUNTERTERRORISM PARTNERSHIPS FUND ...</b>	<b>1,000,000</b>	<b>0</b>
	<b>SECURITY COOPERATION ENHANCEMENT FUND</b>		
	<b>(SCEF)</b>		
	<b>SECURITY COOPERATION ENHANCEMENT FUND</b>		
	<b>(SCEF)</b>		
99	SECURITY COOPERATION ENHANCEMENT FUND (SCEF) .....	0	1,470,000
	Transfer from Coalition Support Fund .....		[820,000]
	Transfer from Counterterrorism Partnership Fund .....		[650,000]
	<b>SUBTOTAL SECURITY COOPERATION ENHANCEMENT</b>		
	<b>FUND (SCEF) .....</b>	<b>0</b>	<b>1,470,000</b>
	<b>TOTAL SECURITY COOPERATION ENHANCEMENT</b>		
	<b>FUND (SCEF) .....</b>	<b>0</b>	<b>1,470,000</b>
	<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>1,709,792</b>	<b>2,179,792</b>



# TITLE XLVI—MILITARY CONSTRUCTION

## SEC. 4601. MILITARY CONSTRUCTION.

### (a) MILITARY CONSTRUCTION.—

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
<b>MILITARY CONSTRUCTION</b>				
<b>MILCON, ARMY</b>				
MILCON, ARMY	Alaska Fort Wainwright	Unmanned Aerial Vehicle Hangar .....	47,000	47,000
MILCON, ARMY	California Concord	Access Control Point .....	12,600	12,600
MILCON, ARMY	Colorado 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
MILCON, ARMY	Georgia 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
MILCON, ARMY	Germany East Camp Grafenwoehr	Training Support Center .....	22,000	22,000
MILCON, ARMY	Garmisch	Dining Facility .....	9,600	9,600
MILCON, ARMY	Wiesbaden Army Air- field	Controlled Humidity Warehouse .....	16,500	16,500
MILCON, ARMY	Wiesbaden Army Air- field	Hazardous Material Storage Building .....	2,700	2,700
MILCON, ARMY	Guantanamo Bay, Cuba Guantanamo Bay	Mass Migration Complex .....	33,000	0
MILCON, ARMY	Hawaii Fort Shafter	Command and Control Facility, Iner 2 .....	40,000	40,000
MILCON, ARMY	Texas Fort Hood	Automated Infantry Platoon Battle Course .....	7,600	7,600
MILCON, ARMY	Utah Camp Williams	Live Fire Exercise Shoothouse .....	7,400	7,400
MILCON, ARMY	Virginia Fort Belvoir	Secure Admin/Operations Facility, Iner 2 .....	64,000	64,000
MILCON, ARMY	Worldwide Unspecified 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
<b>SUBTOTAL MILCON, ARMY</b> .....			<b>503,459</b>	<b>467,559</b>
<b>MIL CON, NAVY</b>				
MIL CON, NAVY	Arizona Yuma	Vmx–22 Maintenance Hangar .....	48,355	48,355
MIL CON, NAVY	California 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
MIL CON, NAVY	Florida Eglin AFB	WMD Field Training Facilities .....	20,489	20,489
MIL CON, NAVY	Guam 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
MIL CON, NAVY	Hawaii 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
MIL CON, NAVY	Japan 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
<b>SUBTOTAL MIL CON, NAVY .....</b>			<b>1,027,763</b>	<b>1,123,280</b>
<b>MILCON, AIR FORCE</b>				
	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	
MILCON, AIR FORCE	Georgia							
	Moody AFB	Personnel Recovery	4-Bay	Hangar/Helo	Mx Unit.	30,900	30,900	
MILCON, AIR FORCE	Germany							
	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	
MILCON, AIR FORCE	Guam							
	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	
MILCON, AIR FORCE	Japan							
	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	
MILCON, AIR FORCE	Kansas							
	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	
MILCON, AIR FORCE	Louisiana							
	Barksdale AFB	Consolidated Communication Facility .....				21,000	21,000	
MILCON, AIR FORCE	Mariana Islands							
	Unspecified Location	APR—Land Acquisition .....				9,000	9,000	
MILCON, AIR FORCE	Maryland							
	Joint Base Andrews	Consolidated Communications Center .....				0	50,000	
MILCON, AIR FORCE	Joint Base Andrews	21 Points Enclosed Firing Range .....				13,000	13,000	
MILCON, AIR FORCE	Joint Base Andrews	Par Relocate Jadoc Satellite Site .....				3,500	3,500	
MILCON, AIR FORCE	Massachusetts							
	Hanscom AFB	System Management Engineering Facility .....				20,000	20,000	
MILCON, AIR FORCE	Montana							
	Malmstrom AFB	Missile Maintenance Facility .....				14,600	14,600	
MILCON, AIR FORCE	Nevada							
	Nellis AFB	F-35A Pol Fill Stand Addition .....				10,600	10,600	
MILCON, AIR FORCE	New Mexico							
	Cannon AFB	North Fitness Center .....				21,000	21,000	
MILCON, AIR FORCE	Holloman AFB	Hazardous Cargo Pad and Taxiway .....				10,600	10,600	
MILCON, AIR FORCE	Kirtland AFB	Combat Reseue Helicopter (Crh) Simulator .....				7,300	7,300	
MILCON, AIR FORCE	Ohio							
	Wright-Patterson AFB	Relocated Entry Control Facility 26a .....				12,600	12,600	
MILCON, AIR FORCE	Oklahoma							
	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	
MILCON, AIR FORCE	Texas							
	Joint Base San Antonio	BMT Recruit Dormitory 6 .....				67,300	67,300	
MILCON, AIR FORCE	Turkey							
	Incirlik AB	Airfield Fire/Crash Reseue Station .....				13,449	13,449	
MILCON, AIR FORCE	United Arab Emirates							
	AL Dhafra	Large Aircraft Maintenance Hangar .....				35,400	35,400	
	United Kingdom							

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
MILCON, AIR FORCE	RAF Croughton	Main Gate Complex .....	16,500	16,500
MILCON, AIR FORCE	RAF Croughton	JLAC 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
<b>SUBTOTAL MILCON, AIR FORCE</b> .....			<b>1,481,058</b>	<b>1,534,758</b>
<b>MIL CON, DEF-WIDE</b>				
	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
<b>SUBTOTAL MIL CON, DEF-WIDE .....</b>			<b>2,056,091</b>	<b>1,976,180</b>
<b>MILCON, ARNG</b>				
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	Oklahoma			
	Rochester	National Guard Vehicle Maintenance Shop .....	8,900	8,900
MILCON, ARNG	Pennsylvania			
	Ardmore	National Guard Readiness Center .....	22,000	22,000
MILCON, ARNG	Utah			
	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	Worldwide Unspecified			
	Camp Williams	National Guard Readiness Center .....	37,000	37,000
MILCON, ARNG	Unspecified Worldwide 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
<b>SUBTOTAL MILCON, ARNG .....</b>			<b>232,930</b>	<b>232,930</b>
<b>MILCON, ANG</b>				
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

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
	North Carolina			
MILCON, ANG	Charlotte/Douglas IAP	C-17 Corrosion Control/Fuel Cell Hangar .....	29,600	29,600
MILCON, ANG	Charlotte/Douglas IAP	C-17 Type Iii Hydrant Refueling System .....	21,000	21,000
	South Carolina			
MILCON, ANG	McEntire 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
<b>SUBTOTAL MILCON, ANG .....</b>			<b>143,957</b>	<b>143,957</b>
<b>MILCON, ARMY R</b>				
	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
<b>SUBTOTAL MILCON, ARMY R .....</b>			<b>68,230</b>	<b>98,230</b>
<b>MIL CON, NAVY RES</b>				
	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
<b>SUBTOTAL MIL CON, NAVY RES .....</b>			<b>38,597</b>	<b>38,597</b>
<b>MILCON, AF RES</b>				
	North Carolina			
MILCON, AF RES	Seymour Johnson AFB	KC-46A Two Bay Corrosion/Fuel Cell Hangar	90,000	90,000
MILCON, AF RES	Seymour Johnson AFB	KC-46A ADAL Bldg for Age/Fuselage Training.	5,700	5,700
MILCON, AF RES	Seymour Johnson AFB	KC-46A ADAL Squadron Operations Facilities	2,250	2,250
	Pennsylvania			
MILCON, AF RES	Pittsburgh IAP	C-17 Construct Two Bay Corrosion/Fuel Hangar.	54,000	54,000
MILCON, AF RES	Pittsburgh IAP	C-17 ADAL Fuel Hydrant System .....	22,800	22,800
MILCON, AF RES	Pittsburgh IAP	C-17 Const/Overlaytaxiway and Apron .....	8,200	8,200
	Worldwide Unspecified			
MILCON, AF RES	Unspecified Worldwide Locations	Planning & Design .....	4,500	4,500
MILCON, AF RES	Unspecified Worldwide Locations	Unspecified Minor Construction .....	1,500	1,500
<b>SUBTOTAL MILCON, AF RES .....</b>			<b>188,950</b>	<b>188,950</b>
<b>NATO SEC INV PRGM</b>				
	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
<b>SUBTOTAL NATO SEC INV PRGM</b> .....			<b>177,932</b>	<b>147,932</b>
<b>TOTAL MILITARY CONSTRUCTION</b> .....			<b>5,918,967</b>	<b>5,952,373</b>
<b>FAMILY HOUSING</b>				
<b>FAM HSG CON, ARMY</b>				
	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
<b>SUBTOTAL FAM HSG CON, ARMY</b> .....			<b>200,735</b>	<b>200,735</b>
<b>FAM HSG O&amp;M, ARMY</b>				
	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
<b>SUBTOTAL FAM HSG O&amp;M, ARMY</b> .....			<b>325,995</b>	<b>325,995</b>
<b>FAM HSG CON, N/MC</b>				
	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
<b>SUBTOTAL FAM HSG CON, N/MC</b> .....			<b>94,011</b>	<b>94,011</b>
<b>FAM HSG O&amp;M, N/MC</b>				
	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
<b>SUBTOTAL FAM HSG O&amp;M, N/MC</b> .....			<b>300,915</b>	<b>300,915</b>
<b>FAM HSG CON, AF</b>				
	Worldwide Unspecified			
FAM HSG CON, AF	Unspecified Worldwide Locations	Construction Improvements .....	56,984	56,984
FAM HSG CON, AF	Unspecified Worldwide Locations	Planning & Design .....	4,368	4,368



SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	Budget Request	Senate Authorized
<b>SUBTOTAL FAM HSG CON, AF</b> .....			<b>61,352</b>	<b>61,352</b>
<b>FAM HSG O&amp;M, AF</b>				
	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
<b>SUBTOTAL FAM HSG O&amp;M, AF</b> .....			<b>274,429</b>	<b>274,429</b>
<b>FAM HSG O&amp;M, DW</b>				
	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
<b>SUBTOTAL FAM HSG O&amp;M, DW</b> .....			<b>59,157</b>	<b>59,157</b>
<b>FAM HSG IMPROVE FUND</b>				
	Worldwide Unspecified			
FAM HSG IMPROVE FUND	Unspecified Worldwide Locations	Program Expenses .....	3,258	3,258
<b>SUBTOTAL FAM HSG IMPROVE FUND</b> .....			<b>3,258</b>	<b>3,258</b>
<b>TOTAL FAMILY HOUSING</b> .....			<b>1,319,852</b>	<b>1,319,852</b>
<b>DEFENSE BASE REALIGNMENT AND CLOSURE</b>				
<b>DOD BRAC—ARMY</b>				
	Worldwide Unspecified			
DOD BRAC—ARMY	Base Realignment & Closure, Army	Base Realignment and Closure .....	14,499	14,499
<b>SUBTOTAL DOD BRAC—ARMY</b> .....			<b>14,499</b>	<b>14,499</b>
<b>DOD BRAC—NAVY</b>				
	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

<b>SEC. 4601. MILITARY CONSTRUCTION</b> (In Thousands of Dollars)				
<b>Account</b>	<b>State/Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Senate Authorized</b>
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
<b>SUBTOTAL DOD BRAC—NAVY .....</b>			<b>134,373</b>	<b>134,373</b>
<b>DOD BRAC—AIR FORCE</b>				
DOD BRAC—AIR FORCE	Worldwide Unspecified Unspecified Worldwide Locations	DoD BRAC Activities—Air Force .....	56,365	56,365
<b>SUBTOTAL DOD BRAC—AIR FORCE .....</b>			<b>56,365</b>	<b>56,365</b>
<b>TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE .....</b>			<b>205,237</b>	<b>205,237</b>
<b>TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC .....</b>			<b>7,444,056</b>	<b>7,477,462</b>

1 **SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-**  
2 **TINGENCY OPERATIONS.**  
3 (a) **MILITARY CONSTRUCTION.—**

<b>SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)				
<b>Account</b>	<b>State or Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Senate Authorized</b>
<b>MILITARY CONSTRUCTION</b>				
<b>MILCON, ARMY</b>				
MILCON, ARMY	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Planning and Design .....	18,900	18,900
<b>SUBTOTAL MILCON, ARMY .....</b>			<b>18,900</b>	<b>18,900</b>
<b>MIL CON, NAVY</b>				
MIL CON, NAVY	Djibouti Camp Lemonier	OCO: Medical/Dental Facility .....	37,409	37,409
MIL CON, NAVY	Iceland Keflavik	ERI: P-8A Hangar Upgrade .....	14,600	14,600
MIL CON, NAVY	Keflavik	ERI: P-8A Aircraft Rinse Rack .....	5,000	5,000
MIL CON, NAVY	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design .....	1,000	1,000
MIL CON, NAVY	Unspecified Worldwide Locations	ERI: Planning and Design .....	1,800	1,800
<b>SUBTOTAL MIL CON, NAVY .....</b>			<b>59,809</b>	<b>59,809</b>
<b>MILCON, AIR FORCE</b>				
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

<b>SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS</b> (In Thousands of Dollars)				
<b>Account</b>	<b>State or Country and Installation</b>	<b>Project Title</b>	<b>Budget Request</b>	<b>Senate Authorized</b>
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
<b>SUBTOTAL MILCON, AIR FORCE .....</b>			<b>88,740</b>	<b>88,740</b>
<b>MIL CON, DEF-WIDE</b>				
MIL CON, DEF-WIDE	Worldwide Unspecified Unspecified Worldwide Locations	ERI: Unspecified Minor Construction .....	5,000	5,000
<b>SUBTOTAL MIL CON, DEF-WIDE .....</b>			<b>5,000</b>	<b>5,000</b>
<b>TOTAL MILITARY CONSTRUCTION .....</b>			<b>172,449</b>	<b>172,449</b>
<b>TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC .....</b>			<b>172,449</b>	<b>172,449</b>

# 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.—

<b>SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS</b> (In Thousands of Dollars)		
<b>Program</b>	<b>FY 2017 Request</b>	<b>Senate Authorized</b>
<b>Discretionary Summary By Appropriation</b>		
<b>Energy And Water Development, And Related Agencies</b>		
<b>Appropriation Summary:</b>		
<b>Energy Programs</b>		
Nuclear Energy .....	151,876	151,876

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Senate Authorized
<b>Atomic Energy Defense Activities</b>		
<b>National nuclear security administration:</b>		
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
<b>Total, National nuclear security administration .....</b>	<b>12,884,000</b>	<b>12,946,250</b>
<b>Environmental and other defense activities:</b>		
Defense environmental cleanup .....	5,382,050	5,246,950
Other defense activities .....	791,552	791,552
<b>Total, Environmental &amp; other defense activities .....</b>	<b>6,173,602</b>	<b>6,038,502</b>
<b>Total, Atomic Energy Defense Activities .....</b>	<b>19,057,602</b>	<b>18,984,752</b>
<b>Total, Discretionary Funding .....</b>	<b>19,209,478</b>	<b>19,136,628</b>
<b>Nuclear Energy</b>		
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
<b>Total, Nuclear Energy .....</b>	<b>151,876</b>	<b>151,876</b>
<b>Weapons Activities</b>		
<b>Directed stockpile work</b>		
<b>Life extension programs</b>		
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
<b>Total, Life extension programs .....</b>	<b>1,340,341</b>	<b>1,340,341</b>
<b>Stockpile systems</b>		
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
<b>Total, Stockpile systems .....</b>	<b>443,676</b>	<b>443,676</b>
<b>Weapons dismantlement and disposition</b>		
Operations and maintenance .....	68,984	56,234
Program reduction .....		[-12,750]
<b>Stockpile services</b>		
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
<b>Total, Stockpile services .....</b>	<b>899,689</b>	<b>899,689</b>
<b>Nuclear material commodities</b>		
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
<b>Total, Nuclear material commodities .....</b>	<b>577,837</b>	<b>577,837</b>
<b>Total, Directed stockpile work .....</b>	<b>3,330,527</b>	<b>3,317,777</b>
<b>Research, development, test and evaluation (RDT&amp;E)</b>		
<b>Science</b>		
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
<b>Total, Science .....</b>	<b>441,984</b>	<b>441,984</b>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Senate Authorized
<b>Engineering</b>		
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
<b>Total, Engineering</b> .....	<b>139,487</b>	<b>139,487</b>
<b>Inertial confinement fusion ignition and high yield</b>		
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
<b>Total, Inertial confinement fusion and high yield</b> .....	<b>522,959</b>	<b>522,959</b>
Advanced simulation and computing .....	663,184	663,184
Stockpile Responsiveness Program .....	0	5,000
Program Increase .....		[5,000]
<b>Advanced manufacturing</b>		
Additive manufacturing .....	12,000	12,000
Component manufacturing development .....	46,583	46,583
Processing technology development .....	28,522	28,522
<b>Total, Advanced manufacturing</b> .....	<b>87,105</b>	<b>87,105</b>
<b>Total, RDT&amp;E</b> .....	<b>1,854,719</b>	<b>1,859,719</b>
<b>Infrastructure and operations (formerly RTBF)</b>		
<b>Operating</b>		
<b>Operations of facilities</b>		
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
<b>Total, Operations of facilities</b> .....	<b>824,000</b>	<b>824,000</b>
Safety and environmental operations .....	110,000	110,000
Maintenance and repair of facilities .....	294,000	294,000
<b>Recapitalization:</b>		
Infrastructure and safety .....	554,643	554,643
Capability based investment .....	112,639	112,639
<b>Total, Recapitalization</b> .....	<b>667,282</b>	<b>667,282</b>
<b>Construction:</b>		
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 RLUB equipment installation .....	159,615	159,615
<b>Total, Construction</b> .....	<b>826,670</b>	<b>826,670</b>
<b>Total, Infrastructure and operations</b> .....	<b>2,721,952</b>	<b>2,721,952</b>
<b>Secure transportation asset</b>		
Operations and equipment .....	179,132	179,132
Program direction .....	103,600	103,600
<b>Total, Secure transportation asset</b> .....	<b>282,732</b>	<b>282,732</b>
<b>Defense nuclear security</b>		
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
<b>Construction:</b>		
14-D-710 Device assembly facility argus installation project, NV ....	13,000	13,000
<b>Total, Defense nuclear security</b> .....	<b>670,133</b>	<b>670,133</b>
Information technology and cybersecurity .....	176,592	176,592
Legacy contractor pensions .....	248,492	248,492
Rescission of prior year balances .....	-42,000	-42,000
<b>Total, Weapons Activities</b> .....	<b>9,243,147</b>	<b>9,235,397</b>
<b>Defense Nuclear Nonproliferation</b>		
<b>Defense Nuclear Nonproliferation Programs</b>		
<b>Defense Nuclear Nonproliferation R&amp;D</b>		
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
<b>Nonproliferation Construction:</b>		
99-D-143 Mixed Oxide (MOX) Fuel Fabrication Facility, SRS	270,000	340,000
MOX Fuel Fabrication Facility Construction .....		[70,000]
<b>Total, Nonproliferation construction</b> .....	<b>270,000</b>	<b>340,000</b>
<b>Total, Defense Nuclear Nonproliferation Programs</b> .....	<b>1,466,827</b>	<b>1,536,827</b>
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
<b>Total, Defense Nuclear Nonproliferation</b> .....	<b>1,807,916</b>	<b>1,877,916</b>
<b>Naval Reactors</b>		
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
<b>Construction:</b>		
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
<b>Total, Construction</b> .....	<b>148,300</b>	<b>148,300</b>
<b>Total, Naval Reactors</b> .....	<b>1,420,120</b>	<b>1,420,120</b>
<b>Federal Salaries And Expenses</b>		
Program direction .....	412,817	412,817
<b>Total, Office Of The Administrator</b> .....	<b>412,817</b>	<b>412,817</b>
<b>Defense Environmental Cleanup</b>		
<b>Closure sites:</b>		
Closure sites administration .....	9,389	9,389
<b>Hanford site:</b>		
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
<b>Construction:</b>		
15-D-401 Containerized sludge removal annex, RL .....	11,486	11,486
<b>Total, Hanford site</b> .....	<b>716,811</b>	<b>716,811</b>
<b>Idaho National Laboratory:</b>		
Idaho cleanup and waste disposition .....	359,088	359,088
Idaho community and regulatory support .....	3,000	3,000
<b>Total, Idaho National Laboratory</b> .....	<b>362,088</b>	<b>362,088</b>
<b>Los Alamos National Laboratory</b>		
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
<b>Total, Los Alamos National Laboratory .....</b>	<b>189,000</b>	<b>199,000</b>
<b>NNSA sites</b>		
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
<b>Total, NNSA sites and Nevada off-sites .....</b>	<b>71,387</b>	<b>71,387</b>
<b>Oak Ridge Reservation:</b>		
<b>OR Nuclear facility D &amp; D</b>		
OR Nuclear facility D & D .....	93,851	93,851
<b>Construction:</b>		
14-D-403 Outfall 200 Mercury Treatment Facility .....	5,100	5,100
<b>Total, OR Nuclear facility D &amp; D .....</b>	<b>98,951</b>	<b>98,951</b>
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
<b>Total, Oak Ridge Reservation .....</b>	<b>198,219</b>	<b>198,219</b>
<b>Office of River Protection:</b>		
<b>Waste treatment and immobilization plant</b>		
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
<b>Total, Waste treatment and immobilization plant .....</b>	<b>766,000</b>	<b>766,000</b>
<b>Tank farm activities</b>		
Rad liquid tank waste stabilization and disposition .....	721,456	721,456
<b>Total, Tank farm activities .....</b>	<b>721,456</b>	<b>721,456</b>
<b>Total, Office of River protection .....</b>	<b>1,487,456</b>	<b>1,487,456</b>
<b>Savannah River sites:</b>		
Nuclear Material Management .....	311,062	311,062
Environmental Cleanup .....	152,504	152,504
SR community and regulatory support .....	11,249	11,249
<b>Radioactive liquid tank waste:</b>		
Radioactive liquid tank waste stabilization and disposition .....	645,332	645,332
<b>Construction:</b>		
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
<b>Total, Construction .....</b>	<b>177,306</b>	<b>177,306</b>
<b>Total, Radioactive liquid tank waste .....</b>	<b>822,638</b>	<b>822,638</b>
<b>Total, Savannah River site .....</b>	<b>1,297,453</b>	<b>1,297,453</b>
<b>Waste Isolation Pilot Plant</b>		
Operations and maintenance .....	257,188	267,188
Program increase .....		[10,000]
<b>Construction:</b>		
15-D-411 Safety significant confinement ventilation system, WIPP .....	2,532	2,532
15-D-412 Exhaust shaft, WIPP .....	2,533	2,533
<b>Total, Construction .....</b>	<b>5,065</b>	<b>5,065</b>
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>262,253</b>	<b>272,253</b>
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]
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,382,050</b>	<b>5,246,950</b>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2017 Request	Senate Authorized
<b>Other Defense Activities</b>		
<b>Environment, health, safety and security</b>		
Environment, health, safety and security .....	130,693	130,693
Program direction .....	66,519	66,519
<b>Total, Environment, Health, safety and security .....</b>	<b>197,212</b>	<b>197,212</b>
<b>Independent enterprise assessments</b>		
Independent enterprise assessments .....	24,580	24,580
Program direction .....	51,893	51,893
<b>Total, Independent enterprise assessments .....</b>	<b>76,473</b>	<b>76,473</b>
Specialized security activities .....	237,912	237,912
<b>Office of Legacy Management</b>		
Legacy management .....	140,306	140,306
Program direction .....	14,014	14,014
<b>Total, Office of Legacy Management .....</b>	<b>154,320</b>	<b>154,320</b>
<b>Defense-related activities</b>		
<b>Defense related administrative support</b>		
Chief financial officer .....	23,642	23,642
Chief information officer .....	93,074	93,074
Project management oversight and Assessments .....	3,000	3,000
<b>Total, Defense related administrative support .....</b>	<b>116,716</b>	<b>116,716</b>
Office of hearings and appeals .....	5,919	5,919
<b>Subtotal, Other defense activities .....</b>	<b>791,552</b>	<b>791,552</b>
<b>Total, Other Defense Activities .....</b>	<b>791,552</b>	<b>791,552</b>

## 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**  
 8                                   **MENT OF MEMBERS OF THE ARMED FORCES**  
 9                                   **WITH ENEMY PRISONERS AND CERTAIN OTH-**  
 10                                   **ERS.**

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

“(c) MILITARY MAGISTRATE.—If charges and specifications are referred to a special court-martial consisting of a military judge alone under section 816(c)(2)(A) of this title (article 16(c)(2)(A)), the military judge, with the consent of the parties, may designate a military magistrate to preside over the special court-martial.”.

Section 820 of title 10, United States Code (article  
20 of the Uniform Code of Military Justice), is amended—

(2) by adding at the end the following new sub-  
section:

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           “(2) the matters set forth in the charges and  
2           specifications are true, to the best of the knowledge  
3           and belief of the signer.

4           “(c) DUTY OF PROPER AUTHORITY.—When charges  
5           and specifications are preferred under subsection (a), the  
6           proper authority shall, as soon as practicable—

7           “(1) inform the person accused of the charges  
8           and specifications; and

9           “(2) determine what disposition should be made  
10          of the charges and specifications in the interest of  
11          justice and discipline.”.

12 **SEC. 5202. PROCEEDINGS CONDUCTED BEFORE REFERRAL.**

13          Subchapter VI of chapter 47 of title 10, United  
14          States Code, is amended by inserting after section 830  
15          (article 30 of the Uniform Code of Military Justice) the  
16          following new section (article):

17 **“§ 830a. Art. 30a. Proceedings conducted before refer-**  
18 **ral**

19          “(a) IN GENERAL.—(1) The President shall prescribe  
20          regulations for proceedings conducted before referral of  
21          charges and specifications to court-martial for trial.

22          “(2) The regulations prescribed under paragraph (1)  
23          shall—

24                 “(A) set forth the matters that a military judge  
25                 may rule upon in such proceedings;

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 (c) 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           “(2) is contained in the duly authenticated  
 2       record of proceedings of a court of inquiry;  
 3 is admissible before a court-martial, military commission,  
 4 court of inquiry, or military board, to the same extent as  
 5 sworn testimony may be read in evidence before any such  
 6 body under subsection (a), (b), or (c).”.

7       (b) SECTION HEADING.—The heading of such section  
 8 (article) is amended to read as follows:

9       **“§ 850. Art. 50. Admissibility of sworn testimony from**  
 10           **records of courts of inquiry”.**

11       (c) SUBSECTION HEADING AMENDMENTS FOR STY-  
 12 LISTIC CONSISTENCY.—Such section (article) is further  
 13 amended—

14           (1) in subsection (a), by inserting “USE AS  
 15 EVIDENCE BY ANY PARTY.—” after “(a)”;

16           (2) in subsection (b), by inserting “USE AS  
 17 EVIDENCE BY DEFENSE.—” after “(b)”;

18           (3) in subsection (c), by inserting “USE IN  
 19 COURTS OF INQUIRY AND MILITARY BOARDS.—”  
 20 after “(c)”.

21       **SEC. 5233. CONFORMING AMENDMENT RELATING TO DE-**  
 22           **FENSE OF LACK OF MENTAL RESPONSI-**  
 23           **BILITY.**

24       Section 850a(c) of title 10, United States Code (arti-  
 25 cle 50a(c) of the Uniform Code of Military Justice), is

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           lation 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       serting 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



“(iii) review is completed in accordance with the judgment of the Court of Appeals for the Armed Forces and—

“(I) a petition for a writ of certiorari is not filed within the time limits prescribed by the Supreme Court;

“(II) such a petition is rejected by the Supreme Court; or

“(III) review is otherwise completed in accordance with the judgment of the Supreme Court.

“(2) COMPLETION AS FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—The completion of appellate review shall constitute a final judgment as to the legality of the proceedings.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 857a of title 10, United States Code (article 57a of the Uniform Code of Military Justice), is repealed.

(2) Section 871 of title 10, United States Code, (article 71 of the Uniform Code of Military Justice), is repealed.

(3) The second sentence of subsection (a)(1) of section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), is

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)”; and

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 ignated 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))”; and

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 Advo-  
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       “(b) LOITERING OR WRONGFULLY SITTING ON  
 2 POST.—Any sentinel or lookout who loiters or wrongfully  
 3 sits down on post shall be punished as a court-martial may  
 4 direct.”.

5 **SEC. 5312. DISRESPECT TOWARD SENTINEL OR LOOKOUT.**

6       Subchapter X of chapter 47 of title 10, United States  
 7 Code, is amended by inserting after section 895 (article  
 8 95 of the Uniform Code of Military Justice), as amended  
 9 by section 5311 of this Act, the following new section (ar-  
 10 ticle):

11 **“§ 895a. Art. 95a. Disrespect toward sentinel or look-**  
 12 **out**

13       “(a) DISRESPECTFUL LANGUAGE TOWARD SEN-  
 14 TINEL OR LOOKOUT.—Any person subject to this chapter  
 15 who, knowing that another person is a sentinel or lookout,  
 16 uses wrongful and disrespectful language that is directed  
 17 toward and within the hearing of the sentinel or lookout,  
 18 who is in the execution of duties as a sentinel or lookout,  
 19 shall be punished as a court-martial may direct.

20       “(b) DISRESPECTFUL BEHAVIOR TOWARD SENTINEL  
 21 OR LOOKOUT.—Any person subject to this chapter who,  
 22 knowing that another person is a sentinel or lookout, be-  
 23 haves in a wrongful and disrespectful manner that is di-  
 24 rected toward and within the sight of the sentinel or look-

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-

ferred and redesignated by section 5301(7) of this Act,  
 is amended by inserting before the period at the end of  
 the first sentence the following: “or such other punishment  
 as a court-martial or a military commission may direct”.

**SEC. 5315. PUBLIC RECORDS OFFENSES.**

Subchapter X of chapter 47 of title 10, United States  
 Code, is amended by inserting after section 903b (article  
 103b of the Uniform Code of Military Justice), as redesign-  
 ated by section 5301(5) of this Act, the following new  
 section (article):

**“§ 904. Art. 104. Public records offenses**

“Any person subject to this chapter who, willfully and  
 unlawfully—

“(1) alters, conceals, removes, mutilates, oblit-  
 erates, or destroys a public record; or

“(2) takes a public record with the intent to  
 alter, conceal, remove, mutilate, obliterate, or de-  
 stroy the public record;

shall be punished as a court-martial may direct.”.

**SEC. 5316. FALSE OR UNAUTHORIZED PASS OFFENSES.**

Subchapter X of chapter 47 of title 10, United States  
 Code, is amended by inserting after section 905 (article  
 105 of the Uniform Code of Military Justice), as trans-  
 ferred and redesignated by section 5301(12) of this Act,  
 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 DEFRAUD.—  
15 Any person subject to this chapter who, wrongfully, will-  
16 fully, and with intent to defraud, impersonates any person  
17 referred to in paragraph (1), (2), or (3) of subsection (a)  
18 shall be punished as a court-martial may direct.

19 “(c) IMPERSONATION OF GOVERNMENT OFFICIAL  
20 WITHOUT INTENT TO DEFRAUD.—Any person subject to  
21 this chapter who, wrongfully, willfully, and without intent  
22 to defraud, impersonates an official of a government by  
23 committing an act that exercises or asserts the authority  
24 of the office that the person claims to have shall be pun-  
25 ished as a court-martial may direct.”.

1 **SEC. 5318. INSIGNIA OFFENSES.**

2 Subchapter X of chapter 47 of title 10, United States  
3 Code, is amended by inserting after section 906 (article  
4 106 of the Uniform Code of Military Justice), as added  
5 by section 5317 of this Act, the following new section (ar-  
6 ticle):

7 **“§ 906a. Art. 106a. Wearing unauthorized insignia,**  
8 **decoration, badge, ribbon, device, or**  
9 **lapel button**

10 “Any person subject to this chapter—

11 “(1) who is not authorized to wear an insignia,  
12 decoration, badge, ribbon, device, or lapel button;  
13 and

14 “(2) who wrongfully wears such insignia, deco-  
15 ration, badge, ribbon, device, or lapel button upon  
16 the person’s uniform or civilian clothing;

17 shall be punished as a court-martial may direct.”.

18 **SEC. 5319. FALSE OFFICIAL STATEMENTS; FALSE SWEAR-**  
19 **ING.**

20 Section 907 of title 10, United States Code (article  
21 107 of the Uniform Code of Military Justice), is amended  
22 to read as follows:

23 **“§ 907. Art. 107. False official statements; false swear-**  
24 **ing**

25 “(a) FALSE OFFICIAL STATEMENTS.—Any person  
26 subject to this chapter who, with intent to deceive—

1           “(1) signs any false record, return, regulation,  
2           order, or other official document, knowing it to be  
3           false; or

4           “(2) makes any other false official statement  
5           knowing it to be false;

6 shall be punished as a court-martial may direct.

7           “(b) FALSE SWEARING.—Any person subject to this  
8 chapter—

9           “(1) who takes an oath that—

10                   “(A) is administered in a matter in which  
11                   such oath is required or authorized by law; and

12                   “(B) is administered by a person with au-  
13                   thority to do so; and

14           “(2) who, upon such oath, makes or subscribes  
15           to a statement;

16 if the statement is false and at the time of taking the oath,  
17 the person does not believe the statement to be true, shall  
18 be punished as a court-martial may direct.”.

19 **SEC. 5320. PAROLE VIOLATION.**

20           Subchapter X of chapter 47 of title 10, United States  
21 Code, is amended by inserting after section 907 (article  
22 107 of the Uniform Code of Military Justice), as amended  
23 by section 5319 of this Act, the following new section (ar-  
24 ticle):

1 **“§ 907a. Art. 107a. Parole violation**

2 “Any person subject to this chapter—

3 “(1) who, having been a prisoner as the result  
4 of a court-martial conviction or other criminal pro-  
5 ceeding, is on parole with conditions; and

6 “(2) who violates the conditions of parole;  
7 shall be punished as a court-martial may direct.”.

8 **SEC. 5321. WRONGFUL TAKING, OPENING, ETC. OF MAIL**  
9 **MATTER.**

10 Subchapter X of chapter 47 of title 10, United States  
11 Code, is amended by inserting after section 909 (article  
12 109 of the Uniform Code of Military Justice), the fol-  
13 lowing new section (article):

14 **“§ 909a. Art. 109a. Mail matter: wrongful taking,**  
15 **opening, etc.**

16 “(a) TAKING.—Any person subject to this chapter  
17 who, with the intent to obstruct the correspondence of,  
18 or to pry into the business or secrets of, any person or  
19 organization, wrongfully takes mail matter before the mail  
20 matter is delivered to or received by the addressee shall  
21 be punished as a court-martial may direct.

22 “(b) OPENING, SECRETING, DESTROYING, STEAL-  
23 ING.—Any person subject to this chapter who wrongfully  
24 opens, secretes, destroys, or steals mail matter before the  
25 mail matter is delivered to or received by the addressee  
26 shall be punished as a court-martial may direct.”.

1 **SEC. 5322. IMPROPER HAZARDING OF VESSEL OR AIR-**  
 2 **CRAFT.**

3 Section 910 of title 10, United States Code (article  
 4 110 of the Uniform Code of Military Justice), is amended  
 5 to read as follows:

6 **“§ 910. Art. 110. Improper hazarding of vessel or air-**  
 7 **craft**

8 “(a) WILLFUL AND WRONGFUL HAZARDING.—Any  
 9 person subject to this chapter who, willfully and wrong-  
 10 fully, hazards or suffers to be hazarded any vessel or air-  
 11 craft of the armed forces shall be punished by death or  
 12 such other punishment as a court-martial may direct.

13 “(b) NEGLIGENT HAZARDING.—Any person subject  
 14 to this chapter who negligently hazards or suffers to be  
 15 hazarded any vessel or aircraft of the armed forces shall  
 16 be punished as a court-martial may direct.”.

17 **SEC. 5323. LEAVING SCENE OF VEHICLE ACCIDENT.**

18 Subchapter X of chapter 47 of title 10, United States  
 19 Code, is amended by inserting after section 910 (article  
 20 110 of the Uniform Code of Military Justice), as amended  
 21 by section 5322 of this Act, the following new section (ar-  
 22 ticle):

23 **“§ 911. Art. 111. Leaving scene of vehicle accident**

24 “(a) DRIVER.—Any person subject to this chapter—

1           “(1) who is the driver of a vehicle that is in-  
2       involved in an accident that results in personal injury  
3       or property damage; and

4           “(2) who wrongfully leaves the scene of the ac-  
5       cident—

6           “(A) without providing assistance to an in-  
7       jured person; or

8           “(B) without providing personal identifica-  
9       tion to others involved in the accident or to ap-  
10      propriate authorities;

11 shall be punished as a court-martial may direct.

12       “(b) SENIOR PASSENGER.—Any person subject to  
13 this chapter—

14           “(1) who is a passenger in a vehicle that is in-  
15      volved in an accident that results in personal injury  
16      or property damage;

17           “(2) who is the superior commissioned or non-  
18      commissioned officer of the driver of the vehicle or  
19      is the commander of the vehicle; and

20           “(3) who wrongfully and unlawfully orders,  
21      causes, or permits the driver to leave the scene of  
22      the accident—

23           “(A) without providing assistance to an in-  
24      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)”;

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.”.

**TITLE LXI—MISCELLANEOUS  
PROVISIONS**

**SEC. 5401. TECHNICAL AMENDMENTS RELATING TO  
COURTS OF INQUIRY.**

Section 935(c) of title 10, United States Code (article 135(c) of the Uniform Code of Military Justice), is amended—

(1) by striking “(c) Any person” and inserting “(c)(1) Any person”;

(2) by designating the second and third sentences as paragraphs (2) and (3), respectively; and

(3) in paragraph (2), as so designated, by striking “subject to this chapter or employed by the Department of Defense” and inserting “who is (A) subject to this chapter, (B) employed by the Department of Defense, or (C) employed by the Department of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, and”.

**SEC. 5402. TECHNICAL AMENDMENT TO ARTICLE 136.**

The heading of section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended by striking the last five words.

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 proc-  
2       ess, 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 in-  
 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 EFEC-  
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.





Calendar No. 469

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2943**

[Report No. 114-255]

**A BILL**

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.

MAY 18, 2016

Read twice and placed on the calendar